

3

What is Organised Crime?

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I. Introduction

What are we to understand by organised crime? This is *the* question that is addressed in this volume, and that I asked myself back in 2010, when I edited a collection of essays on organised crime.¹ The concept has a chequered history: over the past hundred years, it has been used to refer to diverse phenomena often with overly political and partisan intentions, leaving readers unsure as to what it means. New constructs have emerged vying for attention, stealing some of its attributes and indirectly suggesting that the old one is obsolete. Thus, organised crime has fallen into disrepute among a number of scholars. American criminologist Dwight C Smith as early as 1971 suggested that it is ‘a concept so overburdened with stereotyped imagery that it cannot meet the basic requirements of a definition—it does not include all the phenomena that are relevant; it does not exclude all the phenomena that are not relevant.’² The aspiration of these remarks is to outline the evolution of the concept over the past century and sketch a viable definition of organised crime that does not overlap with other constructs such as ‘illegal (or illicit) enterprise’ and ‘criminal network’ and is capable of generating

¹ This chapter is a slightly modified and updated version of F Varese, ‘What is Organized Crime?’ in F Varese (ed), *Organized Crime: Critical Concepts in Criminology* (London, Routledge, 2010) vol I, 11–33. I am grateful to the publisher for allowing me to reprint the text. Since its publication, I have received helpful comments from Dwight C Smith.

² D C Smith, ‘Some Things that may be More Important to Understand about Organized Crime than Cosa Nostra’ (1971) 24(1) *University of Florida Law Review* 1, 10. Scholars who have rejected the possibility of producing a viable definition include K von Lampe, ‘Not a Process of Enlightenment: The Conceptual History of Organized Crime in Germany and the United States of America’ (2001) 1(2) *Forum on Crime and Society* 99, 113; M Levi, ‘Perspectives on “Organised Crime”: An Overview’ (1998) 37(4) *The Howard Journal* 335; P C van Duyne, *Organized Crime in Europe* (New York, Commack, 1996) 53. See also K von Lampe, ‘The Interdisciplinary Dimensions of the Study of Organized Crime’ (2006) 9(3) *Trends in Organized Crime* 77, 80 and K von Lampe, ‘The Study of Organized Crime: An Assessment of the State of Affairs’ in K Ingvaldsen and V Lundgren Sørli (eds), *Organised Crime: Norms, Markets, Regulation and Research* (Oslo, Unipub, 2009).

hypotheses and empirical predictions. The essay is organised as follows. Section II charts the evolution of the definition of organised crime over the past hundred years drawing upon a content analysis of 115 definitions used in the period 1915–2009 in a variety of academic and official documents. It focuses on two aspects of organised crime definitions, namely structure and activities. Section III offers some critical remarks on selected aspects of the evolution of the concept. Section IV suggests a tentative definition of organised crime. Section V concludes.

II. Content Analysis of 115 Definitions of Organised Crime

How has organised crime been defined in the past hundred years? The first systematic content analysis of definitions was conducted by Hagan in a paper published in 1983. The 13 definitions under analysis originated from American sources in the period 1969–81, all but one from academic writers. The picture that emerges from Hagan's review is one of consensus and convergence on a coherent designation, namely that organised crime involves the pursuit of profit through illegal activities by an organised hierarchy that shows continuity over time (11 out of 13 definitions). Among the *means* discussed, the use of violence (n=10) and corruption (n=10) are the most recurrent. The study is based on a very small sample of definitions and is now in need of an update. Also, the categories chosen by Hagan collapse diverse dimensions and give the misleading impression that scholars agree on a basic set of elements. For instance, one item coded by Hagan is 'organized continuing hierarchy' which covers most authors in the sample. However, such a construct is too wide, combining authors who thought that organised crime should be understood as a monolithic and highly regulated rational bureaucracy with those who referred to organised crime as an entity that displays only some signs of 'continuity'.

