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Policies to Combat Organized Crime in Europe: The Italian Experience

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Abstract

Combating the expansion of criminal organizations has long been on the agenda of the European Union, but to date the steps towards the adoption of a common strategy have been timid. And this despite the European Union's request for alignment of the laws and regulations of the Member States. Intensive work commencing in 2012 eventually produced Directive 2014/42EU on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union, modelled on Law 109/1996 enacted by Italy. Another step in this direction was the approval in 2016 by the European Parliament of the report on the fight against corruption, which renews the Commission's request for criminal association to be made punishable and for the adoption of specific legislation on "a particular type of criminal organization whose members take advantage of the power of intimidation of the associative bond and of the condition of subjection and silence" (Article 416-bis of the Italian penal code), allowing "confiscation in the absence of definitive conviction." Harmonized legislation has yet to be adopted, however; in particular, there is no reference model for combating criminal organizations in economic terms or for the construction of barriers in civil society.[1] The Italian experience in the fight against mafia-style criminal organizations, based on the social reutilization of confiscated assets and the construction of an economy alternative to organized crime, could be a useful reference model for EU member countries in constructing a homogeneous European system for combating criminal gangs.

[1] On the harmonization theme, see Calderoni 2010.

1. Introduction

The penetration of the economic and social structure of European countries by criminal organizations is a problem that needs to be addressed at EU level in order to design interventions and uniform policies. In fact, the Europol 2018 report shows that in the 28 member countries some 5,000 criminal organizations are under observation, for one reason or another. Most are hierarchically structured; 76% have at least six members and seven out of ten of these organizations operate in more than one State. These are significant numbers, and their illegal activities, ranging from drugs to counterfeiting, produce about €110 billion yearly, equal to 1% of the Union's GDP (Savona et al., 2015). The largest are the Italian organizations (*'ndrangheta*, *cosanostra* and *camorra*), but over time the growth and expansion of the Russian-speaking and the Turkish mafia has been worrisome, as well as the rise of Albanian clans specialized in international drug trafficking. And according to the investigative authorities, the expansion of motorcycle gangs in northern Europe and of Vietnamese clans active mainly in Eastern European countries should not be underplayed.

The illicit activities of these organizations pollute almost all sectors of the legal economy, as they have long since developed sophisticated techniques of infiltration and money laundering to evade the controls of many countries.

The health emergency resulting from the global spread of the Covid-19 virus represents a great opportunity for criminal organizations to attack the public resources allocated to combat the epidemic and a source of potential production of illicit profits.

The growth of organized crime can be likened to that of viruses, and as Covid-19 is a cause for concern, so is the synergy that could arise from their coexistence: the mafia virus and Covid-19 may be mutually reinforcing and more easily contaminate vital sectors in the economy and society of the countries affected. According to authoritative observers, the mafias are already in action, with old and new alliances to make illicit profits by exploiting the state of emer-

gency. Situations of necessity and urgency can, in fact, "favour the infiltration of criminal organizations into the administrative systems, especially those related to the health sector" (DIA, 2019). Through apparently legal firms they can, as the first results of some police operations demonstrate, place on the market health and personal protective equipment that does not comply with regulations, or manage the disposal of special waste, generating enormous financial resources.

Such attacks on ordinary and extraordinary public resources for emergencies have always been carried out by criminal organizations as easy sources of enrichment, usually not requiring violence (Castiello, Mosca and Villani, 2020).

In fact, criminal penetration of the connective tissues of the economy and society is comparable to that of a virus that silently enters people's bodies and debilitates them. The experiences in the management of major disasters (earthquakes, floods, etc.) show that criminal organizations consciously await emergency situations to profit from them, taking advantage of any slackening in the procedures that guarantee the transparency and legality of fund allocation and resource transfers.

The health emergency and the flaws in the procedures for coping with it call for the development of more effective investigative techniques to intercept the mafias' attempts at penetration and to design law enforcement policies to disrupt and destroy them, preventing emergency situations from strengthening these organizations and further expanding their possibilities for enrichment (Castiello, Mosca and Villani, 2020).

