



**COSA NOSTRA: A STUDY ON THE SICILIAN MAFIA.  
FROM THE ORIGINS TO THE MAXI-TRIAL AND THE  
CREATION OF THE 41-BIS PRISON REGIME.**

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## Declaration

This thesis is the candidate's own work and has not been submitted for another degree, either at University College Cork or elsewhere.

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«La mafia [...] si fa Stato dove lo Stato è tragicamente assente»  
«The mafia [...] becomes State where the State is tragically absent»

Marcelle Padovani

## Chapter I: Introduction

The following chapter will briefly mention the aims and rationale behind the dissertation and will set out a few basic points which should be kept in mind while reading the paper.

### *Topic and aim of the study*

This dissertation will be concerned with the Sicilian Mafia, or Cosa Nostra, and its bond with traditional Sicilian society. This thesis will dissect the relationship between this organisation and Italy (more specifically Sicily) from its origins to its contemporary form. Hence, some key socio-historical factors will be analysed and critically discussed so as to understand the relationship between Cosa Nostra, Sicilian society and Italian politics. Particularly, the dissertation will be concerned with the changes in methods, structure and influence of the Sicilian Mafia following the Maxi-Trial (1986-1987) and the introduction of the 41-bis prison regime as a punitive instrument towards Mafia associates. The research sets out to describe the rationale and principles of the 41-bis prison regime, as well as clearly explain the effect that this event had on Cosa Nostra's organisational nature and impact on the wider society.

### *Rationale of the research*

Over the years, Sicily has been relentlessly contended by two forces: the Mafia and the State. The former has traditionally provided support and material services in a criminal and, often, extremely violent way, 'protecting' from a state which was seen as hostile. The latter, instead, has historically condemned individuals who resorted to Cosa Nostra's aids in an unforgivably simplistic manner. The State, while being unable to supplant the power of the Mafia – locally and nationally – and failing to restore its central authority, called for legality and cooperation.

This debate has witnessed the development of the *masters of emergency* (Rizzo, 2015) who have manipulated the emotions evoked by the crimes of Cosa Nostra to gain consent. As such, journalists, writers, legal professionals and the wider society have reverted to punitive ideas and quick criticisms while trying to dissect the phenomenon of the Sicilian Mafia and its interplay with the rest of society. This paper, instead, will refrain from moral judgement on the actions of Cosa Nostra in order to analyse the phenomenon in an unbiased manner, insofar as the element of prejudice can be avoided. Rather than tapping into this discourse in fact, the dissertation will start from a basic – although controversial – belief: "The mafia becomes State where the State is tragically absent" (Padovani, 1991, p.18).

This statement was chosen as it effectively conveys the weight of Cosa Nostra and, to some extent, it summarizes its intrinsic nature. Cosa Nostra, indeed, has always represented a heavy part of Sicilian, and Italian, history. It started being a loose network of families and it rapidly became a powerful organisation. Due to its increasing power, it caused tragedies and damaged society on many levels. However, there is more to be said about the organisation and, more importantly, about its ambiguous relationship with politics. Since the late 1990s, it would appear that the Sicilian Mafia has disappeared. Yet, this perception is erroneous as it fails to acknowledge the changes of the organisation and its enduring connection with other Italian institutions. These issues and queries will be more closely addressed in the following chapters.

Chapter two will discuss the history of Cosa Nostra in parallel with the social and historical developments of Italy. Chapter three will discuss the evolution of Anti-Mafia projects and policies, with a special focus on the Maxi-Trial and the 41-bis prison regime. The structure and culture of Cosa Nostra will be then described in chapter four, along with the similarities (or differences) between this particular subculture and traditional Sicilian culture. Chapter five will explain the emergence and the unification of Cosa Nostra. With reference to relevant criminological theories, chapter six will draw some general conclusions bringing together the historical, cultural and legal aspects of the dissertation. Throughout the research, the information used will be exclusively retrieved from books, scholarly articles, recent dissertations and from public statements made by Mafia informers during the Maxi-Trial and in the following years.



## Chapter II: The History of Cosa Nostra

The present chapter will focus on the origins and conceptual definition of the term *mafia*. Subsequently, it will historically analyse the organisation in parallel with the broader Italian context. Finally, a brief outline of the last 40 years will be brought forward, merging the history of Cosa Nostra and the emergence of Anti-Mafia interventions. This historical chapter will set the scene for later discussion while facilitating a deeper understanding of ‘how and why structures and tactics change’ (Windle et al., 2018, p. 9).

### *The origins of the term mafia*

To explain the history of the Sicilian Mafia, it is crucial to briefly analyse the origins of the term itself. The first reference to the word in its folk meaning can be found in an official dictionary of the Sicilian dialect. Being presented as a synonym of self-assuredness, arrogance – but also misery and pittance – and associated with banditry, although not in a proper sense (Sciascia, 2013), the term comes from the idea of mafia as the “misery of those who perceive themselves as majestic for the mere use of violence, which however shows brutality and bestiality” (Traina, 1868, p. 566). Similar is the definition of the Italian folklorist Giuseppe Pitrè (1889, pp. 294-296) who wrote that:

*The mafia is not sect nor association, it has no regulations nor statutes. The Mafioso is not a thief nor a crook [...] The Mafioso wants to be respected and is almost always respectful. If offended, he does not turn to Justice, he does not resort to the Law; if he did, he would give proof of weakness, and would offend the concept of omertà [...]. He can autonomously do himself justice, and when he is not able to do so, he accomplishes the task by means of others with the same thoughts, with the same feelings of his own.*

The significance of the word mafia as indicating a type of criminal association was inexistent in its vernacular version. The introduction of the term in the context of organised crime was introduced in 1862 in Giuseppe Rizzotto’s play ‘*I mafiusi de la Vicaria*’ where the behaviour and customs of a group of prisoners in the Vicaria jail in Palermo came to be associated with the idea of Mafia. This consideration was then drawn upon by the public prosecutor of Palermo, Giuseppe Mirabile, in the course of his investigations at the end of the 1800s. His understanding was one of the first attempts to officially delineate the Mafia as a criminal organisation and represents the first example of usage of the word in its modern significance. ‘Mafia’ refers to the criminal association and to the tight relations between politics, business and crime (Sciascia, 2013).

### *The birth of the organisation*

The origins of Cosa Nostra as an organisation trace back to the early XIX century: Sicily was still a feudal territory and this peculiar situation fostered the creation of primitive associations of Mafiosi. As asserted by don Pietro Ulloa the Sicilian society was already characterised by *fratellanze* and *partiti* (brotherhoods and parties) which depended from a chief and whose main occupation was to oppress state functionaries. The law enforcement response seemed already weak and passively compliant with these groups, which were also protected by the chronic omertà, or popular unwillingness to testify. This phenomenon, however, remained partially limited and similar to banditry until the second half of the 1800s (Sciascia, 2013).

As the unification of Italy began and feudalism was abolished, Sicily experienced a period of power vacuum. The Sicilian people ostracised multiple times the newly formed Italian state aiming at the maintenance of the feudal system. This interregnum, along with the predatory nature of the relation between Sicily – and the south of Italy on a larger scale – and the Regno D'Italia, allowed a number of local families to gain increasing power on a community level (Catanzaro, 1992; Gambetta, 1993; Sciascia, 2013; Von Lampe, 2016). The redistribution of land and the increasing problem of banditry – which was already fairly organised and had a discrete amount of power – promoted a general state of moral panic over private security and protection of private property. These families thus established a business of private security to protect landowners and local farmers, to some extent serving as 'mediators'. Thus, it is not surprising to see how the Mafia primarily developed in those territories where state authority was weak and services were underdeveloped (Sciascia, 2013). This type of Mafia, namely agrarian Mafia, was different from banditry in the sense that it acquired an intermediary role between local communities and the central state (Santino, 1994). Yet, because banditry was still present and attacked landowners, the Mafia successfully exploited the demand for security and became apparent grantor of private protection (Franchetti and Sonnino, 1925).