In order to update and extend Hagan's review, I have conducted a content analysis of 115 definitions of organised crime used from 1915 to 2009. The main source is the list compiled by Klaus von Lampe and freely available on the web (www.organized-crime.de/OCDEF1.htm). I have supplemented it with definitions contained in Maltz (1973) and Hagan (1983). The data set includes authors from 23 different countries, although the overwhelming majority are American. Forty-one per cent of definitions originate from official documents, such as statutes, laws and government reports, while 4.3 per cent are contained in legal or social science dictionaries. Popular sources are excluded. The data are biased towards criminology and criminal justice sources, while other disciplines such as history, politics, sociology and economics are hardly present; thus the analysis below should be considered as charting the evolution of the concept mainly

among criminologists and criminal justice practitioners and in official documents, including some statutes (see Tables A1 and A2 for some descriptive statistics of the data set).³ For the purpose of this preliminary analysis, I have used a ‘bottom-up’ coding strategy. Namely, I first read all the definitions and listed the key words and concepts that appeared. I then re-read and coded all definitions using the list I had devised. A few of the dimensions I use were present in the original Hagan review, such as ‘violence’, ‘corruption’ and ‘monopoly’, but most of my coding categories are new and derived from the texts (see the Appendix to this chapter for the complete list). Since the data set contains publication dates, I grouped the definitions by decades, in order to obtain a chronological picture of the evolution of the concept. The reader should note that the number of definitions produced in the first two time periods (before 1950, and 1950–59) is limited (three and four, respectively). Drawing on these results, below I discuss issues related to the *structure*, and then to the *activities* of organised crime.

A. Structure

In this section, I review how authors have characterized the structure of organised crime over the years. I will focus upon a selected number of features, namely ‘specialisation’, ‘hierarchy’, ‘illegal enterprise’ and ‘La Cosa Nostra’. Figure 1 summarises the trend over time. In order to interpret Figure 1 accurately, the reader should note that the lines have been smoothed by the software I have used (Microsoft Excel). The underlining data matrix includes only one data point for each decade.

i. Specialisation

Starting in the mid-1850s, the expression ‘organised crime’ was used in the USA to refer to phenomena ranging from plumbers conspiring to raise prices in New York City,⁴ to a lynching in Barnwell, Southern Carolina, operating with the tacit support of the local authorities,⁵ to revolutionary fervour in 1840s Europe⁶ and the Camorra in Naples,⁷ to the collusion between city officials and brothel owners in Manhattan.⁸ It was not until the twentieth century that references to the

³ I have excluded non-academic dictionaries from the von Lampe sample.

⁴ *New York Times* (18 September 1883) 4.

⁵ *Brooklyn Eagle* (30 December 1889) 2. See also *Brooklyn Eagle* (22 March 1888) 2.

⁶ *New York Times* (27 October 1857) 4.

⁷ See also the use of ‘organized crime’ in reference to the Camorra in G W Appleton, ‘The “Camorra” of Naples’ (1868) 5(5) *The Galaxy. A Magazine of Entertaining Reading* 641 ff.

⁸ See the 1896 Report by the New York Society for the Prevention of Crime, headed at the time by the reformist Reverend Charles Parkhurst, cited in T J Gilfoyle, *City of Eros. New York City, Prostitution, and the Commercialization of Sex, 1790–1920* (London, WW Norton & Company, 1994), 406 n 23 and 418 n 2. Parkhurst had gone undercover to expose the collusion between the police and brothel

internal structure of a criminal group began to emerge.⁹ For instance, a report of the Chicago City Council Committee on Crime dating from 1915 maintains that an organised crime group has ‘its own language; it has its own laws; its own history; its tradition and customs; its own method and techniques; its highly *specialized* machinery for attacks upon persons and property; its own highly *specialized* modes of defense’ (emphasis added).¹⁰ In the decade up to 1949, one out of three definitions in the data set mentions specialisation, as does one out of four in the subsequent decade.

ii. Hierarchy

From the 1920s to the 1940s, the concept of organised crime virtually disappeared from public debate,¹¹ and the term ‘racketeering’ was used more widely.¹² The 1950s saw a return to favour of the expression organised crime thanks to the 1950 Senate Committee chaired by Estes Kefauver, whose televised hearings of criminal figures being questioned on gambling, narcotics and corruption made ‘taking the Fifth’ part of American vernacular.¹³ By this time, ‘hierarchy’ had entered academic and official definitions of the phenomena: in the 1950s, one out of four definitions mentioned ‘hierarchy’ explicitly. In the 1960s the number grew to five out of 11 definitions (45.5 per cent).

owners in Manhattan in 1892. His efforts marked the beginning of the progressive reform movement that years later succeeded in passing the alcohol prohibition laws (ibid 299). See also M Dash, *Satan’s Circus. Murder, Vice, Police Corruption and New York’s Trial of the Century* (London, Granta, 2007) 48 n 68, 107.