Accordingly, it is essential for EU member countries to develop synergies in the battle against organized crime, with innovative investigative techniques, and homogeneous regulations and policies (Villani, Mosca and Castiello, 2019). The Italian experience has been adopted at European level, to the point that for a decade now the European Parliament has approved documents that suggest, in particular, instituting the crime of mafia association – as enshrined in

the key Article 416-bis[2] of the Italian penal code – to all Member States, and the possibility of confiscating unjustifiable assets even in the absence of definitive criminal conviction. These two provisions of law have contributed significantly to weakening the mafias in Italy and impeding their expansion at the national level. At European level, however, recommendations and directives have not yet produced the desired results, owing in part to the opposition of several member countries, despite requests from Europol and Eurojust.

The delay on the part of the European Union in adopting common policies allows criminal organizations to expand further and take root in countries where this phenomenon is not very well known. The infiltration strategies are different and vary over time and from country to country. It is well known that they now resort to acts of manifest violence only in special cases, preferring to keep a low profile to facilitate penetration of the economy and the society. In fact, whereas the strategy of some criminal organizations, namely those of Italy, is to maintain capillary control of the territory in their home country, elsewhere they mainly attack markets and subjugate the economy by controlling production and imposing the consumption of goods and services (Mosca and Villani, 2013).

The dimensions of these organizations, their ability to fit into the economic and social structure by conditioning the political-administrative functions, therefore requires devising strategies and tools to weaken, defeat and eventually eradicate them.

However, a complex phenomenon of this sort, characterized by the capacity for economic domination and even for becoming the

[2] Mafia-type criminal association is a type of crime envisaged by the Italian penal code, in Article 416-bis, introduced by Law 646/1982 as subsequently amended, for which "The association is of the mafia type when those who are part of it make use of the power of intimidation of the associative bond and the condition of subjugation and silence that derives from it to commit crimes, to take over directly or indirectly the management or in any case the control of economic activities, concessions, authorizations, contracts and public services or to achieve unfair profits or advantages for themselves or for others, or in order to prevent or hinder the free exercise of the vote or to procure votes for themselves or others on the occasion of electoral consultations" (Article 416-bis, paragraph 4, Law 646/1982).

dominant cultural model, conditioning the economy and civil life (lifestyle, behaviours, values, etc.), requires measures and interventions to break the social bonds that criminal organizations weave (Villani, Castiello and Mosca, 2019).

The Italian experience accumulated over the years in combating the mafias shows that they are not invincible when fought with more effective and efficient tools, through repressive actions, plus new forms of prevention to erode their consent and support in the society at large. This remains true even if the promoters of these strategies have often paid with their lives – Falcone, Borsellino, Livatino and countless other judges, law enforcement officers and ordinary citizens. Such consensus, as is well known, constitutes "the true strength of the mafias," the factor that more than any other guarantees their power. Only by depriving them of it can we really hope to defeat them.

In what follows we will highlight the strategic potential of an attack on the economic assets of organized crime and their social reutilization to engender an alternative economic model.

2. Social reutilization of confiscated assets. The Italian experience

Italy has developed policies to combat organized crime which enhance prevention to discourage people from choosing to engage in illegal activities. In particular, the social and institutional re-utilization of illicitly accumulated assets has taken on decisive importance: an immense endowment that has grown exponentially over time thanks to the repression of crime by the police and the judiciary through law enforcement operations.

