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**Facilitating the Italian Mafia:  
The grey zone of complicity and collusion**  
Felicia Allum, Rossella Merlino and Alessandro Colletti

**Abstract**

Despite structural and operational differences, Italian mafias share an ability to expand and infiltrate global economies whilst remaining rooted within their local territory. They are not only the product of specific socio-economic and political conditions but also of the extensive complicity on which they can count. It is this fertile 'grey zone' of mafia relations with accomplices identified as enablers, facilitators, sponsors and helpers that is analysed here. Engaging with the existing literature and using a range of new judicial sources, including evidence from mafia trials, this article develops in-depth case studies to identify and examine the hidden face of Italian mafias.

**Key words:** Organised crime, Italy, Camorra, 'Ndrangheta, Cosa Nostra, facilitators

Despite its historical ties with Sicily, the term 'mafia(s)' is generally used to define all the different criminal organisations originating from the South of Italy. The Sicilian mafia *Cosa Nostra*, the Calabrian '*Ndrangheta* and the Neapolitan *Camorra* differ greatly from each other in terms of their organisational model and their diverse patterns of evolution (Catino 2014). *Cosa Nostra*, with its hierarchical structure, cultural and economic dimension, and its political and international reach was long viewed as the most powerful of Italian mafias. However, since the 1990s *Cosa Nostra* has undergone a critical phase of transition following internal conflicts, loss of external legitimisation and, above all, intensification of law enforcement repression (Paoli 2008, p.15). This does not mean that the Sicilian mafia has been defeated. Rather, it has resulted in changes within the organisation at a structural and operational level aimed at facilitating infiltration in legal and illegal economic sectors, and public administrations (DIA 1, p. 6). The Calabria '*Ndrangheta* is located in Calabria and abroad (especially, Canada and Australia). It is today considered the most powerful mafia because of its predominant role in cocaine trafficking into Europe. Lastly, the Neapolitan *Camorra* is active in Campania and abroad. At home, it manages to be involved in many different illegal activities (extortion, drug trafficking, waste management, counterfeit goods) and abroad it seeks to recycle its profits into the legal economy. Locally, it also manages to infiltrate the local economy and politics to control many public contracts and new building projects<sup>1</sup>.

Yet, all three groups share traits that are unique to mafia-type phenomena, and which distinguish them from other forms of criminality both inside and outside Italy.

Throughout their history, Italian mafias have consistently demonstrated an ability to link tradition to innovation tightly. They can adapt structure and modus operandi to the changing social, economic and political environment, realign themselves in negotiations with global markets, and simultaneously maintain a strong collective identity based on traditional cultural codes and practices that they share with external society. To a different degree, they are simultaneously local and global, what has been labelled 'glocal' (Hobbs 1998). As a result, in spite of increasingly tougher Italian anti-mafia legislation and punitive measures, mafias today continue to expand and to benefit from growing opportunities brought about by globalisation while remaining substantially rooted within the local territory they control (Allum 2014). Mafias manage to do this partly through their use of violence, intimidation, *omertà* (law of silence) and money, but more importantly, through their use and manipulation of mutually advantageous relationships with external, legitimate actors (Allum 2016).

The so-called invisible ‘accomplices’, ‘enablers’, ‘sponsors’, or ‘facilitators’ represent ‘an essential aspect of the mafia phenomenon, without which many of the activities, illegal and legal [...] would not be possible and mafia groups would thus be reduced to purely criminal behaviour’ (Santino 2006, pp. 251-252). In Italian, the space within which relations of collusion and complicity, common interests and mutual exchanges between criminal groups and external actors take place is referred to as *l’area grigia*, ‘the “grey zone” that divides the good and the bad’ (Sciarrone 2014, p. 21). It represents a highly permeable and flexible zone where boundaries between the legal and the illegal world, between lawful and unlawful markets are blurred (Mete & Sciarrone 2017, p. 294). As has been observed,

legal and illegal activities do not operate on parallel and distinct levels, but rather they are connected and interdependent. Following this reasoning, the next step is to acknowledge that there is a point where two businesses, legal and illegal, necessarily meet. This point is profit, which is the main driver of the activities of both (Vander Beken & Van Daele 2008, p. 740).

This ‘grey zone’ is inhabited by professionals from the public and private sectors such as businessmen, lawyers, notaries, engineers, architects, doctors and even people in positions of responsibility such as judges, politicians, law enforcement officers, public sector managers, accountants and solicitors and it is their invisible but vital relationship with mafia organisations that we analyse in this article. Specifically, this article seeks to examine how Italian mafias survive and flourish through mainstream channels, through non-criminal individuals, contacts and environments. First, it presents an overview of how these mainstream channels have been defined and conceptualised in theoretical terms, with a specific focus on differences existing between the Anglo-Saxon and Italian literature. Secondly, we apply these theoretical tools to our three selected case studies to highlight the behaviour of Italian mafias as well as the way they communicate and engage with their mainstream interlocutors within specific contexts. Lastly, we conclude that it be helpful to conceptualising the grey-zone not merely in terms of specific economic and financial skills but as a large, extensive and flexible group of people with multiple skills and contacts who perpetually engage with criminals how and when necessary. At the same time, we reflect on the value of exploring this phenomenon in its complexity, reach and depth by rooting existing conceptual frameworks in empirical data and by moving away from narrow and limiting definitions.

The data used in this article are mainly derived from judicial and parliamentary sources. Italian judicial sources in the form of publicly available precautionary injunctions (*ordinanza cautelare*) and final sentences of mafia bosses and clans are of particular interest because they provide a significant amount of sociological detail that can allow us to re-construct the nature of different mafia relationships, groups, associations and events. The richness of the detail presented in Italian judicial documents is rarely found in other judicial systems which explains why they represent such an invaluable data source. However, in writing this article, we were aware of the possible risk of over-reliance on judicial records, which are traditionally selected and ordered according to their normative value (Paoli 2003). For this reason and for the purposes of triangulation of data, judicial sentences has been accompanied, where possible, by parliamentary and scholarly reconstruction of events in order to provide a more exhaustive version of the events described.