⁹ But see the rather fictionalized account of a gentleman undergoing an initiation ritual in a New York gang published in 1835 (H H R, ‘Passages in the Life of a Hunchback’ (1835) August *The Ladies’ Companion, a Monthly Magazine; Devoted to Literature and the Fine Arts* 154, 155). In an interview with the *Brooklyn Eagle* (9 March 1890) 12, police officer Timothy Phelan stated, ‘crime is bad, but organized crime is worse’, in reference to gangs that, under the influence of alcohol, ‘rob and kill’.

¹⁰ Quoted in G Tyler, *Organized Crime in America: A Book of Readings* (Ann Arbor, University of Michigan Press, 1962) 5. The definition appears to be compatible with the overall approach of the so-called Chicago school of sociology. See M Haller, ‘Introduction’ in J Landesco, *Organized Crime in Chicago* (Chicago, University of Chicago Press, 1968) x–xi.

¹¹ See von Lampe, ‘Not a Process of Enlightenment’ (n 2) 105.

¹² In the 1920s, the term ‘organised crime’ was replaced by ‘racketeering’, a somewhat narrower concept. Historian Andrew Cohen has traced its origin to 1927 Chicago, where Gordon Hostetter, an anti-union activist, used the term to describe—and smear—workers’ unions and trade associations (A W Cohen, ‘The Racketeer’s Progress: Commerce, Crime and the Law in Chicago, 1900–1940’ (2003) 29(5) *Journal of Urban History* 575).

¹³ D R Wade, ‘The Conclusion that a Sinister Conspiracy of Foreign Origin Controls Organized Crime: The Influence of Nativism in the Kefauver Committee Investigation’ (1996) 16 *Northern Illinois University Law Review* 371, 405; C Sifakis, *The Mafia Encyclopedia*, 2nd edn (New York, Checkmark Books, 1999) 193–95. The original reports are available online at www.onewal.com/maf-kef.html. These hearings were the first to be televised live (D R Wade, ‘The Conclusion that a Sinister Conspiracy of Foreign Origin Controls Organized Crime’ 403).

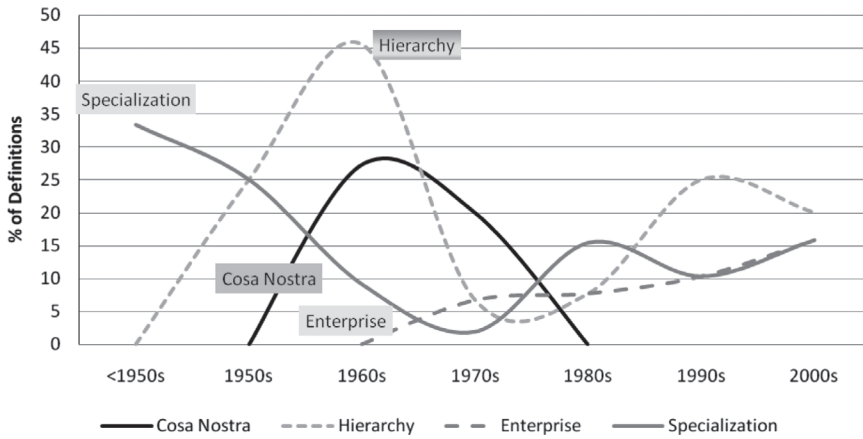


Figure 1: Structure-related Keywords in Definitions of Organized Crime, 1915–2010

Sources: M Maltz, ‘On Defining Organized Crime: The Development of a Definition and Typology’ (1976) 22(3) *Crime and Delinquency* 338–346; F E Hagan, ‘The Organized Crime Continuum: A Further Specification of a New Conceptual Model’ (1983) 8(2) *Criminal Justice Review* 52–57; K von Lampe, www.organized-crime.de/OCDEF1.htm.