#### *Premature law enforcement strategies*

As the problem became more widespread, a new law was proposed – the *Legge 3 Luglio 1875* (Law 3<sup>rd</sup> July 1875) – to enable the executive government to dispose of special enforcement techniques in Sicilian risky areas. This bill failed to recognise the associational component of this phenomenon (Turone, 2008). Rather, the Mafia was perceived as an evolution of common extortionate and violence for 'evil ends'. It was thus dissected into three categories: *delitti di sangue* (homicides), *malandrinnaggio nelle campagne* (rural banditry) and *associazioni di malfattori* (associations of scoundrels) (Lupo, 2009).

Yet, in 1893, the Mafia committed the first high-profile assassination, murdering the politician Emanuele Notarbartolo, hence ceasing to be an exclusively Sicilian problem and generating law enforcement concerns in the rest of the peninsula. However, this court proceeding acquired the characteristics of most Mafia trials – where evidence is deliberately concealed and sentences are systematically overturned – and the organisation remained unaffected (Lupo, 2009). A crucial historical moment in this sense is constituted by the Sangiorgi Report (1898-1900) which represented the first police report on the Mafia and contained the first official recognition of Mafia's organisational nature. This report led to a trial in 1901, where the first primitive cases of *pentiti* (informers) were recorded. Over half of the accused were officially sentenced but, again, the result of the proceeding was ineffective as many of them were released straight after (Paoli, 2003).

#### *Cosa Nostra between World War I and the rise of Mussolini*

After a brief period of agricultural and industrial development, the local harmony was disrupted by World War I. The war caused a widespread collapse in agricultural production and affected sulphur supplies (which constituted the source of public income in Sicily), as well as interfering with the precarious social cohesion achieved in the previous years. The Mafia grew exponentially due to the social unrest generated: Mafia bosses started to acquire the territories left unattended and became increasingly powerful due to the protection service they provided. Thus, a new generation of *picciotti* (literally, thugs) emerged, who promptly climbed the social hierarchy and understood the importance of having political connections. Indeed, they realised that corrupting politicians was more beneficial than openly fighting the State (Lupo, 2009).

This situation changed when the newly elected Benito Mussolini visited Sicily and appointed Cesare Mori as regional prefect launching, in 1925, a severe anti-Mafia campaign. This led to the so-called *Assedio di Gangi* (siege of Gangi) which caused the arrest of over 400 people believed to be associated with the Mafia. The operation terminated with a trial held in 1928, which resulted in the confinement of the convicts in the Ucciardone prison in Palermo (Duggan, 1986; Lupo, 2009; Von Lampe, 2016). This episode is believed to be the divide between the emergence of the primitive Mafia and the development of Cosa Nostra as we now know it, due to its labelling effect and the self-identification of the prisoners which resulted from it (Lupo, 2009; Von Lampe, 2016).

#### *World War II and the operation Husky*

In 1940 the *Ente Colonizzazione del Latifondo Siciliano* was established to force landowners to improve their techniques of production in accordance with the most recent developments. This institution found little support, prompting the birth of a separatist committee, the *Movimento per l'Indipendenza della Sicilia* (Movement for the Independence of Sicily), in an attempt to revolt to the Fascist regime. The committee, sustained by the absconding boss Calogero Vizzini, became chaperone and supporter of the landing of the Allies due to the tight connection amongst the US Intelligence, the American Mafia and the Sicilian Cosa Nostra. This cooperation resulted in the Operation Husky in 1943 and led to the appointment of the Mafia boss Vito Genovese as official interpreter of the chief of International Affairs of the AMGOT (American Military Government of Occupied Territory). This allegiance between the Mafia and the Allied forces contributed to a sort of normalisation of this phenomenon, which will affect the public perception of the issue for a long period after the war (Costanzo, 2006; Sciascia, 2013).

#### *The communist threat and the economic boom*

With the end of World War II, the Mafia's role vis-à-vis the government became crucial due to its anti-communist function during the Cold War (Dalla Chiesa, 2010). Profiting from the popular belief that Cosa Nostra had been successfully eradicated by the Fascist anti-Mafia campaign, the old agrarian Mafia adapted to recent social developments and was substituted by a new, more powerful, multi-sectoral Cosa Nostra. The economic boom – with the dismemberment of the existing latifundia (large estates), the increasing industrial development and the institution of the *Cassa per il Mezzogiorno* (which distributed state funds to the South for the first time) – facilitated this process. Cosa Nostra started taking over the construction industry and property speculation, as well as skilfully using its role in Italian politics to embezzle state funds. A further push in the evolution of Cosa Nostra came from a period of migration from Southern Italy to the North during the 1950s: indeed, the emigration was exploited by the Mafia to expand its business and gain power in Northern Italy (Portanova, Rossi and Stefanoni, 2011).

One of the major pinpoints in the history of Cosa Nostra took place in 1957. A summit between the head of Cosa Nostra and the boss of the American Mafia officially introduced Sicilian Mafiosi to international heroin trafficking, reinforcing the power of the organisation both locally and overseas. Cosa Nostra entered what will be later known as the French Connection: heroin coming from Turkey and Lebanon was collected by Cosa Nostra families to be manufactured and later sold all over Europe and in the USA (Gingeras, 2018). During the meeting, the decision was also made to create a coordinating body to mediate between bosses, regulate the decision-making process, reduce risks and maintain peace within Cosa

Nostra. Hence, the summit ratified the birth of the Cupola, or provincial Commission (Paoli, 2003; Dickie, 2007).

*Internal conflicts and the birth of the Anti-Mafia commission*

Despite the moderating function of the newly established Commission, the First Mafia War broke out in the 1960s due to the dissatisfaction within the ranks of Cosa Nostra with regards to the apparent increase in power in the hands of Palermo bosses. Additionally, the war was partially affected by the lack of recognition of the Cupola on behalf of some bosses. This conflict was characterised by multiple massacres. In 1963 a large shooting in Milan finally convinced the institutions of the existence of the Mafia, resulting in the creation of the Anti-Mafia Commission. The main outcome of the war was the arrangement of the first symbolically crucial trial against 113 Cosa Nostra members in 1964. It represented the first attempt on behalf of law enforcements to tackle the problem, but it was largely unsuccessful as only four Mafiosi were sentenced. The retaliations officially came to a conclusion with the Viale Lazio Massacre (1969) and the dismantlement of the Provincial Commission (Dickie, 2007).

After the end of the conflict, Cosa Nostra underwent a period of reorganisation; the ‘fundraising’ needed for the rearrangement of the organisation and the assistance of Mafia families hit by the 1964 trial was accomplished through the so-called *kidnappings season* throughout the 1970s (Arlacchi, 1992). In 1974 the Cupola was re-established and the Corleone family began its rise in the hierarchy of Cosa Nostra, becoming the most influential modern Mafia family. During this period, the Sicilian Mafia experienced widespread internal conflicts due to the ambition of the Corleone family, as well as due to clashing interests in international narco-trafficking. This discontent caused a series of victims within the organisation and eventually died out towards the end of the 1970s, when Cosa Nostra shifted its attention towards state institutions. Thus, a long season of *omicidi eccellenti* (illustrious murders) began, characterised by the killings of many state representatives, top officials and social activists. Over 15 people were murdered – many of which are now symbols of the fight against the Mafia – including the chief of the Anti-Mafia Pool Rocco Chinnici (Dickie, 2007; Lupo, 2009). This prompted the State to issue the first official anti-Mafia law, the 416 bis (Bjarnadottir, 2013).

*The pathway to the Maxi-Trial*

By the 1980s, the head of the Corleone family, Toto Riina, came to be considered as the *capo dei capi* (boss of all bosses) and the relationship between Cosa Nostra and other powers – such as the State – had been dramatically reworked (Bolzoni and D’Avanzo, 2007). The turning point in this scenario could be found in the arrest of Tommaso Buscetta in 1984. He was a prominent member of Cosa Nostra, who had fled to Brazil to escape a period of internal conflict and suffered the death of many relatives. At the time of his arrest, he was interviewed by the main anti-Mafia judge Giovanni Falcone who convinced him to cooperate with the police. Buscetta turned into an informer deciding to disclose the rules and methods of Cosa Nostra; the composition of the Cupola; the role of a number of bosses in the murders perpetrated throughout the 1970s and 1980s and the extent to which the Sicilian Mafia was diffused in the US, Russia and the rest of Europe (Stanley, 2000; Bjarnadottir, 2013). His revelations guided the investigations conducted by the Anti-Mafia Pool henceforth leading to the Maxi-Trial (1986-1987) which resulted in 342 sentences and the conviction of 19 Cosa Nostra bosses, although some managed to abscond (Dickie, 2007; Bjarnadottir, 2013). A second outcome was the extension of the 41-bis prison regime to Mafia affiliates (Bjarnadottir, 2013).