To be clear, this article does not seek to provide a comprehensive overview of the Italian ‘grey zone’, which, being as multifaceted and heterogeneous as it is, makes the task almost an impossible one. Rather, by looking at specific concrete examples, it offers a practical application of a well-defined analytical model that can be applied to other case studies beyond Italy. Examining the specific dynamics through which these networks are established and maintained may contribute to understanding mafias’ ability to flourish through mainstream channels, despite existing internal fractures and increasing external pressure from law enforcement agencies.

### **'Enablers', 'sponsors' and 'facilitators' inhabit the 'grey zone'**

In the literature on organised crime, 'one aspect that is neglected [...] is the role that facilitators play within and between criminal networks' (Levi, Nelen & Lankhorst 2004, p. 117). One potential reason behind this is the difficulty for law enforcement agencies to pin point, analyse and track the roles, tasks and responsibilities of these different actors; a challenge that is also posed to researchers. What becomes evident is that there exists a clear difference in the conceptualisation of these actors in the Anglo-Saxon and Italian literature. This is due to their different definitions and understanding of criminal organisations.

Since it was first coined in the US over a century ago, the concept of 'organised crime' has shifted systematically between two notions: '(1) the provision of illegal goods and services; (2) a criminal organisation, understood as a large-scale entity primarily engaged in illegal activities' (Paoli & Vander Beken 2014, p. 22). In general, since the 1950s, the main definition for organised crime within the American and European scientific and policy making communities (excluding Italy) has been that of organised crime as 'enterprise crime'. This is a term that draws attention to the production and distribution of illegal goods and services, activities that require considerable skills in planning and organisation as well as extended networks of participants" (Kirby & Penna 2010, p. 195). In Italy, on the other hand, since mafia association was defined legally in the early 1980s the definition of 'organised crime' was not purely as a business process but as a wider social, economic and political phenomenon. The legal definition of mafia-type association given in the Article 416-bis of the Criminal Code prescribes that:

A Mafia-type organisation is an association whose members use the power of intimidation deriving from the bonds of membership, and the resulting condition of coercion and silence that it engenders to commit offences, to acquire direct or indirect control of economic activities, licences, authorisations, public procurement contracts and services or to obtain unjust profits or advantages for themselves or others, or to prevent or obstruct the free exercise of voting rights, or to procure votes for themselves or others at elections (Art. 416-bis Cc).

Armao argues that 'it might be useful [...] to define organised crime as a *genus*, including many different species depending on the geopolitical and historical context' (2003, p. 28). Cosa Nostra, the 'Ndrangheta and the Camorra are all types of mafias, which are defined not merely as 'an industry of private protection' (Gambetta 1993, p. 1) but rather as a combination of both secret society and efficient business (Sciarrone 1998). From this perspective, mafia is not just an economic business enterprise, but also an association that seeks to dominate civil society, control the economic activities, and infiltrate the political institutions in their territory of origin.

The cultural and political dimension of its inner dynamics and social relations therefore is crucial for the mafia, but not necessarily for other forms of organised crime (Santoro 2011, p. 3). In this way, mafias present a unique ability to use social capital - that is their ability to weave relations with political, administrative and entrepreneurial actors from their external environment. The difference in approach can be seen also in the terms used to describe these so-called helpers. In mainstream approaches, it is what helpers do that identifies them. Terms such as 'enablers' and 'facilitators' are often used to describe those middle class professionals who provide criminals with assistance, complicity and support; it is their 'dishonesty', their 'serious misconduct' and their 'culpable involvement' that defines them, not in terms of society but in terms of their specific technical skills and financial and legal knowledge. This is what Middleton and Levi define as 'professional capital': 'a sub set of social capital that makes use of occupational prestige rankings' (2004, p.130).

A clear example of this can be seen in the English NCA's 2016 *Strategic Assessment of Serious and Organised crime*, which defines 'enablers' and their skills in the following terms:

The skills and knowledge of a variety of professionals, such as accountancy service providers (ASP), the legal profession, estate agents, and trust and company service providers (TCSP), are used by OCGs for sometimes complex money laundering activity. They assist, wittingly or unwittingly, in creating complexity through actions such as setting up networks of corporate structures, acquiring assets to store illicit funds and providing anonymity for the criminal. Their involvement very likely gives transactions an appearance of respectability (p. 29).

Middleton and Levi (2004) developed a typology of different forms of assistance from lawyers and distinguished between 'necessary wrong doing' and 'simply desirable wrongdoing'. These ranged from basic provisions of practical help to more sophisticated forms of assistance, to more highly sophisticated forms based on professional advice. Nelen and Lankhorst (2008) on the other hand, focused on 'the risks that [Dutch] lawyers and notaries run, deliberately or not, in collaborating with unlawful practices' (p. 163). They define this collaboration in terms of 'culpable involvement', either when a professional is criminally involved in an act (and can become an accessory) or when a professional 'fails to exercise due care in preventing abuse of his/her professional services for criminal purposes' (p. 164). Middleton and Levi concluded that there was evidence of serious wrongdoing by solicitors and other law specialists and that 'what is, inevitably unknown, is the extent of this behaviour, which is not detected at any particular moment in time, and that which is never detected at all' (2004, p. 147).

The Anglo-Saxon literature therefore concentrates chiefly on the role of financial and legal service providers 'such as lawyers, notaries, accountants, tax consultants, tax specialists and real estate agents [...]' (Levi, Nelen & Lankhorst, 2004, p. 117), where Italian literature uses a wider and more holistic approach. In Italian, these actors are identified by the physical environment they occupy. They inhabit 'the grey zone': if the legal world is seen as white and pure and the illicit underworld as black, the space and borders between these two worlds become 'grey', 'blurred', 'unclear', 'confused' 'fussy' and 'cloudy' (Sciarrone 2011, p. 11).

