

Mafia: From the Use of Violence to Artificial Scarcity

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Mafia-type organized criminality—whether it appears in Italy, Japan or China—is traditionally associated with violence. This violence is conspicuous and often excessive, exerting power over Mafia members and politicians alike, but also over the civilian population within well-defined geographical areas. The association of the Mafia with violence is widely proclaimed in the media, the cinema (with the Godfather trilogy taking pride of place), and sometimes the news, with settlings of scores in Naples, the murders of judges Falcone and Borsellino, and so forth. This is often responsible for the idea that violence is the main characteristic of Mafia methods, leading to the supposition that if Mafia violence is no longer visible, or at least much less so, is it not a sign of the decline or even disappearance of such organizations? Nothing could be further from the truth. We have to understand what violence really signifies for a Mafia organization in order to grasp the essence of Mafia power and correctly assess its danger for contemporary society.

Violence and the Establishment of Mafia Territorial Sovereignty

Every Mafia has recourse to violence. But violence is not the sum total of all Mafia methods. The arrival and then the continuation of Mafia associations is based on a subtle balance of violence and the creation of methods for wielding control over a territory which go beyond simple violence.

There are many standard situations where the Mafia uses violence in a visible way, with attacks on both persons and property. The first of these situations corresponds to the phase when territorial sovereignty is being established by a Mafia organization that is starting up. This is the initial “military” stage of the Mafia which has yet to seize hold of a territory and establish a corrupt form of “monopoly of violence” there. The increase in violence by the criminal organization is then accompanied by a proliferation of intimidatingly violent acts (destruction of a production tool for example) or even punitive acts of violence (mutilations to make defiant people submit, even assassinations of opponents who are likely to create movements of solidarity to resist the Mafia’s criminal aims). Although highly visible, these violent episodes are not designed to be long-lived because they attract the attention of the forces of order and run the risk of government repression.

After this, once the Mafia has gained control of a territory, violence can reappear sporadically. Generally, this occurs in relation to a questioning—real or supposed—of this control. Violence is then directed at two targets, depending on the nature of the challenge. It may concern internal settling of scores if there is one clan which no longer respects the territorial division formerly in operation or when a member no longer obeys the association’s rules; the victims in these cases

are Mafiosi. This is particularly true of Naples and the surrounding region, where a greater volatility of alliances and divisions of territorial sovereignty have been observed than in Sicily and Calabria. These internal conflicts can produce a form of implicit tolerance on the part of the State and the general population, following the principle of “let them murder one other.” However, Mafia wars also create innocent collateral victims. In 2015 the association Libera listed nearly 1,000 deaths from Mafia stray bullets, of which 338 were in Campania alone. The Mafia may also voluntarily target non-Mafiosi in order to reaffirm its territorial sovereignty. Traditionally, the violence in such cases is frequently linked with racketeering levies. If one looks at the map of racketeering in the Sicilian provinces,¹ the acts of violence accompanying Mafia extortion are more numerous where the presence of this criminal association is relatively recent, as is the case in the province of Syracuse. On the other hand, the provinces where the Mafia embedded itself early on (Palermo, Catania) are spared, not because the Mafia is more peaceable there but rather because there is weaker opposition to the systematic racketeering. Manifestations of violence are also observed in greater number in areas where Mafia territorial sovereignty is called into question by other organized criminal groups: for example, the province of Messina, close to Calabria, is subject to incursions by the ‘ndrangheta’; while the province of Agrigento and the city and commune of Gela suffer from the Stidda’s efforts at infiltration.

Finally, violence occasionally serves the Mafia in its relations with the State, thus no doubt substantiating *a contrario* the idea of negotiation with the State. As long as the State chooses voluntarily or passively to tolerate the Mafia, then the Mafia does not quarrel with the agents of public authority. But as soon as the State shows itself to be less conciliatory, the Mafia resorts to devastating acts of violence. This was how the judges Falcone and Borsellino came to be assassinated in May and July 1992, respectively: they were at the origin of the 1986 Maxi Trial and of a new method of investigation relating in particular to Mafia inheritance. In March 1992 Salvo Lima, a Christian Democrat deputy, had already been murdered in retaliation against the political class then in power who had neither stopped the Maxi Trial nor prevented confirmation of the sentences in the Court of Appeal in January of the same year. Following these murders, the State responded by applying the law on “hard prison” (*carcere duro*, article 41-bis) for Mafiosi who denounced the severity of these new conditions of imprisonment, first by means of an open letter² and then by attacks in Rome, Florence and Milan in 1993.