*The bombing season and the end of the Corleone reign*

The fall of the Berlin Wall rendered the role of Cosa Nostra even less certain as it invalidated its anti-communist function vis-à-vis the State (Dalla Chiesa, 2010). This event, together with the consequences of the Maxi-Trial, prompted a violent reaction on behalf of the bosses, who began the so-called bombing strategy. This retaliation included the 1992 bombings of Capaci and Via D'Amelio where anti-Mafia judges Giovanni Falcone and Paolo Borsellino were murdered. These deaths were so shocking and alarming that a number of anti-Mafia interventions were put in place (Bjarnadottir, 2013), receiving increasing funds and resources. The bombing strategy lasted approximately until 1994, terminating in the arrest of a number of absconding bosses (Bjarnadottir, 2013) such as the Corleone boss Toto Riina (Bolzoni and D'Avanzo, 2007).

*Submersion strategy and the Mafia-State negotiations*

The Mafia which emerged after this period of conflict and the arrest of these bosses is now largely referred to as Mafia of the Second Republic, which presents very different characteristics compared to the traditional Cosa Nostra. Techniques and methods of the organisation, in fact, experienced a period of modernisation in order to survive, including the reduction of violence and a strategy of silence – the so-called submersion strategy. The Mafia became invisible and the new boss, Bernardo Provenzano, adopted a new plan of action to re-establish a relationship with the Italian State. Abandoning the strategy of terror, a period of secret negotiation between Cosa Nostra and the State (Lodato, 1999; Bjarnadottir, 2013) began. This attempt had three main goals: to revert the sentences of the Maxi-Trial, to revise the legislation concerning informers (or *pentiti*) and to mitigate the conditions of the 41-bis prison regime (Lodato, 1999; Torrealta, 2010). The negotiation lasted approximately between the 1990s and the early 2000s, finally being discovered in 2007 thanks to the crucial testimony of one of the people involved. This generated numerous investigations which resulted in a trial beginning in 2013 (Torrealta, 2010).

*Back to the origins: recent arrests and the 'invisible' Mafia*

Concerning Cosa Nostra bosses, the last important arrests were finalised in 2006 and 2007 bringing about the capture of Bernardo Provenzano and Salvatore LoPiccolo, who was the designated successor of Provenzano. On a larger scale instead, the last crucial operations brought forward by the Anti-Mafia Pool was the Operazione Perseo (2008) which foiled an attempt on behalf of Cosa Nostra to reconstitute the Cupola and designate a new boss (Bjarnadottir, 2013). Another critical event in contemporary history of Cosa Nostra was the death of Totò Riina in 2017. Due to his relevance and power within the organisation, in fact, his departure prompted a severe reorganisation of the structure and power relations within Cosa Nostra itself. This however required a reunion of the remaining members of the organisation, which was promptly blocked by the Anti-Mafia Pool, which finalised a series of related arrests in the operation Cupola 2.0 (LoVoi, 2018).

At present, the new designated head of Cosa Nostra is believed to be Matteo Messina Denaro, who took on the role after the arrest of Provenzano and LoPiccolo (LaRepubblica, 2007). Yet, because Italian newspapers rarely report news about Mafia activity, it could be suggested that the Sicilian Mafia has disappeared, or was at least weakened, since the 2000s trials. However, experts and Anti-Mafia magistrates largely disagree with this version and have often stated that the new Cosa Nostra went back to its origins, taking on the aspect of the Mafia during the 1950s and 1960s (Sabella, 2009; Bjarnadottir, 2013).

## Chapter III: The Structure and Methods of Cosa Nostra

This chapter is going to focus on the structure and organisation of Cosa Nostra, along with its methods and rules. Although the structure and methods of the organisation have been contested by some scholars over time (see Arlacchi, 1983; Catanzaro, 1988; Gambetta, 1993), the information exposed in the chapter is based on the statements made by Mafia informers during the Maxi-Trial, which were considered the most reliable sources to explain the topic. The discussion will then move onto the intersecting characteristics between traditional Sicilian society and the organisation itself.

### *The micro-level of Cosa Nostra*

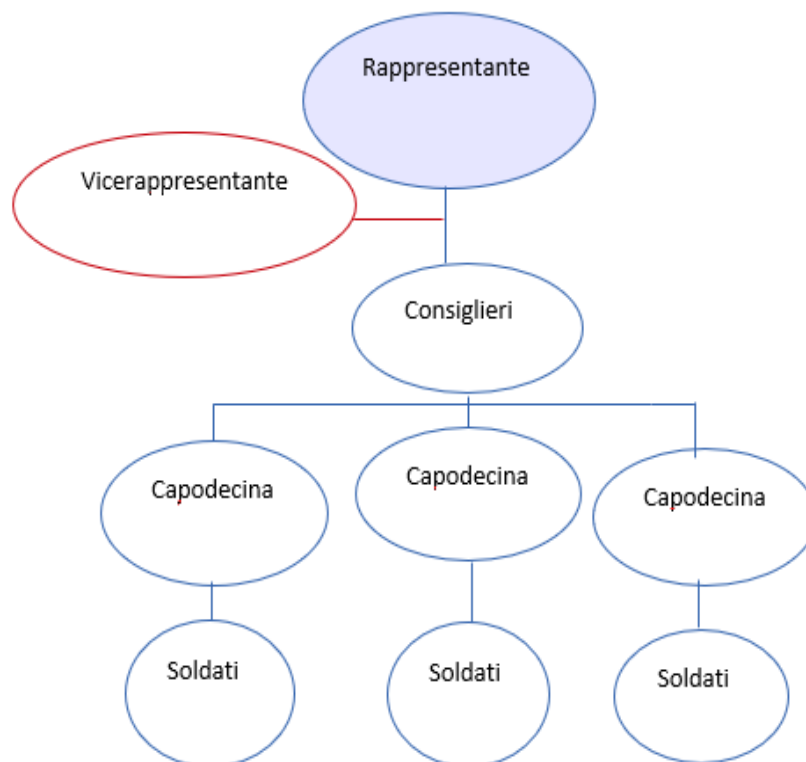


Figure 1.1 – The hierarchy of the **cosca**

Figure 1.1 shows the basic nucleus of the Sicilian Mafia: the *cosca*, or *famiglia* (family), which has power over a specific territory such as a town or a neighbourhood. It is controlled by the *rappresentante* (representative) who is the head of the family and is elected by the other members of the *cosca*. He is in turn advised and, sometimes, supervised by the *vicerappresentante* (underboss) – who is elected by the *rappresentante* – and by a number of *consiglieri* (chief advisors), whose number is variable and who are elected by the soldiers. Lower in the chain are the *capidecina*: each one of them, chosen by the *rappresentante*, has the task to control and coordinate a group of ten soldiers. At the bottom are the *soldati* (soldiers) who are the 'regular' men of honour – also called *picciotti* – and represent the executives of Cosa Nostra. Some of them are unknown to the authorities and unsuspected by the general public, thus serving as a link between the Mafia and the law-abiding society. Indeed, having no criminal record and maintaining the façade of honest citizens, they develop relationships with authority figures on behalf of Cosa Nostra in order to protect the

interests of the organisation. Moreover, it is often possible to identify a number of people, the so-called *affiliati* (affiliates), who have not yet been initiated but who have been selected to become members of the organisation. Each of them is supervised by a man of honour, who serves as a grantor within Cosa Nostra, while committing petty crimes on behalf of the organisation as a criminal type of training (Grasso, 2012; Bjarnadottir, 2013).