Donald Cressey, a consultant on the 1967 US President’s Commission on Organized Crime,¹⁴ was the academic champion of the view that organised crime was hierarchically structured. For this American criminologist, organised crime was an organisation rationally designed to maximise profits by performing illegal services and providing goods that were demanded by society. In a 1967 paper, he wrote:

The organized criminal, by definition, occupies a position in a social system, an ‘organization,’ which has been rationally designed to maximize profits by performing illegal services and providing legally forbidden products demanded by members of the broader society in which he lives.¹⁵

Cressey maintained that just as legitimate firms grow in size and complexity, so do criminal groups: in order to cut costs, pool capital, coordinate corruption of law enforcement and ultimately gain territorial or product monopolies, roles in illegal organisations grow in number and complexity.¹⁶ Cosa Nostra stands at the

¹⁴ The full name was President’s Commission on Law Enforcement and Administration of Justice. See D R Cressey, ‘Methodological Problems in the Study of Organized Crime as a Social Problem’ (1967) 374(1) *Annals of the American Academy of Political and Social Science* 101; J S Albanese, ‘Government Perceptions of Organized Crime: The Presidential Commissions, 1967 and 1987’ (1988) 52(1) *Federal Probation* 58; M Woodiwiss, ‘Enterprise Not Ethnicity: An Interview with Dwight C. Smith Jr.’ (2015) 18(1–2) *Trends in Organized Crime* 41, 46 f.

¹⁵ Cressey, ‘Methodological Problems’ (n 14) 107.

¹⁶ *ibid* 108 and D R Cressey, *Theft of a Nation: The Structure and Operations of Organized Crime in America* (New York, Harper and Row, 1969) 74. See also J L Albini, ‘Donald Cressey’s Contributions to the Study of Organized Crime: An Evaluation’ (1988) 34(3) *Crime and Delinquency* 338, 342.

pinnacle of such a continuum of rational development towards a complex hierarchy: it has codified internal roles such as *enforcer*, *corrupter*, *corruptee* and, above each 'family', stands a *commission* that oversees, plans and coordinates the activities of all subgroups across different cities and possibly abroad.¹⁷

iii. *La Cosa Nostra/Italian American Mafia*

Cressey's depiction of organised crime was intimately linked to the efforts of some American investigative agencies and the Johnson Administration (1963–69) to prove the existence of an 'organization variously called "the Mafia", "La Cosa Nostra" or "the syndicate"'.¹⁸ Indeed, Cressey makes it clear that his work is in great part aimed at generating social alarm.¹⁹ American congressional authorities started to focus on Italian gangsters in the 1950s at the time of the Kefauver Committee (1950–51), which stated that 'a sinister criminal organization known as the Mafia' operates in the US.²⁰ The November 1957 conclave of Italian mobsters at Joseph Barbara's house in Apalachin, New York gave further support to the view that a foreign (Italian) nationwide conspiracy was controlling illegal activities in most American cities.²¹ When Joe Valachi, a 'soldier' in the Genovese crime family, gave his televised testimony to the Permanent Subcommittee on Investigations of the US Senate Committee on Government Operations (best known as the McClellan Committee) in 1963, many were convinced of the existence of a national organisation able to take decisions, to supervise and ensure a high degree of compliancy among its members, and to survive changes in leadership. The mafia was a far cry from a transient and unstructured urban gang.²² By 1963, the FBI had started to focus its attention on La Cosa Nostra and to collect (between 1961 and 1967) material comprising more than 300 volumes of electronic intercepts, only a small portion of which has ever been made public.²³ This material supposedly

¹⁷ Cressey, *Theft of a Nation* (n 16) 210, 228 and 316, and D R Cressey, *Criminal Organization: Its Elementary Forms* (London, Heinemann Educational Books, 1972).

¹⁸ Cressey, 'Methodological Problems' (n 14) 103. The practice of equating Cosa Nostra to organised crime might have been to some extent a consequence of data collection. 'Police departments collected information on Italian criminals and put it in a file labeled "organized crime". Then when asked who were involved in organized crime, the only possible answer was "Italians, of course"' (D C Smith, personal communication, 29 April 2015, by email). An early critic of this practice is T C Schelling, 'What is the Business of Organized Crime?' (1971) 20(1) *The Journal of Public Law*, 71, 73.

¹⁹ See, especially, Cressey, *Theft of a Nation* (n 16) 54–71.