¹ See Clotilde Champeyrache, “L’économie mafieuse: entre principe de territorialité et extraterritorialité,” *Hérodote*. 151. 4th quarter (2013), 83–101.

² Thirty-one Mafiosi chiefs published a letter contesting article 41-bis in which they also addressed warnings to their lawyers who they suspected of having abandoned them to their fate.

Definition of a Mafia Association. When Intimidation Replaces Violence

Violence may be characteristic of the Mafia. However, is it essential to the definition of a Mafia association? This is not what the Italian Penal Code seems to think when it states:

The association is of a Mafia type when those who belong to it use force of intimidation from the associative tie and from the condition of subjection and code of silence which derive from it in order to commit offences, to acquire by direct or indirect means the management or at least the control of economic activities, concessions, authorizations, adjudications and public services or to gain profits or unjust advantages for themselves or others, or else with the purpose of preventing or hampering free exercise of the vote or procuring votes for themselves or others at election times. (article 416-bis)

In this extract, as in the rest of the article, the word violence does not appear. All that is mentioned is the “force of intimidation” which characterizes the Mafia. Certainly, this can be likened to an implicit form of violence. But it is far from trivial that the matter of conspicuous violence is not mentioned, thus contradicting the image generally associated with the Mafia. This is largely explained by the context in which this article of the Italian Penal Code was written. It concerned the integration of the so-called Rognoni-La Torre law which was only adopted in 1982 and which finally made a distinction between Mafia-type associations and simple criminal associations. In fact, in the 1980s, the Mafia had already been deeply embedded for several decades. Article 416-bis, therefore, describes a criminal phenomenon that had already attained a certain degree of maturity. The Mafia described by the Italian Penal Code was not the Mafia as seen in its violent early stages when its aim was to take root in society, but a Mafia that had attained a local power that was generally accepted, at least passively, by the population. Conspicuous violence is marginalized in the article for at least two reasons—inside the Mafia there is a comparative disadvantage to carrying out recurrent and visible acts of violence; and externally, there is a comparative advantage for certain non-Mafiosi in tolerating and even cooperating with the Mafia that is becoming established.

Any conspicuous act of violence produces a dual reaction that is hostile to the Mafia. First, it leads to a response from the forces of order and the law. And second, the civilian population may also manifest its displeasure. This was the case in Palermo following the bloody decade of the 1980s and the murders of judges Falcone and Borsellino in 1992. A revolt known as the “white sheets revolt” was then seen in Palermo: white sheets appeared on people’s balconies as a sign of purity and popular rejection of the violence and of Mafia power.

For the Mafia, abandoning conspicuous violence also means using its established territorial power to enter into a new type of relationship with civil

society by offering an opening for collaboration. This can vary in its extent. The collaboration may be very slight, involving simple co-existence on the part of non-Mafiosi who consider that they have to “get along” with the Mafia, especially as it is deemed to have quietened down by abandoning the visible use of force. The intense form of collaboration is when non-Mafiosi businessmen choose—after making a rapid and short-term calculation of whether it is advantageous—to enter into a relationship involving active cooperation with the Mafia so as to benefit from the ensuing advantages like access to markets, suppliers, credits, and so on. The decrease in recourse to violence is, therefore, accompanied by the growth of a grey area which blurs the boundaries between the legal, the illegal and the criminal. If it has proved possible for this opening for collaboration to be extended and broadened out, including to citizens who are assumed to be above suspicion, it is essentially because the use of violence has largely given way to a new weapon of power, which is artificial scarcity.

The Everyday Nature of Mafia Power. The Weapon of Artificial Scarcity

Scarcity is a fundamental element in current economic analysis: scarcity of resources, or factors of production, but also the financial scarcity of budget constraint weighs upon economic agents and limits their choices.³ However, in the literature of economics, this scarcity is exogenous and natural.