The crucial opportunity is the social and institutional reutilization of confiscated assets, introduced by Law 109/1996 and implemented with a series of amendments and additions by Legislative Decree 159/2011, with specific management procedures according to the type of asset confiscated: real estate or business firms. In fact,

as we shall see, reutilization is effected in various ways according to their nature. The law provides for the direct social reutilization of confiscated real estate assets, indirect confiscation of business assets.[3]

Data released recently by the National Agency for the Administration and Assignment of Assets Seized and Confiscated from Organized Crime (*Agenzia Nazionale per l'amministrazione e la destinazione dei beni sequestrati e confiscati alla criminalità organizzata*. ANSBC), show that over 33,000 properties and 4,000 businesses have been confiscated in Italy. This wealth can be redirected to support healthy development paths in the territories where criminal organizations have long been dominant. The data also show that confiscated assets are found everywhere throughout Italy.

Most of this patrimony, however, has not yet found its way to reutilization, for reasons that often depend on complex administrative procedures, producing lengthy delays before assignment to the persons who apply. But the reuse of confiscated assets for social purposes also requires a substantial change in the values of the local population, often subservient to organized crime. The transformation of the "social capital" used by the mafias can be favoured by the activities of non-profit organizations that reuse the criminal assets for social purposes.

Analysing the recent experiences in this field serves to strengthen the models of social reuse by emulating the third sector organizations whose results are the most satisfactory and appreciable. The point is to support and disseminate social business models, not only in Italy but also in other EU member countries, that have proved capable of regenerating social bonds and therefore contributing to a metamorphosis of social capital that can be used to radically counteract the power of organized crime.

There is now broad agreement that organized crime must be combated with synergistic actions of repression and prevention. In

[3] Baldascino M. and Mosca M. (2012) are the first scholars to propose the possibility of the social reutilization of these illegal resources.

fact, the destruction of the mechanisms and the logic imposed by organized crime require the development of anti-crime policies complementary to the traditional ones, with the identification and institution of social alternatives in the territories where criminal organizations are rooted. This strategy could help to remove the social ties that mafias use to infiltrate not only economic activities but also the fabric of social relations.

It is therefore a question of developing additional tools to combat the activities of criminal organizations, to drain their lifeblood. The social and institutional reutilization of confiscated assets can be a useful tool, rebuilding social bonds and increasing trust in public institutions, thus also heightening the effectiveness of the other legal tools available.

Confiscated assets can contribute to the strengthening of the social economy[4] by triggering virtuous and healthy growth for those territories that have suffered the domination of organized crime and thus serve as an antidote to mafia domination. Assets confiscated and efficiently reused in models that exploit the potential of the social economy can, in fact, discourage illegal activity, neutralizing, destroying or reconverting the conduct that opposes civil life and respect for legality, creating new entrepreneurial activities.

3. The battle against criminal organizations

Scientific analysis of the *modus operandi* of mafia-type organizations shows that it consists in part in influencing or taking over, directly or indirectly, the management and control of economic activities, as well as influencing the activities of government. Their ability to infiltrate the social and productive sectors has grown over time thanks to the enormous financial resources accumulated

[4] See. Mosca M. and Musella M. (2013), who propose the social economy as an antidote to the criminal economy. See also Hansmann (1980) who discusses the role of non-profit organizations in society.

through criminal activities, often resorting to violence, to crimes against people and entire territories, which in many cases have been completely subjugated. As we will see further on, criminal organizations have grown disproportionately, even during times of crisis, heavily influencing the legitimate economy and continuing to accumulate resources. Their actions have spread not only in Italy but also abroad, showing considerable skill in acting in the framework of open economies. For this reason they represent a transnational problem that requires international cooperation in designing and adopting effective and efficient law enforcement tools to complement the traditional tools of repression used by the judiciary and the police forces. Over the years, criminal gangs have extended their tentacles to multiple economic and productive activities, distorting and conditioning the functioning of the markets.

Investigations by the police and the judiciary have revealed that criminal organizations act as "economic subjects on the markets, distorting their operating mechanisms, through the use of the enormous economic and financial resources procured through multiple illicit activities – from drug trafficking to smuggling, from real estate speculation to public procurement, racketeering and usury – also carried out beyond national borders, and often in synergy with foreign criminal groups."[5]

The analysis of the operations of criminal organizations has made it possible to devise more effective tools for repression and prevention to protect the economy and the free operation of enterprises, as well as individual freedoms. The key concept is permanently depriving the criminal organizations of the assets accumulated illicitly. This can help generate healthy development by increasing people's capabilities (Sen, 2001).