²⁰ US Senate Special Committee to Investigate Organized Crime in Interstate Commerce, *Third Interim Report* (1 May 1951) available at www.owebal.com/kef/kef2.html, 2. See also von Lampe, 'Not a Process of Enlightenment' (n 2) 105. The Kefauver Committee had relatively little to say about the internal structure of organised crime (D C Smith, 'Paragons, Pariahs and Pirates: A Spectrum-based Theory of Enterprise' (1980) *Crime and Delinquency* 26(3) 358, 366).

²¹ The 1961 appointment of Robert Kennedy as Attorney General gave further impetus to the fight against organised crime. Until the early 1960s, the bulk of organised crime convictions originated from IRS tax investigations (Albanese, 'Government Perceptions' (n 14) 60).

²² Smith, 'Paragons, Pariahs and Pirates' (n 20) 367.

²³ *ibid.* Notoriously, J Edgar Hoover, the director of the FBI from 1935 to 1972, refused to devote many resources to the fight against syndicates. For speculation as to Hoover's motives, see H Messick, *The Silent Syndicate* (New York, Macmillan, 1967) 287 and Cressey, *Theft of a Nation* (n 16) 21–24.

confirmed Valachi's testimony.²⁴ In this period, academics such as Cressey and official reports alike used the expression organised crime as synonymous with the Italian American mafia. For instance, W J Duffy wrote: 'organized crime is a combination of two factors: (1) lucrative income producing criminal activities ... (2) a criminal organization variously known as the Mafia, the Outfit, Cosa Nostra or Crime Syndicate'.²⁵ This trend is reflected in the data set, as shown in Figure 1. In the 1960s, 27.3 per cent of the entries defined organised crime as the Italian American mafia or La Cosa Nostra (20 per cent in the 1970s).

iv. Enterprise

Cressey converted to the view of organised crime as a nationwide conspiracy formed by Italians when faced with the evidence presented to him while serving on the 1967 President's Committee.²⁶ Yet his book, *The Theft of a Nation* (1969), failed to convince his colleagues. Starting with Hawking in 1969, the view of organised crime as a monolithic entity, perfectly rational and organised along military lines by Italians, came under sustained and relentless academic criticism. Possibly the most influential of such critics was Dwight C Smith, author of *The Mafia Mystique* (1975).²⁷ Smith tried to direct the debate on organised crime away from an emphasis on 'conspiracy' and 'ethnicity', and argued for a view of organised crime as a business activity. Criminals are not a class apart, but rather entrepreneurs

See also the very plausible suggestions made by Smith in his interview with Woodiwiss, 'Enterprise Not Ethnicity' (n 14) 52 and Hoover's new biography (B Gage, *G-Man: J. Edgar Hoover and the American Century* (New York, Simon & Schuster, forthcoming). Interestingly, it was the FBI that added 'La' to the label 'Cosa Nostra', 'an indisputable marker of the Bureau's involvement—like a fingerprint,' according to D C Smith (personal communication by email, 18 December 2015).

²⁴ eg, Cressey, 'Methodological Problems' (n 14) 104. On top of this sustained official attention given to the mafia, in 1969 Mario Puzo published *The Godfather*.

²⁵ Cressey, 'Methodological Problems' (n 14) 29. See also Task Force Report, *Organized Crime. President's Commission on Law Enforcement and Administration of Justice* (Washington, DC, United States Government Printing Office, 1967) 1:

Today the core of organized crime in the United States consists of 24 groups operating as criminal cartels in large cities across the Nation. Their membership is exclusively men of Italian descent, they are in frequent communication with each other, and their smooth functioning is insured by a national body of overseers.

²⁶ Cressey, 'Methodological Problems' (n 14). Contrary to claims by Smith, 'Paragons, Pariahs and Pirates' (n 20) 375, there is no evidence that Cressey disagreed with Daniel Bell's theory that blocked social mobility for ethnic minorities explained the presence of so many Italian-Americans in organised crime at this particular historical juncture in US history. Indeed, Cressey referred approvingly to Bell (1953). See Cressey, 'Methodological Problems' (n 14) 102.