#### *The macro-level of the organisation*

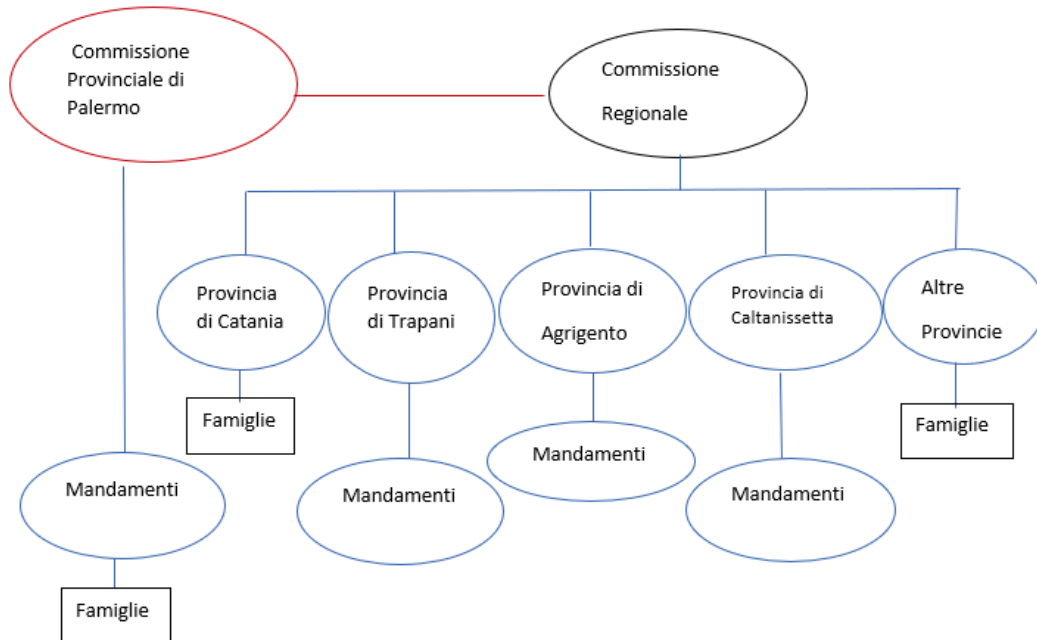


Figure 1.2 – The general hierarchy of **Cosa Nostra**

While these structures fluctuate over time, every Cosa Nostra family is (traditionally) a constituent of a wider structure. For organisational purposes, in fact, the Sicilian territory is divided into smaller sections, controlled by a family. These families are then gathered into larger groups called *mandamenti* (territory) made up of three or more families, geographically close to each other, and controlled by a *capomandamento* (territory boss) democratically elected by the families. The city of Palermo and the nearby territories are divided into several *mandamenti* which report to the *Commissione Provinciale di Palermo* (Provincial Commission of Palermo), or *Cupola*, which is constituted by a variable number of *capimandamento* and mediates amongst the families in Palermo and nearby areas. This commission is only present in the province of Palermo, whereas it is inexistent in other Sicilian provinces – which are simply formed by a number of *mandamenti*. The situation is analogous in the provinces of Agrigento, Trapani and Caltanissetta, whereas the other provinces are only constituted by 2 or 3 families (rendering the creation of a *mandamento* superfluous). Every province is then represented by a 'delegate' in the overarching organisational body, the *Commissione Regionale* (regional commission), which is presided by a *segretario* (secretary) and coordinates the actions of Cosa Nostra and mediates amongst the provinces (Catino, 1997; Moiraghi and Zolea, 2013).

The Commission was first created in 1957 and has often been dismantled and re-established since then. The Regional Commission in fact has not always been recognised within the organisation and its rules have periodically been infringed. Hence, the main and most

powerful ruling body is the Provincial Commission of Palermo, or *Cupola* (Catino, 1997; Moiraghi and Zolea, 2013).

This version has been confirmed by many former men of honor who turned informers during the 1980s and testified in the Maxi-Trial, such as Tommaso Buscetta and Antonio Calderone (Commissione Parlamentare Antimafia, 1992).

#### *Rituals and rules*

Cosa Nostra operates an extremely rigid selection when choosing its men of honour, who are often selected amongst family members or within a circle of trusted men (Bjarnadottir, 2013). They are also subject to a number of strict rules and procedures, beginning with the ritual of association: the so-called *punciuta* (Commissione Parlamentare Antimafia, 1992). During the ritual, the initiate is brought to a secluded place, in front of a commission composed of respected members of Cosa Nostra, and his finger is then punctured. The blood flowing from this puncture is directed over a holy card depicting the Virgin Mary – or another saint – which is then burnt. The initiate has to hold the holy card until it completely turns to ashes while pronouncing the oath to the organisation. This ritual allows the affiliate to secure an everlasting blood tie with Cosa Nostra, while the burning of the holy card symbolises the annihilation of anybody who would betray the organisation (Biagi, 1986; Buscetta, 1992; Dickie, 2004).

With regards to Cosa Nostra's regulations, it can be argued that the organisation was born as a fairly democratic system – despite its clear evolution towards a more totalitarian regime during Riina's 'reign' (Grasso, 2012) – characterised by a strong sense of belonging and focused on mutual protection and assistance. It operates on the basis of a strict code of silence and rigid rules of conduct, where non-compliance is faced with punitiveness (Gambetta, 1993; Paoli, 2003; Von Lampe, 2016). These norms however have been breached multiple times over the last 50 years: for instance, some bosses affiliated with Toto' Riina (and also Riina himself) transgressed the ban of violence against women and children. As outlined by Paoli (2003), Cosa Nostra effectively represents an alternative legal order in opposition to the authorized state – with which, however, it holds various similarities – whereby the rule is the principle of direct democracy and the epicentre is the family. Within this scenario, the boss is merely a representative of the family's interests and the organisation's activities are sustained through a system of taxation, the *pizzo*. Despite the high level of effectiveness of such system, the rules granting democracy and the minimization of power within the hands of few people have regularly been breached, such as during the apex of the Corleone family (headed by Toto' Riina who took complete control of Cosa Nostra in the 1980s) (Paoli, 2003).

#### *Cultural and traditional aspects: Sicily and Cosa Nostra juxtaposed*

Scholars have often underlined how the survival of the Sicilian Mafia throughout the centuries essentially relies on traditional local culture. The South of Italy, in fact, has historically preserved the memory of deprivation experienced in its relationship with the dominating and often predatory Italian state – especially in relation to the period of unification. This contributed to the development of a separate cultural heritage within the whole *Mezzogiorno*, Sicily in particular, where honour and trust represent the basic values and cooperation with the State is unauthorized. Hence, compliance with the central government is perceived as an act of treason and, additionally, infringements of norms regulating social relations (trust) and preserving social identity (honour) cannot be condoned (Cottino, 1999). The use of violence in such context is frequent enough, hence the



punishment for violating this code is often death. As Cottino (1999) proposes, the sharing of a common heritage within Sicily gives rise to the long-studied phenomenon of *omertà*: the widespread unwillingness of people to cooperate with the police or give testimony in Mafia related trials. This trait however is not only pertinent in relation to the culture of Cosa Nostra, but also to the Sicilian popular tradition, whereby there is a strong incitement 'to be blind, deaf and mute'. Exemplified by the typical Sicilian expression “*non vedo, non sento e non parlo*” (see no evil, hear no evil, speak no evil), it evidently symbolises a further tie between Cosa Nostra and the Sicilian culture (Giangrande, 2013).

Another explanation of this phenomenon has been developed in parallel with the analysis over the historical persistence of the Sicilian Mafia. The lack of a clash between tradition and modernity has been related to the idea that the Mafia effectively manipulated Sicilian traditional values to create an ideology that people could relate to, generating consent within the public and coherence within Cosa Nostra itself (Lupo, 1993).