This is not a recent phenomenon. Already in post-Unification Italy, the Tuscan senator Leopoldo Franchetti noted in his 1876 *Inchiesta in Sicilia* ('Inquest on Sicily') that 'it is not uncommon to hear of an influential politician or someone who works in local administration who has a mafia boss or other middle-class thugs from Palermo or the nearby areas at his own service' (p. 12). Indeed, links between criminal organisations and external political and economic actors appear to be a constant in the history of Italian mafias (Lupo 1993; Ciconte 1992; Barbagallo 2010). Umberto Santino called this 'borghesia mafiosa' ('middle class mafia'), and noted that 'the system of relations with the social world [...] is an essential aspect of the mafia phenomenon, without which many of the activities, illegal and legal [...] would not be possible and mafia groups would thus be reduced to purely a criminal behaviour' (2006, 251-252). Similarly, De Gennaro and Pizzuti defined 'borghesia camorrista' the intertwining of collusion, cooperation and exchanges of Camorra groups with members of the local middle class (2009, 62-63).

According to the definition given by the Italian Antimafia Directorate (DIA), the 'grey zone' comprises 'representatives from the political class, institutions, professional, business world (with Masonic links) that provide organised crime and in particular, mafia dynasties, opportunities to increase profits and, at times, guarantee impunity' (2010, p. 93). The grey zone is therefore a space that extends between the licit and the illicit, in which mutually advantageous relations take place between *mafiosi*, entrepreneurs, politicians, members of the liberal professions and civil servants (Sciarrone 2011, p. 41). It is not an area situated outside the mafia, but a space within which *mafiosi* themselves seek and establish alliances, exchange favours and engage with external actors, offering them different services of protection and intermediation (Sciarrone and Storti 2016). In this sense, 'the grey area does not represent the extension of the illegal into the legal sphere, but a combination of both, an area of porous, opaque and flexible boundaries' (CPI1, p. 23).

Sciarrone (2011, pp. 35-67) defines these relations as ‘complicit’, ‘collusive’, or ‘penetrative’ (see Table 1), with these definitions denoting different levels of collaboration. In particular, he identifies the types of networks involved, the natures of the relationships, and how professionals of the ‘grey zone’ envisage this relationship. By ‘complicity’ he means a one-off specific economic exchange between a rational individual and a clan. By ‘collusion’, he means where an individual agrees upon a collective, criminal business project with the clan; this becomes a continuous exchange (in the form of a frontname or a real company). And lastly, by ‘co-penetration’, he means where an individual develops a sense of belonging and identifies with the clan’s criminal project (s/he behaves and is a member).

**Table 1: Sciarrone’s model of analysis of relations with ‘grey zone’**

Type of relationship	Rationale	Nature of relationship
<i>Complicity</i>	Instrumental	Temporary/one off economic exchange
<i>Collusion</i>	Co-participation	Permanent common business deals
<i>Co-penetration</i>	Belonging	Organic relations, members to all effects

**Source:** Sciarrone (2011, p. 36)

Such an approach goes beyond the Anglo-Saxon understanding of ‘helpers’ in terms of pure legal and financial help, to embrace a wider notion of help in all possible forms, which can encompass many different types of behaviour. In particular, this approach highlights the human interaction dynamics of how relationships between different players develop: from strong ties that bound mafia members to each other, to weaker ties *mafiosi* establish with external social groups (Granovetter 1973; Sciarrone and Storti 2014). Furthermore, the degree of cohesion in organisational relationships between the network’s members varies significantly from group to group, ‘thus enabling parts of the organisation to have more independence’ (Sciarrone and Storti 2014, p. 6).

Informed by Sciarrone’s approach, the following case studies<sup>2</sup> investigate three distinct examples of grey zones active around Cosa Nostra, the ‘Ndrangheta and the Camorra. In this sense, the aim of this article is not to propose a new theoretical framework about grey zones but to challenge the narrow existing concept of purely financial-legal enablers so as to permit a broader understanding of the different dynamics and interaction between *mafiosi* and other professional bodies.

The advantage of adopting an empirical case study approach is that it facilitates data analysis without isolating the phenomenon being studied from its background, and without limiting the array of interacting variables. Case study analysis is indeed a particularly useful method in this context as it represents ‘an empirical inquiry that investigates a contemporary phenomenon within its real-life context; when the boundaries between phenomenon and context are not clearly evident; and in which multiple sources of evidence are used’ (Yin 1984, p. 23). Furthermore, the informed use of a theoretical framework ‘as a guide to empirical research’ in interpretive case study represents a useful method of utilising the interlinked concepts in the theory to provide insights in contexts other than that in which they are developed (Walsham 1993, 71). In this sense, the sociological categories outlined by Sciarrone (2011) provide us with a helpful conceptual framework to undertake a micro-level analysis and illustrate the varied nature of those who comprise the grey zone, how they interact with the mafias, and how they exploit each other.

### **Collusion: Cosa Nostra, doctors and police officers**

Our first example is from the Sicilian mafia, Cosa Nostra, and illustrates the extensive nature of its grey zone. In particular, it shows the mafia’s ability to infiltrate a profitable legal business

through an established system of *complicity* and *collusion* by high profile external actors from the public administration, the political, judicial and business sector.

In the 1970s, Cosa Nostra witnessed the accession to power of the Corleonese faction led by Luciano Leggio first, and Salvatore Riina and Bernardo Provenzano later; their long-term strategy was to establish their total control over the organisation across Sicily by means of integrating political connections and the use of systematic and ruthless violence. This culminated in the early 1980s in the 'second mafia war' against rival mafia factions; this was the bloodiest conflict ever to take place in mafia history. The Mafiosi on the losing side, who had survived the extermination project by the Corleonese faction, were given the possibility to collaborate with the Italian judicial system in return for reduced sentences as well as protection from possible revenge from the Corleonese coalition. Ultimately, their testimonies provided the grounds for the maxi-trial in Palermo (1986-1987), whose central contentions would be upheld by the Court of Cassation in 1992. Cosa Nostra retaliated immediately by launching a bombing campaign against prominent anti-mafia figures including judges Giovanni Falcone and Paolo Borsellino.