The Mafia superimposes an artificial scarcity upon this *de facto* scarcity, that is to say a socially constructed scarcity which can be used to oppress people in a selective and discriminatory fashion. By using artificial scarcity, the Mafia can achieve the same results as through violence, which is mainly to direct and limit the behavior of non-Mafiosi, without having to suffer the disadvantages of this—these disadvantages being understood in terms of identification and repression and/or denunciation. Using artificial scarcity is probably also less costly to implement than using conspicuous violence on a large scale. Furthermore, it is less easy to identify and therefore to denounce as a criminal act. Therefore, artificial scarcity enables the Mafia to condition the local economy and society in a systematic but almost invisible way, thus consolidating its hold over a given territory without the threat being easily discernible. The exercise of Mafia power then departs from the purely military sphere characterized by the use of violence and the questioning of the monopoly of violence by the State, to enter the economic sphere: its aim here is to entrench its power, a power which is all the more worrying in that it becomes largely uncontested while at the same time pervading the everyday life of the area under its control.

³ The standard point of reference on the subject is L. Robbins’s definition according to which the economy is “the science which studies human behaviour as a relationship between ends and scarce means which have alternative uses.” Lionel Robbins, *An Essay on the Nature and Significance of Economic Science* (London: MacMillan, 1932), 15.

In practical terms, the Mafia monitors the access to resources and to goods finished in the territories over which it has sovereignty. This allows it to discriminate between non-Mafiosi and Mafiosi by limiting access by the former. It even carries out further discrimination between non-Mafiosi to reward (or punish) certain behaviors which are more or less cooperative or, more generally, to encourage non-Mafiosi to adopt non-hostile and even subservient behavior. Artificial scarcity affects a wide variety of areas in the daily lives of consumers and producers. For example, obtaining a place in a day nursery or retirement home in Mafia territory is mediated by the criminal organization. It is not the Mafia which creates these places but it manages to set itself up as an intermediary facilitating access to the resource for whoever is requesting it. In return, the beneficiary of the Mafia “favor” becomes *de facto* indebted and thus puts himself—albeit involuntarily—in a situation of dependency vis-à-vis the Mafia.

The same system is set up on a larger scale at the production level. The most sophisticated version of artificial scarcity in this context consists in the Mafia’s infiltration of key sectors of the legal economy. In order to achieve this, the Mafia controls legal enterprises whose activity is declared and visible, taking care to choose sectors which will allow them to condition a whole network. For example, Italian Mafias are especially present in the building and public works sector. Within this sector, the Mafia more specifically targets concrete production and clearing/earthmoving activities. These activities have the characteristic of being upstream in the procedures involved in building and public works, and of being territorially embedded. Pouring concrete and supplying machines are necessarily extremely localized activities. Not delivering the concrete, or delivering it late, means wielding real power to obstruct work on the building site and to damage clients further down the line. It is the same if, in the end, the clearing/earthmoving machines are not available at the right time. Mafiosi thus have the power to block a building site or cause production to be late, which entails a considerable cost. Controlling these key activities therefore allows the Mafia to condition the whole of the building and public works sector, to impose its own suppliers and dictate its conditions. The Chinese Triads, on the other hand, have control over the soya bean market so that they can condition the Asian catering/restaurant sector.

Artificial scarcity is based on—and, conversely, causes—a fundamental asymmetry between Mafiosi and non-Mafiosi: on the one hand, Mafiosi benefit from strong cohesiveness (the famous “force of the associative tie” defining the Mafia according to article 416-bis of the Italian Penal Code); while, on the other hand, non-Mafiosi are largely unorganized, not structured within an association and therefore in a position of weakness vis-à-vis Mafiosi and the scarcity which they create. Thanks to artificial scarcity, the Mafiosi accentuate this asymmetry by putting possible opponents in an economically vulnerable position, while favoring access to resources for those who cooperate. This is how Mafia power takes hold and becomes widely accepted; it no longer needs to resort to regular violence in order to impose its rules.

The Mafia which no longer hits the headlines because it no longer commits murder is not in decline. Understanding the mechanisms of artificial scarcity has become essential for reassessing the nature of the Mafia threat and not limiting judgment simply to the signs of violence. Mafia infiltration into the legal economy can then also appear for what it truly is: over and above profits, it is power that is sought and wielded by such criminal organizations.