This connection is even more evident if other factors are analysed (i.e. the key role that family, reliance on women and territorial identity play in both realities). Furthermore, religious identity is another crucial factor in such analysis: Sicilian communities have historically maintained a strong sense of religiosity which is also reflected within the Mafia culture. This is primarily displayed by the above analysed ritual of the *punciuta* and by the habit to exploit religious or spiritual symbols in the context of the organisation. Mafia members tend to participate very actively in religious functions and, in multiple instances, private chapels were discovered in the houses (or refuges) of Mafia bosses (Spinelli, 2014; RAI Storia, 2014; Esposito, 2018). Hence, it can be concluded that the Mafia is essentially rooted in Southern Italy due to the interdependence between communities and local Mafiosi and to the exploitation of traditional values on behalf of Cosa Nostra.

## Chapter IV: Recent Countermeasures

This chapter will focus on the last 40 years of Cosa Nostra's history to highlight the most effective countermeasures set up by the Italian state. It will also focus on the most recent anti-Mafia initiatives, developed mostly on a local level after the Maxi-Trial. Some key facts will be analysed to show how this critical event in the history of Cosa Nostra effectively changed the way the organisation itself operates or how it relates to the central state.

### *The revival of the anti-Mafia discourse*

During the 1960s, Sicily experienced a period of social changes which gave birth to the first primitive anti-Mafia initiatives on a territorial level. The general atmosphere of change, which led to the student movement in 1968 and the women's rights movements, originated anti-Mafia discourses. These small-scale initiatives were replaced by a larger anti-Mafia sentiment over the 1980s: these were very difficult years both for Sicily and for the organisation itself. This climate of intense violence prompted a shift in the anti-Mafia scene and resulted in the development of a mass movement, establishing associations and official groups based on a new sense of civic commitment (Bjarnadottir, 2013).

In 1982 however, Italy witnessed a second crucial event: the death of General Carlo Alberto Dalla Chiesa, the appointed prefect of Palermo notorious for his fight against terrorism. His murder was perceived as an attack against the State and prompted the birth of the Article 416 bis (Santino, 2000), which introduced the crime of '*Associazione a delinquere di stampo mafioso*' (mafia-type unlawful association). As such, this policy has to be credited as the first anti-Mafia law, as it assessed the constitution of the Mafia on a legal level and recognised the socio-cultural nature of such criminal organisation (Bjarnadottir, 2013; Grandi, 2016). It also resulted in the creation of the *Alto Commissariato*, a special policing body with unique and autonomous powers to investigate Mafia crimes and unlawful associations (also targeting public bodies and banks) (Bjarnadottir, 2013).

These years were characterised by strong organisational internal conflicts which affected the bond between some men of honour and Cosa Nostra, pushing some of them to cooperate with the police in the following years. For instance, as previously seen, Tommaso Buscetta was arrested in 1984 and decided to become a *pentito* (informer). He revealed the structure and modus operandi of Cosa Nostra, providing the anti-Mafia pool with the information needed to set up the so-called Maxi-Trial (Bjarnadottir, 2013).

### *The Maxi-Trial and its characteristics*

In order to better understand the events leading to such trial, however, it is important to operate a small digression to delineate the figures of Giovanni Falcone and Paolo Borsellino, who still represent the key figures of the anti-Mafia movement. They both dedicated their lives to the fight against the Mafia – similarly to their colleagues in the Anti-Mafia Pool – and they were able to inspire people to join the anti-Mafia movement all over Italy. Being Sicilians, they understood the mentality of locals and they were aware of the collusion of the State with Cosa Nostra (Jamieson, 2000). These may very likely be the reasons why they were able to convince numerous men of honour to cooperate in the investigations which ultimately led to the Maxi-Trial.

The Maxi-Trial took place in Palermo between 1986 and 1987, in an *aula-bunker* (a high security courtroom used primarily for Mafia trials) set up with bullet-proof glass and increased security for the magistrates near the Ucciardone prison. The total of men of honour

charged in the trial amounted to 1,400 and the trial was characterised by a series of difficulties, such as the recurrent absence of attorneys and a number of defendants pretending to be sick or pleading insanity (Archivio Antimafia, 2012). Nevertheless, the proceeding concluded with 342 people condemned representing the most effective Mafia trial in Italian history. Despite the fact that a number of men of honour managed to abscond. This event symbolically marked the end of the legal ‘immunity’ that the organisation had accumulated over the years (Bjarnadottir, 2013). The Court of appeal successively confirmed the outcome of the trial and officially defined Cosa Nostra as a unique and hierarchical criminal organisation. Ultimately however, only 60 out of 342 *Mafiosi* were incarcerated, as the others had already escaped (Dickie, 2007; Bjarnadottir, 2013).

### *Cosa Nostra's response to the Maxi-Trial*

Cosa Nostra harshly reacted to this event, organising a series of open attacks towards state figures. As such, Giovanni Falcone was killed with his wife and three police officers near the town of Capaci in 1992, through the detonation of a bomb placed underneath the Highway A29. Despite this event confirmed the risks that Borsellino faced in his daily life, he continued to operate diligently to fight Cosa Nostra. Unfortunately, he was murdered 57 days later by a car bomb, alongside five police officers, near his mother's house in Via D'Amelio, Palermo.



Figure 2.1 – Newspaper articles after the deaths of Falcone and Borsellino (Clinco, 2015)

The attacks deeply shocked most of the Italian peninsula, leading to a number of initiatives both on a state and civic level. The newly appointed magistrate Gian Carlo Caselli injected around 20,000 soldiers into Sicilian streets to safeguard sensitive spots – such as courtrooms, airports – and offer security to anti-Mafia magistrates. This project, known as *Vespri Siciliani* (Sicilian Vespers), lasted up to 1998 and led to the arrest of several absconding bosses, such as the boss of all bosses Toto' Riina and Leoluca Bagarella, the highest members of Cosa Nostra (Sabella, 2009; Bjarnadottir, 2013).

On a civic level, a widespread revival of the anti-Mafia sentiment took place and was evident in the so-called *rivolta dei lenzuoli* (literally, the revolt of sheets) when a protest movement

of locals prompted Sicilians to expose sheets and banners with anti-Mafia motto in the streets and outside their houses (Alajmo, 2015). This was possibly based on the rationale that, if one person alone could not fight Cosa Nostra, the whole street or neighbourhood had better chances to reach such goal through widespread protests.



Figure 2.2 – Popular Anti-Mafia banners (Galullo, 2017)  
 “You have not killed them: their ideas walk with our legs”

#### *The consequences of the 1980s*

One of the consequences of the biggest trial in the history of Cosa Nostra was the development in the phenomenon of *pentitismo*, which indicates the process whereby some men of honour decide to cooperate with the police (Bjarnadottir, 2013).

This was mainly due to the combination of three factors: firstly, internal conflicts during the 1980s and the ‘reign’ of Totò Riina had significantly changed the modus operandi of the organisation itself. Riina, changing the daily practices of Cosa Nostra, started breaching some of its basic principles, such as the prohibition of violence towards women and children. This led to the already mentioned internal causing some Mafiosi to lose their relatives. The feeling that even the bosses of Cosa Nostra were breaching traditional norms led a large number of men of honour to believe that they could breach the most important rule, that of silence, in order to save their lives (Stanley, 2000; Bjarnadottir, 2013). This was also confirmed by one of the first informers, Tommaso Buscetta, who stated that “Over the years, [he has] seen money, drugs and greed corrupt and destroy the cosa nostra code of honor and loyalty to the families” referring to himself not as “a pentito, [but as a] man who had to defend himself, and to do so had to tell the truth” (Stanley, 2000).

The second factor which affected this phenomenon, instead, was the presence of the magistrates Falcone and Borsellino. Due to their charismatic attitude and their deep understanding of the operation of Cosa Nostra, they succeeded in restoring the Mafiosi’s long-lost faith in the central Italian state – or, at least, in some state figures – thus strongly impacting the traditional value of *omertà*. This is even more evident in the testimony of Antonio Calderone – one of the men of honour who turned informers – who affirmed that he “cooperated with Falcone because he is an honourable man” (Falcone, 1991, p.17).