As a result, by the mid-1990s the Sicilian mafia was damaged by years of internecine contrasts and by the unforeseen consequences of its attack on the state, which undermined its relations with wider society. Furthermore, the state's response to the attacks of the Corleonese faction had exceeded mafia expectations: the increased severity of pre-trial custody, restrictive prison regimes, the confiscation of goods, and new laws on money laundering and *pentiti* (state witnesses) had a devastating impact on the organisation, both economically and structurally (TP1, p. 154). Therefore, when the boss Bernardo Provenzano assumed control of the organisation in the mid-1990s, he opted for a strategy that aimed to bring the organisation back into contact with public institutions, to regain the social consensus lost after the bombing campaign, and eventually to regain control over territory, whilst remaining under the radar (Merlino 2012).

State witness Antonino Giuffrè, a former ally of Provenzano, revealed to investigating magistrates that Provenzano's 'strategy of submersion' was based on creating a centrally directed network of internal and external relations between trusted collaborators and intermediaries (TTI1, p. 10). One of these networks was based around Palermo's private healthcare system. It involved prominent *mafiosi*, but also a vast and varied professional group made up of high-profile doctors, government officers, entrepreneurs, and members of law enforcement agencies, including among many others:

- Michele Aiello, a construction industry entrepreneur turned private health magnate in the 1990s.
- Domenico Miceli, a surgeon and Palermo's public health councillor.
- Giuseppe Ciuro, officer of the *Direzione Investigativa Antimafia* (Antimafia Investigation Directorate).
- Giorgio Riolo, officer of the *Carabinieri*, and an expert in planting bugging devices.
- Giuseppe Guttadauro, a prominent surgeon and mafia boss of the Brancaccio faction<sup>3</sup>.

This enabler network of 'shadow alliances' was exposed by two separate yet interconnected judicial operations, namely '*Ghiaccio 2*' (CPI2 2006, p. 259) and '*Talpe alla DDA*' (lit. 'moles', police spies in the Antimafia Investigation Directorate, PP1)<sup>4</sup>. The first investigation was brought against Domenico Miceli and others, accused for the crime of mafia association and external support to the mafia organisation (*concorso esterno*). In particular, it examined the relationship between Miceli and prominent mafia and political figures, as well as the role that mafia boss Guttadauro played in Miceli's candidacy in the 2001 regional elections (CPI2, p. 259). When Guttadauro and other mafia members from the Bagheria area discovered a series of bugging devices in their own houses, the hypothesis that secret judicial information had been leaked became the grounds for a second investigation. Thus, the inquiry set up to investigate Guttadauro's relationship with Miceli and the Palermitan political elite became intertwined with a parallel inquiry into the 'moles at the DDA', which would

expose the central role of the 'engineer' Michele Aiello as the mastermind behind the intricate healthcare fraud discussed in this case study (CPI2, p. 258-260).

It was the *pentito* Antonino Giuffrè who first provided magistrates with important insights into Aiello's alleged role as Provenzano's frontman. By then, Aiello had already established two diagnostic and radiotherapy clinics in the district of Bagheria, both at the forefront of technology for the diagnosis and treatment of cancer. Aiello, who owned the Villa Santa Teresa, a clinic specialising in cancer diagnostics, radiotherapy, and nuclear medicine, was accused of laundering money for Cosa Nostra and exploiting his relationships with the business, criminal, and law-enforcement sectors to ensure his immunity and to pursue his own lucrative activities in Sicily's healthcare and construction industries (TdP2, p. 5-8)<sup>5</sup>.

In terms of Sciarrone's conceptual model on the 'grey zone', Aiello's relationship with Cosa Nostra can be defined as one of 'collusion'. He was an entrepreneur who established a mutual, stable, and on-going relationship with the leadership of Cosa Nostra, through which he was able to pursue and expand his business. The mafia guaranteed protection, winning of public contracts, funding resources, privilege over competitors in return for infiltration into legal markets, capital investment, hiring labour, and use of selected suppliers (CPI2, p. 201). It is evident that Aiello does not represent the typical entrepreneur who is a victim of mafia extortion, but a 'client entrepreneur' who has built a loyal relationship with Cosa Nostra on a personal level. As Sciarrone argued, 'when this happens, the reciprocal interaction is accompanied by a process of identification: the entrepreneur shares the values and intentions of the mafia members and it is this connection that pushes them into collusion' (2010, p. 189).

Previously involved in the rural road construction business, Aiello's fortune rose when he entered the private healthcare sector, one of the most profitable in Sicily, and a sector in which Provenzano had already extended mafia influence since the 1980s<sup>6</sup>. The healthcare system, linked as it is with important political and economic control centres, was a good choice of target, as it offered a large potential for profit.

The profitability of private clinics depends on accreditation and on the inclusion of medical procedures and prices in the list of billable services, factors that are in the hands of the regional government. Aiello's contacts with the public health councillor, Miceli, and with political figures close to the Sicilian Governor, Salvatore Cuffaro, enabled him to set and fix the prices of the clinic's services for state's repayment (TdP2, pp. 1220-1224). As a result, a vast amount of public money was illegally directed towards Aiello's business. According to Giuffrè, Aiello had built his empire by laundering mafia money, and was now repaying large sums into the Bagheria mafia faction<sup>7</sup>. Following Giuffrè's revelations, the Carabinieri Special Operations Group (ROS) decided to plant bugs in Aiello's clinic, and this task was assigned to the inconspicuous Giorgio Riolo. In the meantime, Giuseppe Ciuro, who worked with Anti-mafia public prosecutor Antonio Ingroia, and had access to highly sensitive information regarding mafia investigations, also leaked secret information to Aiello and kept him up-to-date with developments in his case (PP1, pp. 6-7).

Based on Sciarrone's model of analysis, both Riolo and Ciuro's roles within the 'grey zone' examined in this case study are those of 'complicity', as their relationship with Cosa Nostra was essentially goal-oriented and temporary. By offering their skills and their access to classified information, they enabled and facilitated Cosa Nostra's activities without being formally affiliated to the organisation. They had been close to Aiello for years, providing him with classified police and judicial information and receiving substantial gifts in return, from the placement of family members in Aiello's companies, to cars and jewels, and to important political contacts, including with the Governor, Cuffaro. Ciuro was apparently so grateful to be ready to sacrifice 'his own life' for Aiello (PP1, p. 7).