[5] Italian Parliamentary Commission of Inquiry into the phenomenon of Mafia and similar organized crime. Report on the state of implementation of the legislation and application practices regarding the seizure, confiscation and assignment of assets of organized crime. 17 November 2007, p. 3.

4. Strategies based on the reconversion of social capital

The experience gained by Italy over the years has made it possible to develop effective tools of prevention and repression that have been imitated by other countries in Europe and internationally.[6] These actions have increased and improved thanks to the introduction and strengthening, within the Italian legal system, of the measures for attacking illegally accumulated assets.[7]

The strategy unfolds essentially in two phases: first the attack on the illicit assets, with investigation to identify, seize and confiscate illicit wealth; and second, the reassignment of the confiscated goods and assets for social and institutional purposes.[8]

The principle of social and institutional reuse rests on the awareness that the State, by restoring these assets to the community, can strengthen the trust that feeds the relationships between institutions and citizens.[9] The action of criminals is therefore thwarted thanks to this tool, which discourages criminal behaviour by demonstrating the State's power to regain possession of the resources stolen from

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[6] Among these, there are the Patrimonial Prevention Measures (Title II of Legislative Decree 159 of 6 September 2011, the so-called Anti-Mafia Code), which provide for the seizure and confiscation of assets whose legitimate origin has not been demonstrated directly or indirectly by persons suspected of membership in a mafia-type association. These measures, aimed at avoiding the commission of crimes by subjects considered socially dangerous, are therefore applied regardless of the commission of a previous crime, hence their definition as *ante delictum* or *praeter delictum* measures.

[7] On this point, see Book I and II of the "Code of anti-mafia laws and preventive measures" (the Anti-Mafia Code), approved with Legislative Decree 159 of 6 September 2011.

[8] These are movable property (sums of money, government bonds, personal credits, jewelry, etc.), registered movable property (cars, motorcycles, boats, aircraft, etc.), real estate (villas, apartments, rural buildings, premises, land, etc.) and business assets (company shares, capital quotas, factories, industrial plants, production plants, commercial activities, etc.).

[9] This is a perspective of great democratic significance, indicated for the first time in Italy by Law 109 of 7 March 1996, a law that, on the international scene, is unique and constitutes a reference model for the European Community in the fight against criminal organizations. The law was approved thanks to a popular initiative promoted by the organization "Libera. Associations, names and numbers against the mafias", which collected more than a million signatures.

the community. The assets taken away from the mafias constitute a precious resource for the local community, an opportunity for development that can sustain social and economic growth, guided by respect for the rules of civil life and law.[10] The literature has also highlighted the possibility of building an alternative, i.e. a social economy with particular characteristics that can serve as antidote to the criminal economy (Mosca and Musella 2013).

5. Mafia social capital

As is observed above, criminal organizations act in a complex way, exploiting the resources available to them, expropriating local people and communities. Although they do at times resort to force and violence, more often they act silently, disguising themselves as neutral subjects who build social consensus. Their considerable networking capability enables them to be reference subjects to turn to for various reasons.[11]

To defeat this type of criminal organization, a combination of repressive with preventive strategies and interventions is needed, capable of attacking, weakening, destroying and reconverting the mafias' "social capital". Compared to "pure" social capital, this is the network of relationships that allows the criminal association to engage in a "fruitful dialogue with the economic and social environment in which it operates, taking further advantage of its position of intrinsic strength and assuming the false role of a common market operator."[12] Intervention with respect to this "mafia social capital" can result in reallocation, capable of promoting the substantial free-