Finally, the last factor impacting on *pentitismo* was also the greatest consequence of the Maxi-Trial, the Article 41-bis. This Article was developed on the basis of the principle of punishment and reward. That is because it separates two categories of Mafia associates: those who are still linked to the organisation and those whose bond with Cosa Nostra has been effectively disrupted. As such, those people who cooperate with the police are believed to ‘prove’ the rupture of such bond (due to their breach of the code of silence) and are hence allowed to serve their sentence in accordance with the regular penitentiary system (Zunino, 2016). Conversely, men of honour who are ‘loyal’ to Cosa Nostra and refuse to become informers are subject to a system of imprisonment within prison, due to the highly incapacitating character of the Article 41-bis (which renders it the most punitive intervention on behalf of the state).

#### *41-bis prison regime and its characteristics*

The most significant response to Cosa Nostra’s bombing strategy was the extension of Article 41-bis to Mafia members, providing the institutions with the possibility of applying special rules and restrictions to the detention of all Mafiosi (Jamieson, 2000). The Article was first introduced in 1975 but it was only in relation to situations of emergency or revolt within the penitentiary institution. In 1992 – after the Capaci and Via D’Amelio massacres – it was extended to Mafia associates with the Anti-Mafia Law Martelli-Scotti, which allowed the Ministry of Justice to suspend the regular treatment provided by the penitentiary system in case the detainee was part of a Mafia-type association (Zunino, 2016).

Upon arrest, in fact, the detainee is transferred into a penitentiary – or a section of it – which is specifically devoted to the treatment of offenders who are under the 41-bis regime and logistically separated from the other sections of the prison. He is then taken into custody by a specialised unit of the Penitentiary Police and registered, undressed and deprived of his personal belongings, searched and assigned some standardized clothes and basic objects (for personal care). The detainee is subsequently visited by a doctor and (if requested) by a counsellor, to be then accompanied into a single cell containing a bed, a toilet, a sink and a small cupboard (Romice, 2017).

The rules concerning daily life within the prison are very strict: the detainee is allowed only two hours of outdoor time, assigned by the director of the penitentiary. Every movement within the institution is controlled and only allowed for a specific reason (i.e. family visit or meeting with a doctor/counsellor/educator), as well as constituting the opportunity for searching the detainee. The cell shall remain tidy and any electronic device, aside from a television, is banned. The detainee is not allowed to have pictures or posters, medications, wall clocks or more than one set of clean apparel within the cell, which is regularly searched (thus removing any semblance of privacy). The television is state property and is subject to censure (only certain channels are displayed) similarly to newspapers and personal letters, which are inspected and censored on a daily basis (Romice, 2017).

For what concerns contacts with the outside, family visits are only allowed once a month and do not involve physical contact. The detainees and his visitors are separated by a protective glass and every visit is short, as well as audio and video taped. Legal meetings were regulated by the same procedure, but their recurrence has recently been increased to allow the detainee his right to defence. Phone calls are only granted to the detainees who do not receive prison visits and are limited to ten minutes a month, under surveillance. Additionally, objects or gifts coming from the outside are strictly inspected and, in some

instances, prohibited (Romice, 2017). Detainees are not allowed to work outside the institution, cannot be assigned days of leave and are considered not suitable for early release.

As such, the institution becomes what Goffman (1961) defined a ‘total institution’ (Zunino, 2016), which is specifically designed to protect the community from intentional dangers and whereby the life spheres of sleep, play and work are carried out within the same space, with the same cohort of people and strictly regulated by an authority. These surveillance techniques and totalistic features are primarily put in place for the safety of the law-abiding community; the welfare of the institutionalised individuals is not considered to be a priority and is thus overlooked in favour of the benefit of the ‘free world’ (Goffman, 1961). The fundamental goal of Article 41-bis is the prevention of further illegal activities and thus aims at avoiding contacts between incarcerated bosses and free soldiers or family members, who may bring their criminal activity forward. The extremely punitive nature of this prison regime was also developed to serve as a deterrent so that the certainty of the punishment and the level of deprivation might push individuals to refrain from mafia-type activities or decide to cooperate (Zunino, 2016).

*Article 41-bis: between maximum security prison and criminal school*

A comprehensive analysis of the 41-bis prison regime requires the use of two criminological texts as a guidance: Sykes’ work (1958) on the pains of imprisonment within a maximum security prison and Sutherland’s differential association theory (1939).

On one hand, in fact, it is important to reiterate that – if the 41-bis prison regime is ‘correctly’ implemented – the application of such regime effectively reduces the rights of the detainee and it neglects the rehabilitative purpose of imprisonment (Zunino, 2016). The Italian constitution defines a set of rights that detainees maintain upon incarceration and which should not be violated (Ministero Della Giustizia, 2018). Amongst these, the right to maintain relations with the family and the right to education and work are systematically violated by the 41-bis through the substantial reduction of family visits, phone calls and prohibition to work. The right to education is also partially violated due to detainees’ limited access to the prison library and the lack of re-education projects. The violation to the right of defence has been mitigated in recent times, when the number of meetings permitted with the lawyer has been increased, but norms regulating these meetings should nevertheless be further revised.

More importantly, the right to silence has been essentially neglected by the principles of the 41-bis itself. Indeed, the 41-bis requires that the detainee proves the rupture of the associative bond with the organisation in order to avoid the strict rule of the maximum security regime. This process is oftentimes facilitated by the prisoner’s decision to cooperate with the police, thus undermining (or even violating) the right to silence. Additionally, some other rights – i.e. to vote, to health and to profess one’s own religion – can be said to be partially damaged by the general characteristics of the 41-bis prison regime itself.

Furthermore, it should be noted that further developments in such prison regime have been put in place. The 41-bis *area riservata* (restricted area) which is an administrative norm applicable to high-profile detainees – such as family bosses or members of the Cupola – dictates that prisoners can be kept in smaller cells, sometimes in the dark and that they are allowed less time outside the cell, which can be only done with another detainee (Favero, 2017). The reduced level of socialisation and increased deprivation violate another set of



rights, namely the right to have adequate space in the cell, to have at least 2 hours a day outside the cell and possibly also the right to health.

These concerns regarding the rights of prisoners could be brought back to Sykes' analysis on the pains of imprisonment where the deprivation of liberty causes frustration and depression. These could be mitigated in two ways: physical or psychological withdrawal. Due to the nature of maximum security prisons however, most prisoners fail in both types of sublimation and are thus faced with number of challenges. Firstly, the double deprivation of freedom caused by the confinement *to* and confinement *in* the institution; secondly, the material deprivation of a number of goods and services; and finally, the deprivation of autonomy due to their dependence upon the guards and the limited extent to which they can make independent decisions (Sykes, 1958). Within the 41-bis prison regime, these do not constitute part of the original punishment (i.e. imprisonment), nor are they dictated by the compliance of the individual with the guards, but are instead to be regarded as unjust and illegitimate means of worsening the psycho-physical condition of the detainee.

On the other hand, if the Article 41-bis is not implemented in accordance with its basic principles and norms, it presents a range of relatively neglected concerns. For instance, the proximity of numerous high-risk individuals may increase the likelihood of violence within the prison walls. This may represent a threat to both guards and prisoners, as well as representing a crucial problem when considering that many of these detainees come from rival Mafia families who may be seeking revenge (DeLisi, Berg and Hochstetler, 2006). This discussion may also be brought back to the issue on the emergence of prison gangs already witnessed in the United States (Fleisher and Decker, 2001).

Additionally, the detention of several men of honour within the same institution, without the correct implementation of seclusion norms, could offer some inmates the possibility to be 'educated' into being better Mafiosi. This eventuality can be put in context using Sutherland's association theory (1939), which rests upon the belief that "criminality is learned in interaction with others in a process of communication" both with regards to criminal actions and criminal motives (Cressey, 1955, p. 29). Hence, it can be hypothesised that if detainees are incorrectly separated or poorly controlled, the prison regime may constitute a valuable opportunity to learn Mafia-like criminal behaviour through the interaction and socialisation with older and more experienced inmates. As well as that, in relation to the *mens rea*, detainees may absorb a new set of motivations to strengthen their bond with the Mafia upon release through the acquisition of other men of honour's rationalization discourses and criminal narratives. Consequently, it may be asserted that the increase in the deprivations forced upon detainees in accordance with Article 41-bis are to be carefully implemented and may not necessarily represent the best solution to the problem posed by Cosa Nostra.