In the judicial investigation, the magistrate discovered that it was Riolo who had tipped off Brancaccio mafia boss Giuseppe Guttadauro about the listening devices he himself had installed in



his flat. Riolo had also enjoyed a long association with Cuffaro, for whom he had undertaken several sweeps to ascertain that Cuffaro's home was not under police surveillance. Both Ciuro and Riolo had also informed Aiello about the progress of legal and police investigations into mafia leader Provenzano, and other Bagheria mafia families. It was the same Riolo who suggested that Aiello set up a secret mobile phone network in order to avoid police interception. However, despite careful precautions, this system worked for only a few months before the police discovered and intercepted it. Police interceptions revealed the group discussing the on-going private health fraud, as well as secret information regarding their investigations and those into mafia boss Provenzano (CPI2, p. 211). The evidence gathered was used to establish a case in 2005, which led to the conviction of the defendants. The court of cassation confirmed the sentence of appeal in 2011: Michele Aiello was convicted of mafia association, corruption, and fraud, and sentenced to 15 years in prison; Salvatore Cuffaro was sentenced to seven years in prison for revealing investigative secrets; Riolo and Ciuro were sentenced to seven and four years respectively for corruption and for leaking investigative secrets.

This illustration of the 'grey zone' reveals the existence of a broad and varied network of different actors who associate with Cosa Nostra on differing levels of complicity and collusion, requiring reciprocal recognition and mutual favours. As the prosecutors wrote,

Rarely have we seen evidence of such relationships between a defendant accused of mafia association (Michele Aiello) and one convicted of the same crime (Giuseppe Guttadauro) with top echelon politicians, businessmen, professionals, with employees and directors of the public administration, with people who work in the prosecutors' office and with members of the police force (PP1, p. 116).

In line with existing scholarly approaches to the mafias' grey zone (Sciarrone 2011, p. 41), this case demonstrates that the grey zone does not merely entail the idea of mafia parasitism of, and infiltration into the civil, political and economic sphere of society. Rather, it is emblematic of a more intricate system of relations and exchanges where the borders between traditionally separate areas of influence collapse and from which all players involved benefit.

Since the 1980s, Cosa Nostra has been critically hit by the unprecedented level of exposure caused by the second mafia war and by the subsequent phenomenon of *pentitismo* (*mafiosi* turning state's evidence). Unceasing police investigations and arrests of prominent *mafiosi* have also dismantled systematically every attempt of the mafia factions to reorganise a superordinate body, the so-called Commission. In spite of this, as our case study suggests, the Sicilian mafia is still active today. This is the evident result of mafia ability to transform adapting structure and *modus operandi* to changing circumstances. Furthermore, traditional and new sectors of the legal economy (e.g. health care system, construction business, retail distribution, renewable energies) have provided Cosa Nostra with larger opportunities for profit and diminished external visibility. This would not be possible without the extensive network of collusive and reciprocal relationship with key political and economic actors, which continues to facilitate mafia control of territory at a capillary level (CPI3, pp.18-25).

### **Complicity: The Calabrian 'Ndrangheta and holiday homes**

Our case study of the 'Ndrangheta highlights a case of *complicity* of professionals including solicitors, local administrations, estate agents and bankers. Since the early 1990s, Calabrian clans, the so-called '*ndrine* from the Gioia Tauro region, have become heavily involved in the trafficking of drugs from Colombia into Europe. As Forgione explains, 'it is the Calabrians who now supply wholesale the Italian piazzas and half of those in Europe' (2009, p. 5). However, these '*ndrine* are also very

efficient businesses: Gratteri and Nicaso (2017) estimate they make 43 billion euros a year, of which at least 75 per cent is laundered back into the legal economy.

One such *'ndrine* was extensively involved in the trafficking of drugs into Italy and around Europe (from Germany, Spain, Belgium, Holland). Members bought their drugs supplies from South American contacts living in these European countries, and would also hide their fugitives there to outsmart the police. One *'ndrine* member would even drive from Northern Italy into Switzerland to use a public pay phone, so that his telephone calls were not intercepted. This clan perpetually sought to launder the profits made from their drug trafficking operations.

In the example we discuss here, this *ndrina* earmarked tourist villages and holiday flats located in Calabria as a destination for their dirty money. It is believed that they built 17 villages and 1,343 holiday units using 12 companies, for a value of €450 million seized by the judiciary (Corriere della Calabria, 13/9/2013<sup>8</sup>). This case confirms how the clan used extensive financial procedures for their money-laundering project, requiring the help of qualified professionals.

This *'ndrina* with the help of friendly businessmen, solicitors, legal advisors, and engineers, was able to put into place an efficient financial system whereby companies sold seaside flats in Calabria to Spanish, British, Irish, and Italian holiday-makers. In other words, it was able to 'clean' its money by selling flats to European tourists. The deals were defined as 'joint ventures' (TdRC1, p. 872) between Calabrians and Spaniards, who together constructed tourist villages and 'set up an articulated system of Italian and foreign companies in order to build in the tourist-residential sector' (ibid). The *'Ndrangheta* was successful in this scam not only because of its contacts with Spanish businessmen, but also through the help of solicitors and legal advisors.

The financial scheme was simple: various companies were established in order to channel money back to a company in Calabria, owned by two *'ndrine*. A legal firm based in Northern Europe acted as an intermediary, transferring money either directly to the Italian company or via Spanish companies. This firm prepared the paperwork, assisted their clients, and worked with a law firm in Calabria, which also drew up paperwork (sales agreements, terms of sale, etc.) in preparation for the sale of the flats. These two legal firms played a crucial role in this scam. Without them and their precise paperwork, the *mafiosi* would not have been able to sell their flats.

While the legal firms facilitated procedures that non-specialists would not have been able to do, it would be inaccurate to consider them to be members of the clan. They were involved in the clan's activities as enablers who benefited from the transfers, rather than as insiders. Both firms showed characteristics of complicity and collusion, but not co-penetration. The Calabrian legal firm was aware of the scam and became an instrumental part of the operation, but did not seem to ask for anything substantial in return for its involvement.