[10] To impart additional impetus to the reuse of confiscated assets and improve the efficiency of their management, Italy instituted the National Agency for the Administration and Management of Assets Seized and Confiscated from Organized Crime (ANBSC), which guarantees a central role and the effective administration and assignment of the assets seized and confiscated, also through a stable connection with the judicial authority and the administrations concerned.
[11] Requests for protection, support for economic activities, etc.
[12] Sciarrone R., 2011.

dom of people and the pursuit of the general interests of a democratic community.[13]

At this point we can see why it is essential to plan, implement and support processes of empowerment[14] and territorial development, using social capital as a specific resource. Communities with a high endowment of healthy social capital are more observant of democratic rules, civil conduct and the proper functioning of public institutions. These paths necessarily require the involvement of public and private local actors, enhancing their leadership and prompting networking action through the activation of voluntary, mutualistic and innovative relationships with common social objectives. A network approach can develop stronger and more effective collaboration and better combine the resources and skills at the basis of processes of development of local well-being free from the mafia yoke.

These paths are the prerequisite for ensuring that the policies to combat organized crime and restore the illegally expropriated assets to the community for reuse for social and institutional purposes are effective and efficient. The context in which these policies, which are preventive in nature, are best implemented is that of the social economy, in the light of the numerous experiences in this field since the adoption of Law 109/1996. This is a different form of economic activity that represents an effective strategy for the reallocation of social capital in local communities. It depends on painstaking work on the part of a series of stakeholders, public and private, who enhance their mutual skills and professionalism with a network approach.

The Italian experience with the social reutilization of confiscated assets has produced interesting achievements, creating forms of resistance to the penetration of the economy and society by criminal

[13] See Baldascino M. and Mosca M. (2012).

[14] Empowerment is a process of social action through which people, organizations and communities acquire competence over their lives, in order to change their social and political environment to improve equity and quality of life. On the subject, cf. Wallerstein N. (2006), Zimmerman M.A. (2000), Rappaport J. (1984).

organizations, and could constitute the reference model for those European countries where organized crime seems to be consolidating its presence.

6. The amount of confiscated assets in Italy

In order to understand the value of anti-mafia policies based on the social and institutional reuse of confiscated assets, let us try to quantify the phenomenon. The data for Italy show that the amount of properties and businesses confiscated has grown over time. This stock of resources must be measured if we are to gauge the potential. Figure 1 offers a detailed picture of the number and territorial distribution of the assets. The criminal gangs employ illicit resources throughout the national territory and have demonstrated considerable entrepreneurial ability. A deeper analysis of the data shows that the assets are more massively concentrated in the southern regions.

Table 1 reports the data on confiscated assets in 2010 and 2020, showing a considerable increase in the total stock. In 2010, the properties definitively confiscated numbered 9,857, of which 82% were in the four southern regions (45% in Sicily, 15% in Calabria, 14% in Campania and 8% in Puglia) that historically have the most substantial presence of organized crime. In 2020, as noted, the amount confiscated was considerably greater. Real estate properties now numbered 33,737, 74% of them in the same four regions.

But the data clearly show that confiscations are not limited exclusively to southern Italy. In the North the most substantial presence of confiscated properties is in the region of Lombardy, and its share of the total edged up from under 8% in 2010 to almost 9% in 2020. The other northern regions with significant seized real estate assets are Piedmont (2.4%) and Emilia-Romagna and Veneto, both about 2% of the total in 2020. These data can be read as indicators of the choices of criminal organizations, which during the decade turned to other areas of the country.