It has been asserted how, in light of the difficulties evidenced prior to the 1980s in dealing with this type of criminal associations, the 41-bis prison regime is a valuable and irreplaceable instrument (Zunino, 2016). However, it would be more proper to analyse this associative phenomenon by tackling Cosa Nostra and its mentality on a number of levels. An all-round approach, which acknowledges the collusion of the state, as well as the neglected needs of locals, may be twice as effective when compared to a prison regime which dangerously resembles torture, focusing on the risks and failing to recognise the needs of such cohort of prisoners.

### *Conclusions*

Summarising, it should be underlined that the Maxi-Trial still represents one of the pinpoints in anti-Mafia history as it represents the first recognition of Cosa Nostra on a judiciary level. This was the result of the introduction of a new law – Article 216 bis – prompted by the season of illustrious corpses, as well as by Buscetta's statements.

The figures of anti-Mafia magistrates Giovanni Falcone and Paolo Borsellino provided the first authentic response to Cosa Nostra since its birth, after the unification of Italy. Cosa Nostra however significantly changed its strategy in the late 1990s, through the strategy of submersion. As such, despite it has been recognised as a nation-wide problem in the years following the deaths of Falcone and Borsellino, the Mafia has progressively become more invisible and, consequently, anti-Mafia projects and policies have become weaker (Bjarnadottir, 2013).

The only anti-Mafia policy which appears to have maintained its original rationale – and has even been reinforced through additional amendments in 2002 and 2009 – is the 41-bis prison regime, which however focuses on deprivation and quasi-coercive techniques rather than on the needs of former men of honour. This arguably highlights the need for *actual* anti-Mafia projects which focus on addressing the Sicilians' needs which have been neglected by the State leading locals to perceive Cosa Nostra as a more appealing alternative to legality.



## Chapter V: Discussion

This chapter will focus on a socio-criminological explanation for the emergence of the Mafia in post-unification Italy and, subsequently, a theoretical hypothesis for the ultimate union of these families into Cosa Nostra as an organisation will be provided.

### *The labelling effect: from subculture to organisation*

As discussed, the phenomenon of the Sicilian Mafia in its initial stage developed after the unification of Italy, when a number of families filled the void of the interregnum and started providing private security to landowners. It has also been mentioned how this phenomenon developed at a faster pace in those areas where the state was rather absent and its services were weak (Sciascia, 2013). That is because the acceptance of this situation on behalf of locals was the symptom of the widespread reluctance to recognise the predatory, newly-formed state (Sciascia, 2013; Von Lampe, 2016). This can be supported using Wright's analysis (2006) of Cosa Nostra, whereby he states that the emergence of such phenomenon is attributed to the absence of a legitimate government which Cosa Nostra substituted. The families – constituting the primitive form of Sicilian Mafia – became an effective solution to enforcing contracts and settling feuds, where the central State was weak or even inexistent. He also states that organisations of *Mafiosi* like Cosa Nostra developed from “groups whose earlier goals were as much social and political as criminal” (Wright, 2006, p. 100) and became grantors of social order within the wider context of state inefficiency. This analysis proves that the origins of Cosa Nostra can be found in the lack of social order and authority of the legitimate government, but how did the Sicilian Mafia evolve into Cosa Nostra?

Following their initial development, the above-mentioned families were subject to the first real law enforcement operation to combat the phenomenon during the fascist era. In 1928 in fact around 400 people were confined in the Ucciardone prison in Palermo, as a result of Mussolini's large anti-Mafia campaign (Von Lampe, 2016; Lupo, 2009). This episode brought about the labelling of these people as ‘Mafiosi’ and a subsequent stigmatisation, which may have prompted the internalisation of this label on behalf of the confined individuals. Hence, using Tannenbaum's labelling (1938) theory as a framework, it can be asserted that this episode served as a symbolic watershed between the development of the phenomenon and the actual emergence of Cosa Nostra as a homogeneous criminal organisation.

Tannenbaum believed that as soon as a criminal is labelled as such – or a deviant individual is deemed an outsider (Becker, 1963) – the person internalises the label. This internalisation of the role that others attach onto him (or her) leads the person to engage in further and even more serious deviant or criminal behaviour (1938). This process may be connected to what Stanley Cohen named *folk devils* (1972). This term refers to a group of people blamed for various crimes and social problems within a specific society. These people come to be scapegoated by the wider society, due to their nature of outsider. As such, the creation of folk devils can be essentially seen as the creation of a negative label on behalf of those in power (such as the media or politicians) which is then attached onto a group of people in a process of public misrepresentation. As such, the misrepresentation of these people leads the general public to perceive them as the *bearers of evil*, to some extent. This however presents a crucial problem as labelling a group as deviant actually contributes to the creation – and unification – of the group itself, resulting in a subsequent rise in deviant behaviour. That is because, as discussed by Tannenbaum (1938), these people start to internalise the

label and self-identify with other labelled people. This process results in a further detachment from the law abiding community, pushing deviant people to cooperate and create deviant, or criminal, subcultures.

This process can be associated with the Mafia in the sense that Mussolini's campaign against Sicilian Mafiosi was characterised by the creation of a deviant label on behalf of the fascist dictator and his party, which was attached onto these families through the political discourse and media propaganda. For instance, during his visit to Sicily in 1924, Mussolini stated: "I declare that I will adopt all of the necessary measures to safeguard gentlemen from the felonies of criminals. It shall no longer be tolerated that a few hundred crooks overpower, impoverish, damage a magnificent population such as yours" (Passarello, 2003). The attempt on behalf of the Duce to initiate the process of *othering* against these families and to label them is evident. This propaganda became even tougher during the years leading to the process in 1928 as numerous 'suspects' were arrested and prosecuted. This however may be seen as an attempt to dispose of political opponent, given the wider reluctance of the locals to accept the regime (Reece, 1973).

The consequence of the trial in 1928 was the incarceration of the people arrested within the Ucciardone prison in Palermo. This event can be seen as the finalisation of the process of labelling and a further step in the disruption of the bond between the members of these families and the law abiding society. Upon incarceration in the Ucciardone prison, the convicts were unintendedly provided with an opportunity to self-identify with others, with whom they shared values and rules, possibly leading to the creation of Cosa Nostra. Hence, what was constructed to be a law enforcement operation to disrupt a deviant network could very likely be associated with the shift of the Sicilian Mafiosi from providers of private protection to members of a solid and homogeneous criminal organisation.

*Cultural aspects: the subculture of Cosa Nostra*

Labelling was surely not the only force at play in the emergence and unification of these families. This is because labelling might explain the reason why they were pulled together, but it does not account for the development of the culture of Cosa Nostra – and its detachment from the wider society. This analysis may be better initiated through Thrasher's idea (1927) that neighborhoods who find themselves in a stage of transition are fertile ground for the creation of gangs. These groups who fundamentally separate themselves from the wider society are initially generated spontaneously and they later "integrate through conflict" (Thrasher, 1927, p. 57).

The process that leads to the creation of such groups can be illustrated using Cloward and Ohlin's theory (1960) on the development of delinquent subcultures. They believed that individuals with frustrated aspirations tend to rapidly lose faith in, and support for, the system of norms and structure proper of the wider society. These people attempt to resolve this conflict through collective means – i.e. the formation of a deviant subgroup – and through the development of an alternative culture, the delinquent subculture. In relatively stable areas characterized by such conflict then, the subculture which arises is a criminal one whereby the delinquent adults become role models for younger people who learn criminal behavior through associating with these role models, internalizing their values and rules, and mirroring their actions (Cloward and Ohlin, 1960). The integration of these people into a cohesive subculture creates the *gang* defined by Thrasher (1927). He stated that:

*The result of this collective behavior is the development of tradition, unreflective internal structure, esprit the corps, solidarity, morale, group awareness, and attachments to a local territory (Thrasher, 1927, p.57)*

This can be easily applied to the Sicilian Mafia whose initial stage was characterized by the spontaneous emergence of deviant families in a transition area which, sharing hatred towards the law abiding society, would later form a cohesive group. These families, who perceive themselves as “devoted to good” (Lucarelli, 2008, p. 337), are recalcitrant to recognize the State and feel abandoned or betrayed. This is primarily due to two reasons: the lack of support that Sicily experienced in the initial period of the Regno D’Italia and the arrest and confinement of these families’ men of honour. At this point, they create the Mafia subculture to collectively resolve the tension, leading to the effective emergence of a deviant culture parallel to the traditional one. This solid system of beliefs and principles, originated from the process described by the subcultural theorists, rapidly developed throughout history to become part and parcel of traditional Sicilian culture.