However, both firms did show signs of concern when the links between the holiday flats and organised crime became public knowledge. Indeed, they voiced concerns about being accused of 'external collusion with the mafia'. This shows a keen understanding of the situation. The well qualified advisor based in Northern Europe helped the clan by facilitating the payments of foreign clients. It seems as though this firm acted to benefit the clan rather than the clients, whose funds were not protected.

This case study shows how *'Ndrangheta cosche* used a money recycling system to invest in the poorer parts of Calabria, using money defrauded from elsewhere; that defrauded money came thanks to the skill and intervention of well qualified solicitors. Moreover, although this investment could be considered to benefit local real estate and the tourism industry, many of these tourist villages were built illegally without building permits but with the complicity of local administrators. In this case, the damage is three-fold: (1) the complicity of solicitors and local administrators means that there is no longer a guaranteed level of morality among professionals; (2) the local real estate market is altered by the *'Ndrangheta's* massive financial investment, and (3) the environment is damaged by the illegal building of holiday flats.

### **Co-penetration: The Neapolitan Camorra<sup>9</sup> and hospitals**

This case study specifically shows how professionals can become involved in criminal activities and develop a sense of belonging to the clan; they are *co-penetrators*. The so-called 'Black Cross' investigation in 2015 highlights how many professionals have no moral or ethical standing and do not hesitate to become involved in criminal activities, if they can profit financially.

Francesco Zagaria, alias Francuccio, was the brother-in-law of the Camorra boss Michele Zagaria, and the financial brains behind the criminal organisation (TdN1). The Zagaria clan was a part of the Iovine-Zagaria confederation, with which it shared part of its extortion money whilst retaining independence in its reinvestment projects and other business deals. A unique feature of the Zagaria clan was its control of companies in the Caserta region, especially in the building sector. The relationships between the Zagaria clan and the companies with which it worked were often highly collaborative, what Sciarrone defines as 'collusion': a permanent relationship of mutually beneficial business deals between clan and entrepreneur (2011). These relationships were often initiated by the companies themselves, as they sought an alliance with the clan when starting a project or trying to win a public contract in the Caserta region. In this way, the Zagaria clan was able to avoid the use of violence. Businesses turned to the clan in order to guarantee that they would work in peace and quiet, that no other criminal group would bother them, that they would have help to hamper possible internal union activity if necessary, and that they would be able to recuperate credit more easily.

When married the boss's sister, Francuccio became his right-hand man in the business world. He represented the clean face of the clan: he had no criminal records, he was an intelligent broker, and had connections with different politicians, directors, and administrators in the health sector and in the public regional water authority. Francuccio's role was to seek out public contracts for companies close to the clan. A cooperative witness described his role as follows:

When we speak of businessmen close to Michele Zagaria, we must immediately think of his brother-in-law, Francuccio Zagaria [...] who, on Michele's behalf, was able to manage relations with the local public administrators [...] Thanks to Francuccio's abilities and his influential contacts, [...] Michele Zagaria was able to guarantee to businessmen from Casapesenna, many public contracts (TdN1, p. 82).

In order to control the healthcare system, Francuccio visited Caserta hospital daily, as this was where he met with employees, businessmen, and local politicians. The only problem was that he had no real reason to be in the hospital, because he was neither a patient nor an external consultant. However, he behaved as though he was the managing director of the hospital. Indeed, many of the managers and officials of Caserta hospital were appointed thanks to him. As one of the most important managers of the Caserta health service divulged when interrogated by investigators:

The management of the Caserta hospital was clearly in the hands of a certain Zagaria Francesco, who was related [...] to Zagaria Michele, the local boss on the run [...] In the health sector, it was common knowledge and absolutely taken for granted that Zagaria governed the hospital [...] If you knew Zagaria Francesco, you would have no problems, otherwise it would become very difficult to obtain anything whatsoever even if it was the law (TdN2, p. 43).

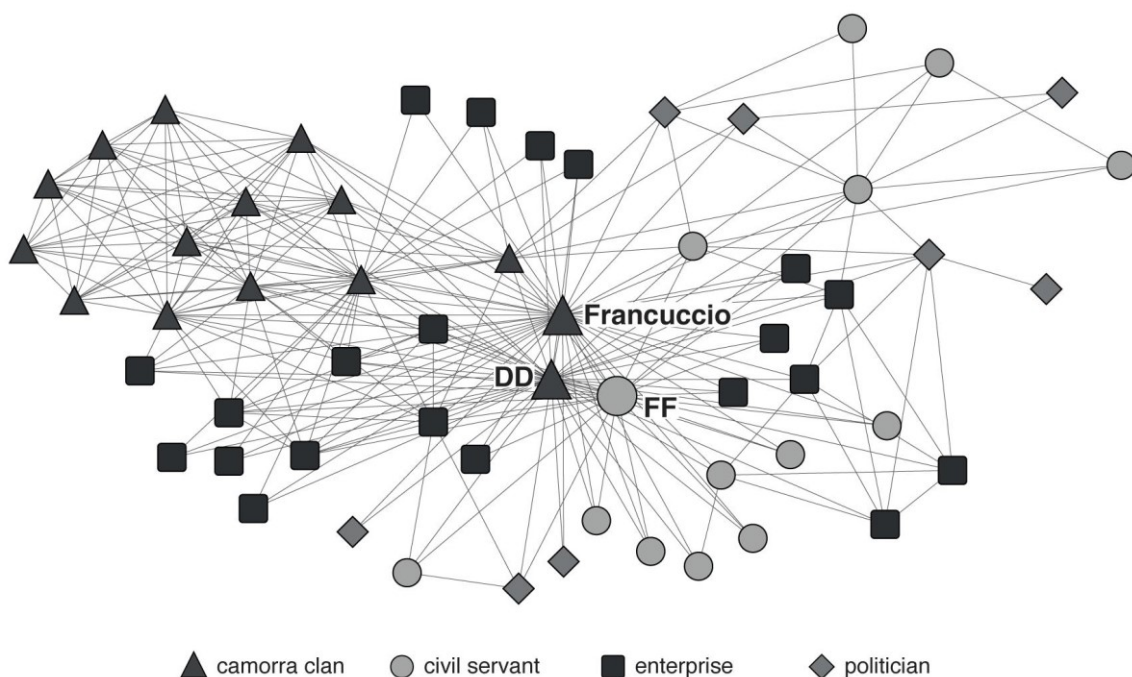
Francuccio's relationship with local politicians enabled him to appoint hospital managers who favoured a network of companies directly connected to the Zagaria family. In this case, it emerged that all available public contracts and loans within a certain hospital department were won by companies nominated by him. According to the investigators, the total value of 'dubious' public contracts won by companies close to the clan during the period 2008-2013 amounted to approximately €60 million. The relationships between the Zagaria clan and businessmen were