The data show that criminal organizations have accumulated il-

Table 1
The number of confiscated assets in Italy

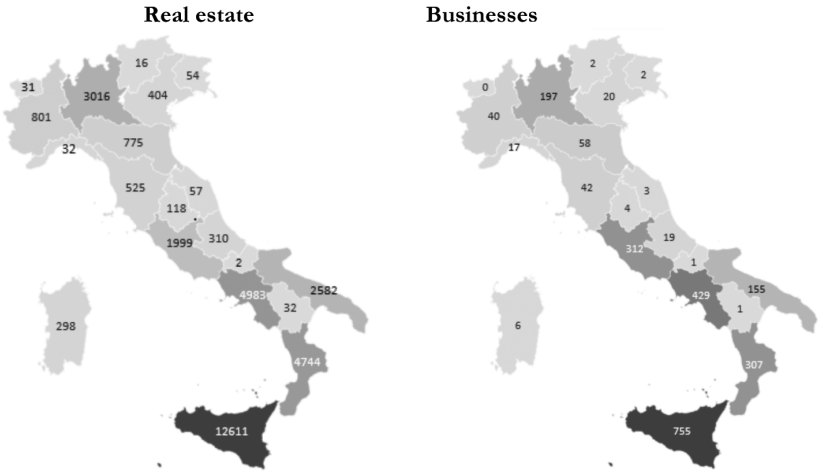
	dic-10				apr-20			
	Real estate		Firms		Real estate		Firms	
	V.A.	%	V.A.	%	V.A.	%	V.A.	%
Abruzzo	44	0.45	0	0	310	0.9	19	0.8
Basilicata	11	0.11	3	0.22	32	0.1	1	0.0
Calabria	1,443	14.64	113	8.21	4,744	14.1	307	13.0
Campania	1,417	14.38	270	19.61	4,983	14.8	429	18.1
Emilia-Romagna	83	0.84	24	1.74	775	2.3	58	2.4
Friuli-Venezia Giulia	18	0.18	1	0.07	54	0.2	2	0.1
Lazio	399	4.05	111	8.06	1,999	5.9	312	13.2
Liguria	32	0.32	7	0.51	370	1.1	17	0.7
Lombardy	767	7.78	196	14.23	3,016	8.9	197	8.3
Marche	10	0.1	3	0.22	57	0.2	3	0.1
Molise	2	0.02	0	0	11	0.0	1	0.0
Piedmont	123	1.25	12	0.87	801	2.4	40	1.7
Puglia	820	8.32	102	7.41	2,582	7.7	155	6.5
Sardinia	86	0.87	3	0.22	298	0.9	6	0.3
Sicily	4,466	45.31	517	37.55	12,611	37.4	755	31.9
Tuscany	40	0.41	10	0.73	525	1.6	42	1.8
Trentino-Alto Adige	16	0.16	0	0	16	0.0	2	0.1
Umbria	0	0	1	0.07	118	0.3	4	0.2
Valle d'Aosta	0	0	0	0	31	0.1	0	0.0
Veneto	80	0.81	4	0.29	404	1.2	20	0.8
	9,857	100	1,377	100	3,3737	100.0	2,370	100.0

SOURCE: Based on ANBSC data.

licit wealth in real estate especially in the regions where they have traditionally been present, demonstrating their strategy of using material goods as symbols to exhibit power to impose their criminal "yoke."

As to firms, the number confiscated came to 1,377 in 2010, 72% located in the four main southern regions. But confiscations occurred in sixteen of Italy's twenty regions, the sole exceptions being Valle D'Aosta, Trentino-Alto Adige, Abruzzo and Molise. The number

FIGURE 1
Territorial distribution of confiscated assets



SOURCE: Based on ANBSC data.

was substantial in 2020 as well, at 2,370. Of these, 69% were located in the four southern regions. Like the data on real estate, these too can be read as indicators of the "entrepreneurial" choices of criminal organizations, which in the course of the decade turned to other areas of the country.

The table makes it clear that the northern regions now represent attractive territories for the business activities of organized crime. That is, criminal organizations have shown their ability to set up, take over or co-manage businesses in territories that have historically represented the productive engine of the country, the prime locus of wealth creation and Italian economic development.