## Chapter VI: Conclusions

Having brought forward a social and historical analysis of Cosa Nostra and having defined its organisational traits, the discussion will answer the research questions, with the support of the information gathered in the previous chapters. Finally, the chapter will provide a few recommendations for future research.

### *The problematisation of Cosa Nostra*

For what concerns the causes of Cosa Nostra's problematisation, the explanation can be found in the first Mafia murder of a politician. In 1893, when Emanuele Notarbartolo was assassinated, the Mafia ceased to be a Sicilian concern, leading other Italian regions to consider possible solutions to this problem (Dickie, 2007). This resulted in a problematisation of the Mafia on a wider scale as it started to be seen a criminal issue, rather than a simple instance of banditry or a failure of landowners to turn to the institutions for protection. The process was then finalised by Mafiosi's arrest on behalf of Mussolini's regime in 1928, when the Mafia was labelled, leading to the strengthening of the associational bond and aggravating of the issue on a legal level (Von Lampe, 2016; Lupo, 2009).

### *Sicilian Mafia: adaptive or stubborn*

Concerning the question on the degree of adaptiveness of the Mafia to socio-cultural changes in Italy, it must be reiterated that the initial inadequacy of law enforcement agencies to combat the phenomenon allowed the organisation to become progressively stronger and assimilate that corruption was a far more beneficial tactic compared to the open warfare technique (Lupo, 2009). This bond between Cosa Nostra and politics allowed the organisation to flourish and become normalised over a period of time (Costanzo, 2006; Sciascia, 2013; Dalla Chiesa, 2010). Later, Cosa Nostra shifted its modus operandi even further due to the power it had gained over the years and decided to combat the institutions directly. This however, resulted in the Maxi-Trial and the establishment of the 41-bis prison regime – prompting another shift in the modus operandi of the organisation (Bjarnadottir, 2013). Supporting the argument with Wright's analysis (2006), it can be asserted that the Sicilian Mafia witnessed a number of evolutions. Firstly, in size (from small families to organisation) and subsequently in motive (from agrarian and protection-driven to financial and profit-driven), in method (with multiple shifts between open violence and mediation with the state), in location (from local to national and from national to international) in system of command (from direct democracy to totalitarian regime) and also in its system of rules (from a strict code to a loose one). However, it can be noted that the years following the Maxi-Trial exposed the degree of rigidness of Cosa Nostra. This particular event was brought about by the inability of the Sicilian Mafia to find the balance of violence and mediation that was required to avoid repercussions on behalf of the State. Hence, Cosa Nostra was significantly weakened by the Maxi-Trial and the introduction of the 41-bis prison regime

It can be concluded that, originally, the Mafia was exceptionally adaptive and able to remain silent. However, the Maxi-Trial and the introduction of the 41-bis prison regime marked the end of such trend.

### *The total institution: 41-bis prison regime*

The third research question instead concerned the rationale behind the creation of the 41-bis prison regime. It should be underlined that the 41-bis prison regime resulted from the event

which symbolically marked the end of the ‘legal immunity’ that Cosa Nostra had gained over the years. As such, the 41-bis prison regime legally allows the Ministry of Justice to suspend the regular treatment provided by the penitentiary system and apply special restrictions to the detention of all Mafiosi (Zunino, 2016; Romice, 2017). It can be concluded that the 41-bis prison regime was generated from two basic rationales: firstly, this prison regime is based on the principle of punishment and reward and, secondly, is essentially a total institution (Goffman, 1961) with the basic purpose of protect the community from those considered at-risk individuals. As such, the regime forces a high level of deprivation upon the detainees, thus neglecting the rehabilitative ideal of prison and the welfare of those in custody.

#### *Is Cosa Nostra still active?*

This latter research question is instead more complicated to answer and requires a greater amount of research, as it is not possible to fully understand the extent of operation of an underground criminal organisation. However, the magistrate Alfonso Sabella recently stated that the Mafia is still active, contrarily to what some may argue. He believes that Cosa Nostra is now silent simply because it went ‘back to its origins’ and that this is the proof that the Mafia is too busy doing business (Sabella, 2009). It has been shown how the Sicilian Mafia generally becomes exponentially more violent against its members and the institutions at times when there is a lack of agreement amongst men of honour or when it suffered substantial losses. The silence of Cosa Nostra at present could hence be a sign that its power has not been threatened for a period of time. The alleged new Mafia boss Matteo Messina Denaro, in fact, has been absconding since 1993 and there have been few (if any) substantial law enforcement actions against Cosa Nostra since the late 1990s.

Hence, it is possible to claim that the Italian State is still struggling to combat the issue in an effective and uncorrupted manner (Bjarnadottir, 2013). Consequently, it can be assumed that the Mafia is still active and its role, both on a territorial and political level, is far from being damaged by anti-Mafia initiatives.

#### *The importance of this research and recommendations*

The present research has underlined how Cosa Nostra is still a pressing problem in Italian society and penology. The issue still remains central because policy maker, legislators and politicians still easily condemn those who believe that the Mafia is an appealing alternative to legality but fail to acknowledge that part of this same situation has been facilitated by the absence of state authority. The services provided by Cosa Nostra still remain the only services available in some areas. The lack of social and economic opportunities in those areas are still pushing people towards Cosa Nostra. If all of these factors are taken into account, the reason why representatives of government and state agencies believe that people should choose ‘legal’ unemployment and ‘law abiding’ insufficient services over criminal sources of income and illegal but efficient services is beyond comprehension. This social and political discourse is even more obscure if we consider that a number of politicians have been – and continue to be – charged with Mafia-related crimes (i.e. extortion and criminal association) (Calapà and Perniconi, 2012).

For what concerns further research, a number of recommendations must be made. Firstly, it is crucial that research takes into account the voices of *pentiti*. This will ensure that the topic is handled with first-hand reliable information, which will allow a deeper understanding of this confusing phenomenon. Indeed, incorporating experiences of former men of honour who cooperated after the Maxi-Trial will provide scholars in the field with more recent

information and a thorough understanding of the actual evolutions of Cosa Nostra after the introduction of the 41-bis prison regime.

Secondly, the information provided by people who have experienced the prison regime should comprehend both convicts and professionals (i.e. prison guards), so as to provide a correct application not solely based on its rationale and ideological characteristics. Indeed, the mere reliance on secondary data analysis and state sources may lead this research area to be limited and unbalanced. As stated by Windle and Silke (2019), academic research on organised crime tends to neglect the experiences of victims and offenders, thus significantly weakening this area. The need for more interviews and participant observation is hence necessary in order to provide a comprehensive analysis on the topic of organised crime in general and Mafias in particular.

Final, is the need to tackle the issue of Cosa Nostra both on a penal and on a preventive level. In terms of punishment, comprehensive approaches must be developed taking into account the role of traditional culture and the State in the emergence and survival of Cosa Nostra. The 41-bis prison regime surely represents a valuable instrument (Zunino, 2016); however, the social and associational nature of the organisation shall be used as a starting point for any policy directed at the disruption of the Mafia. On a preventive level instead, the importance of looking at the needs of locals, replacing the services provided by men of honour and amending the faults of the Italian State should be adopted as the three pinpoints of social and political programmes if the interconnection of traditional popular culture and Cosa Nostra's subculture and ideals is to be finally disrupted.

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