simple. Through his political contacts, Francuccio gained public contracts for friendly companies, and in return these companies paid the clan a percentage of the value of the works. The businesses often employed people suggested by the politicians, while the politicians gained electoral support from the clan or from the clientele generated by the controlled contracts.

He created a perfect illegal system in which each participant got what they wanted: a job, electoral support, a contract, a bribe, control of the territory. Every actor participating in this network of co-penetration accessed a ‘positive-sum game’ (Sciarrone 2011): they got their advantages, aware that the other participants would equally benefit from this relationship.

In this way, state funds, collective interests, and individual and collective rights were stifled by a network of political-criminal interests. The manager of the engineering department of Caserta hospital was appointed in 2006 as a result of Francuccio’s political pressure. This department had a vital role in assigning contracts for the hospital. He wanted a trusted ally in that office, in order to bestow contracts on companies close to his brother’s clan. The manager became one of the most important mediators for the various interests of the clan, businesses, and politicians. Figure 1 represents the relationships that existed between the different players in this illegal system of distribution of public contracts:

**Figure 1: Mafia infiltration of the hospital of Caserta<sup>10</sup>**



At the heart of this network were Francuccio, DD, his right-hand man, and FF, the director of the engineering department, whose names have been purposely anonymised. Francuccio’s political contacts allowed the clan to influence the nomination of public administrators who favoured the clan’s projects. These public administrators accepted his suggestions regarding which companies to endorse, in order to progress in their own careers and to gain financially. Companies close to clan members won contracts and often contributed to the clan’s common fund through voluntary “donations”. As we can see from this network of illegal relations (figure 1), on the left, the clan members who did not enter into direct contact with the politicians and managers who are on the right hand side. Instead, this contact is through Francuccio (and DD), who acted as mediators between the clan on one side, and public administrators, politicians, and managers on the other. Looking at the network of relations and its configuration in figure 1, it emerges that *camorristi* played a marginal

role by comparison with the other actors involved. Entrepreneurs and local politicians occupy a more prominent position within this network based on their ability to build relations across different and separate sectors: from public administration, social enterprises, citizens to camorra clans.

Francuccio is a perfect illustration of the clan's 'grey zone': he did not have a criminal record, and he had important relations with different local and regional politicians, while at the same time being the economic adviser to the boss, Michele Zagaria. Often, it was the businessmen and politicians who sought him out in order to win a contract or receive the protection of the clan. Yet his power not only derive from his family connection with Michele Zagaria. He was also a point of contact for the various public managers, politicians, and businessmen in case problems emerged in their 'illegal system of public contract distribution' in relation to their respective roles and interests (TdN1, pp. 82-83). If one participant in the network did not keep their word, then Francuccio's diplomatic skills would have given way to the violence of the clan. In other words, Francuccio behaved in the interests of the clan and to all effects, behaved as a clan member, even though he was initially a clear outsider. He was longer separate from the organisation but belonged and identified with it in all he did. The clan gained financially but so did he.

As is clear from this case study, every participant in this network gained what they desired, and it is the common good and the general interest that loose out. In the public health system of the Caserta region, the cost of services to society was higher than in other regions, while public services were less efficient. The benefits of the few (the *camorristi* and representatives of the 'grey zone') were to the detriment of public services and thus, a lowering of the quality of life for everyone.

### **Concluding remarks: facilitators, what facilitators?**

In our article, we have chosen three case studies from Cosa Nostra, the 'Ndrangheta and the Camorra to underline the varied nature of those who comprise the grey zone, how they interact with the mafias, and how they exploit each other. The grey zone that emerges from these different cases is a largely heterogeneous group of actors unified by one main goal: the acquisition of wealth and power. Mafiosi exploit this shared space, but they also belong to it, often in marginal roles compared to the external actors who dominate these criminal networks.

Each case study has illustrated the main abilities of mafia groups: the capacity to develop relationships with various aspects of legal society in different sectors, and the capability to transform these relationships into an extensive range of mutually beneficial exchanges. In economic and social contexts where various forms of economic deviance already exist and where law enforcement agencies have difficulty intervening, *mafiosi* have the reputation, the power, and the relational means to undertake regulatory roles or to act in a predatory manner. The role of *mafiosi* is often very subtle; the boss or the foot soldiers become involved only if participants break the rules of behaviour that underpin the criminal collaboration. At the same time, the expertise of, or decisions made by actors external to the mafia are often crucial to their economic and political success. As already observed, and as the case studies in this article have highlighted, these external actors are vital to the mafias' success in both legal and illegal activities, because they bring skills, knowledge, resources, expertise, and contacts that the mafias otherwise do not have (Ruggiero 2000).

For example, our case study of the 'Ndrangheta shows how mafia members did not have the necessary skills or experience to participate in the international real estate market. They needed precise legal and economic knowledge that their members did not possess. Yet the 'Ndrangheta has a large amount of social capital, as well as the power to corrupt or intimidate external experts in a number of areas. Italian mafias join existing networks of economic and power interests, or create new ones with the aim of expanding their sphere of influence. These networks, composed by *mafiosi* and external actors appear to be very flexible. They lack the often neat hierarchy of the mafia clan. Instead, each participant plays a highly specialised role, and each earns his reward. This kind of

network is rarely structured over time, because it serves a specific and finite purpose. Once the principal goal is achieved, the network disbands and others develop with different actors and interests. This is the typical “shape” of the ‘grey zone’: a very flexible network composed of criminals and non-criminals, who use corruption as the principal tool to exchange and persuade.