The 2020 data show, in particular, an endowment of confiscated firms in Lombardy equal to about 8% of the total; this puts the region third behind Sicily (32%) and Campania (18%) and confirms the expansion strategy of the criminal organizations uncovered by judicial investigations, namely that starting in the 1970s, they have chosen to employ substantial amounts of capital in the territories of Northern

Italy, especially Lombardy and Emilia-Romagna, but recently also Valle d'Aosta and Trentino-Alto Adige. In various regions, such as Lombardy and Veneto, the pervasive action of organized crime has also affected the political sphere, managing to influence administrative activity and reproducing the sort of criminal power traditionally rooted in the South. In fact, according to the latest report of the Parliamentary Commission of Inquiry, "In Trentino-Alto Adige, while not showing roots of mafia organizations, subjects contiguous to criminal groups and inserted in the new socio-economic context have been identified, operating directly or through nominees and investing resources of illicit origin." The report explains that "in this regard, one can report the presence of mafia affiliates who guarantee support to fugitives abroad and also use the territory as a place of transit for their illegal activities". The Commission also highlights the strategy used by the criminal clans to infiltrate the territory: "Criminal groups, particularly the 'ndrangheta, keep a low profile in order not to attract attention and to invest capital. People connected with the gangs are perpetrators of economic and financial crimes, such as fraudulent bankruptcy in the construction industry and the exploitation of porphyry quarries, frauds and illegal exploitation of labor."[15]

Table 2 shows the legal forms of the confiscated firms; the most common form is the joint stock company (61%), followed by sole proprietorships (23%) and partnerships (15%); other forms make up 1%.

Table 2
Legal form of confiscated firms

	V.A.	%
Join stock company	1,470	61
Sole proprietorship	541	23
Partnership	357	15
Other	2	1
Total	1,368	100

SOURCE: Based on ANSBC data, April 2020.

[15] "Parliamentary commission of inquiry into the phenomenon of mafias and other criminal associations, including foreign ones" of the Seventeenth Legislature. Concluding Report, no. 38, 7 February 2018.

Table 3 shows that about half of the confiscated firms (44.6%) are engaged in the construction sector (23.5%) and in the wholesale-retail trade, vehicle repairs, personal goods and home sectors (21.1%). In third place are the firms belonging to the hotel and restaurant sector (8.4%). Finally, 7.2% of businesses confiscated are engaged in real estate, 7% in manufacturing and less than 1% in health and social assistance.

TABLE 3
Confiscated firms by sector of activity

	V.A.	%
Agriculture, forestry, fishing	108	4.6
Extraction of minerals from quarries and mines	13	0.5
Manufacturing activity	167	7.0
Supply of electricity, gas, steam and air...	34	1.4
Supply of water; sewer networks...	24	1.0
Buildings	556	23.5
Wholesale and retail trade...	501	21.1
Transport, warehousing	131	5.5
Lodging and catering services	199	8.4
Information and communication services	25	1.1
Financial and insurance activities	39	1.6
Real estate activities	170	7.2
Professional, scientific and technical activities	41	1.7
Rental, travel agencies...	94	4.0
Instruction	3	0.1
Health and social assistance	17	0.7
Artistic, sporting activities...	94	4.0
Other service activities	39	1.6
Other	115	4.9
Total	2,370	100.0

SOURCE: Based on ANSBC data, April 2020.

According to the ANSBC's study of the value of the confiscated firms in 2010,[16] these assets amounted to some €362 million. Adding firms subject to seizure but not yet confiscated, the data of the Chambers of Commerce show a total of 17,838 firms employing nearly 250,000 workers and producing value of €21.7 billion. This is an enormous amount of resources that demands efficient management if these firms are to be revitalized to produce well-being for the community.

The data clearly indicate the great potential of social reutilization of assets confiscated from organized crime; the extension of the Italian model to other Member States would make it possible to repossess illegal resources which, converted for social purposes, could sustain economic development based on sociality and solidarity, on the dissemination of sound civic values, the consolidation of democracy and the state of law, as well as the respect for human rights and fundamental freedoms, as enshrined in the Treaty on European Union.