The cases of the Camorra clans and Cosa Nostra encapsulate the variety of possible relations between mafia organisations and the public sphere. The most privileged sector for mafia interests in Italy remains the public economy, particularly the healthcare service which facilitates the diversion of substantial public funds. It represents a symbolic crossroads between political and business interests on the one hand, and mafia interests on the other. The local organisation of public health services and its strong links with regional and local politicians can also help to explain why mafias are so interested in this strategic public sector.

These cases show how, although *mafiosi* have social capital and the capacity to use violence, often the most crucial factor in making a successful investment or winning a subcontract is the professionalism of a lawyer, the decision of a judge or mayor, the calculations of an engineer or the information of a financial advisor, rather than the gun of a boss. Furthermore, it is only on rare occasions that mafia bosses use violence or intimidation to influence these external actors. Mafia organisations prefer relying on less-visible means, such as corruption, political exchange, and financial incentive. Without the existence of this ‘grey zone’, *mafiosi* would find it very difficult to venture out of their territory and beyond the use of violence.

While the cases discussed in this article have focused chiefly on mafia groups in their territory of origin, this by no means excludes that similar dynamics can be observed in non-traditional mafia areas. Indeed, many recent studies have challenged the existing idea of mafia expansion as a direct cause for the existence of criminal activities and illegal practices in non-traditional mafia territories. Rather, it has been observed how a combination of both ‘contextual’ and ‘agency’ factors determines the interplay between *mafiosi* and local political and economic actors, highlighting the prominent role that the grey area has played in the process of mafias’ territorial expansion in central and northern Italy (Dalla Chiesa & Panzarasa 2012; Sciarrone 2014) and in Europe (Savona & Ricciardi 2015; Allum 2016).

In light of evidence hitherto discussed, the question is not whether or not mafias establish relationships with society; this is a given. The problem is rather to grasp the exact dynamics through which mafia groups build these relations within the ever-evolving circumstances of a changing society. Indeed, throughout their history Italian mafias have demonstrated that they are not closed, autocratic, or impervious to external conditions, but rather organisations that respond to changes in their internal and external environment. For this reason, the concept of a ‘grey zone’ risks becoming a vague analytical tool if it is not combined with concrete empirical studies that illustrate the specific modalities and mechanisms that connect mafia organisations with the wider society. It would therefore be very helpful to understand the importance of conceptualising the grey-zone not merely in terms of specific economic and financial skills but as a large, extensive and flexible group of people with multiple skills and contacts. Helpers, sponsors, enablers and facilitators can belong to any profession that can prove useful to *mafiosi* in their different projects, whether this be money laundering, travel, legal or healthcare. These helpers are vital to the mafias’ integration into society and to normalise (and uncriminalise) their presence and activities within and outside Italy.

The conclusion of this research may be useful for civil society, law enforcement agencies, and politicians, who need to pay more attention to the nature of the relationships between mafias and wider society, divided by a barrier of morality that is becoming more and more subtle. This is the case not only in the South of Italy, and not only in Italy.

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## Endnotes

<sup>1</sup> The research for this article, including the data discussed in the three case studies, were initially presented at the symposium on 'Change, Resistance, and Collective Action in Southern Italy', University of Kent, 4/9/2015.

<sup>2</sup> It is important to draw attention to the fact that, in view of the serious allegations (including guilty verdicts in assize and appeal courts) referred to in the text, all persons are to be considered innocent until a final verdict of guilty is pronounced. In addition, no complicity with the Camorra or criminal activity should be inferred from any similarity of name of an individual, public place or organisation with which a person is associated, unless there are specific statements to the contrary. In some cases, names have been disguised by the use of initials to render the identities of those concerned anonymous.

<sup>3</sup> According to state witness Antonino Giuffrè, Guttadauro represented Provenzano's perfect ally in his aim to remodel the image of Cosa Nostra by re-establishing its networks with economic and political actors. See TT11

<sup>4</sup> Both investigations emerged in the early 2000s from the Operation 'Ghiaccio 1', which centred on the role of surgeon Guttadauro in relation to the Brancaccio mafia clan.

<sup>5</sup> For a more detailed account of mafia interests and network of collusion around the Santa Teresa Clinic, see Daniela Minerva 2009; Scaglione et al. 2011, pp.141-142; Dino and Macaluso 2016.

<sup>6</sup> A report signed by the Colonel of the Carabinieri Angiolo Pellegrini detailed, as early as 1984, the outlines of what investigators have defined as the 'Provenzano Holding': a series of companies (Scientisud, Medisud, Polilab, Biotecnica) that specialised in supplying hospitals and private medical services with electronic devices and equipment. See Ldc.

<sup>7</sup> While the connection between Aiello and the mafia faction of Bagheria under Provenzano's leadership has been ascertained judicially, there was never enough evidence to prove the mafia funding of his business in the private health sector and corroborate Giuffrè's revelations in this regard.

<sup>8</sup> 'La joint-venture di ndrine e uomini d'affari' <http://www.corrieredellacalabria.it/index.php/cronaca/item/16758-17536-la-joint-venture-di-ndrine-e-uomini-daffari/1675> (accessed 11/1/16).

<sup>9</sup> The Caserta mafia is a criminal confederation based in the province of Caserta, in the Campania region. It is known as the Casalesi clan, named after the city of origin of Schiavone and Bidognetti, the clan's two most influential leaders. The Caserta clan has many features that characterise the Sicilian mafia Cosa Nostra. In addition to Caserta, the clan is also active in the rest of Italy, in Spain, Germany, and the US. Since the 1980s, the Caserta mafia is considered one of the most important and influential criminal organisations in Europe.

<sup>10</sup> Recreation of events based on evidence (see TdN1) using the software Netdraw (Borgatti, Everett & Freeman, 2002).

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