7. Conclusions

The reuse of confiscated assets represents an important tool for combating organized crime. These assets can trigger healthy development, because they are able to support an economic alternative to the situation in which the mafias feed on social production and wealth. The new economy potentially generated by their reuse can act on the choices of criminals, favouring prosocial behaviour and spreading the idea that government action against crime is strong and effective, that the gangs are not invincible. Assets confiscated from organized crime are strategic resources that must be restored to the community from which they have been stolen; they constitute an opportunity for development and can be used in projects of social economy.

[16] This is an undiscounted estimate of the value of real estate managed by the Agency. See ANSBC, cit. p. 62.

The social economy sustained by such confiscated assets can therefore give rise to a new kind of entrepreneurship, to foster development free from the yoke of criminal organizations. This is a program for transforming "mafia" social capital into true social capital.

The social entrepreneurship exploiting confiscated assets in recent years shows that it is possible to combat the mafia-style organizations by converting the social capital they use. The networks of institutions and ordinary citizens that the social economy has helped to create in the local territory represent powerful barriers to the expansion of organized crime and make it harder for citizens to be subjugated. This process must be accompanied and assisted in all its phases, owing precisely to the highly innovative character it assumes in the local territories in which it takes root. This permits the creation of a model that can serve as reference model for other European countries. The Italian experience has shown that the social economy can be highly effective in combating organized crime. It provides for a diverse allocation of social capital, promoting individual freedoms, transforming cultural values in territories subjugated by criminal organizations, and narrowing the gap between the supply and the demand for the confiscated assets.

References

Baldascino M., Mosca M. (2012), "La gestione dei beni confiscati: un'occasione perduta per le imprese sociali?", in Venturi P. and Zandonai F. (eds.), *L'impresa sociale in Italia. Pluralità dei modelli e contributo alla ripresa*, Altreconomia, pp. 213-236.

Calderoni F. (2010), *Organized Crime Legislation in the European Union: Harmonization and Approximation of Criminal Law, National Legislations and the EU Framework Decision on the Fight Against Organized Crime*, Springer.

Castiello M., Mosca M., Villani S. (2020), *Economia del crimine organizzato e politiche di contrasto*, Giappichelli.

Dia (2019), *Relazione semestrale 2019*, Direzione Investigativa Antimafia.

Europol (2018), *Serious and organised crime threat assessment (SOCTA), Identifying the priorities in the fight against major crime*.

Hansmann H.B. (1980), "The Role of Nonprofit Enterprise", in *Yale Law Journal*, 89, pp. 835-901.

Mosca M., Musella M. (2013), "L'Economia Sociale come Antidoto all'Economia Criminale", in *Rassegna Economica, Rivista Internazionale di Economia e Territorio*, No. 1, p. 97-108.

Mosca M., Villani S. (2013), "Reuse for Social Aims of Illegal Assets and the Competition Policy. A New Network Strategy to Defeat Organized Crime", in *Polish International Yearbook of Law & Economics*.

– (2010), "L'impresa sociale ed il riutilizzo a fini sociali dei beni confiscati: verso un nuovo modello di sviluppo del Mezzogiorno fondato sul capitale sociale e sul territorio", in *Impresa sociale*, No. 3, Vol. 79. pp. 33-50.

Savona E.U., Riccardi M. (2015). *From illegal markets to legitimate businesses: the portfolio of organised crime in Europe. Final Report of Project OCP - Organised Crime Portfolio*, www. ocportfolio.eu, Trento: Transcrime - Università degli Studi di Trento.

Sciarrone R. (2011), *Alleanze nell'ombra. Mafie ed economie locali in Sicilia e nel Mezzogiorno*, Fondazione Res.

Sen A. (2001), *Lo sviluppo è libertà, perché non c'è crescita senza democrazia*, Economia Oscar saggi Mondatori, Milan.

Villani S., Mosca M., Castiello M. (2019), "A Virtuous Combination of Structural and Skill Analysis to Defeat Organized Crime," in *Socio-Economic Planning Sciences*, 65, pp. 51-65.