²⁷ D C Smith, *Mafia Mystique* (New York, Basic Books, 1975). See G Hawkins, 'God and the Mafia' (1969) 14 (Winter) *The Public Interest* 24; J Albini, *The American Mafia: Genesis of a Legend* (New York, Appleton Century Crofts, 1971); F A J Ianni and E Reuss-Ianni, *A Family Business: Kinship and Social Control in Organized Crime* (London, Routledge & Kegan Paul, 1972). See also L Paoli, 'The Paradoxes of Organized Crime' (2002) 37(1) *Crime, Law and Social Change* 51; D C Smith, 'Organized Crime and Entrepreneurship' (1978) 6 *International Journal of Criminology and Penology* 161.

who operate under conditions of illegality.²⁸ Smith, like Cressey, acknowledged the importance of ethnic ties in reducing uncertainty and increasing trust in the underworld.²⁹ He also accepted that a connection between production of goods and services and the establishment of territorial monopolies might exist.³⁰ Yet, Smith departed from Cressey in highlighting that illegal entrepreneurs operate in an environment characterised by uncertainty, where regulation to ensure order and protect property rights is absent.³¹ Rational organisation and predictable rules in the underworld were a figment of the official imagination.

Since the mid-1980s, Peter Reuter has further undermined the view that criminal groups are large enterprises that exercise control over illegal markets. Rather, markets such as numbers (a form of illegal lottery), loan-sharking and bookmaking in New York City are populated by numerous, relatively small and often ephemeral enterprises that are in competition with each other.³² Illegality is the main variable that prevents an organised crime group from growing. In order to reduce the threat of being arrested, individuals that run illegal businesses tend to reduce the amount of information available to employees and customers. As information does not spread, it is harder to reap the benefits of a division of labour and economies of scale in areas such as reputation-building. Reuter adds that opportunities for vertical integration are limited in the underworld. Internalising a function implies higher risks of arrest and seizure of assets and higher costs of managing an expanding and more diverse workforce. The latter costs, in particular, are likely to escalate rapidly. In fact, it is very difficult to monitor the performance of employees who, given the illegal nature of the business, also need to work in covert settings and minimise the production of written documents that can become proof of their illegal activity. Thus, illegal enterprises are likely to have lower capitalisation, fewer personnel, and less formal management than comparable legal enterprises.³³ Illegality also (by definition) means that contracts are not enforceable in courts, thus making transactions less predictable.³⁴

²⁸ Smith, 'Paragons, Pariahs and Pirates' (n 20) 375. See also *ibid* 370.

²⁹ 'Ethnic ties provide the strongest possibility of ensuring trust among persons who cannot rely on the law to protect their rights and obligations within cooperative but outlawed economic activity' (*ibid* 375).

³⁰ 'The results of efforts to protect an entrepreneur's core technology is the creation of a territory, or domain: a set of claims staked out in terms of a range of products, population served, or services rendered' (*ibid* 376).

³¹ *ibid* 373 and 375. Yet he acknowledged that 'regulators' do also exist in the underworld (*ibid* 376).

³² P Reuter, *The Organization of Illegal Markets: An Economic Analysis* (New York, United States National Institute of Justice, 1985) ix.

³³ Reuter, *The Organization of Illegal Markets* (n 32). See also discussion in Paoli, 'The Paradoxes of Organized Crime' (n 27) 66.

³⁴ The difficulty of monitoring distant agents due to product illegality also drastically reduces the geographical expansion potential of criminal firms (Reuter, *The Organization of Illegal Markets* (n 32) 21 f).

It follows that such small enterprises cannot hope to control sizeable sectors of illegal markets: if they tried, they would have to collect a significant amount of information on their competitor, enhance their reputation and use violence to prevent market entrants. Any such actions could attract the attention of law enforcement and lead to arrest.³⁵

The historian of organised crime in Chicago, Mark Haller endorses Reuter's analysis and extends it back in time and beyond New York City. Haller's point of departure in a paper titled 'Illegal Enterprise' (1990) is that Italian-American groups were far from able to control most illegal markets, and in any case they emerged after illegal enterprises had already shaped American cities.³⁶ When it comes to discussing internal structure, Haller outlines the existence of business partnerships and cooperation among illegal entrepreneurs (often aided by corrupt police officers) who remained independent illegal operators, rather than joining a single (or a few) structured, hierarchical organisations. 'Partnerships' allowed several entrepreneurs to pool resources, provide local management and share risks in a single enterprise.³⁷ While these scholarly efforts were underway, a major piece of legislation, the Racketeer Influenced and Corrupt Organizations Act (1970), introduced the concept of 'enterprise'. According to this Act—widely known as RICO—an individual who belongs to an *enterprise* that has committed any two of 35 crimes within a 10-year period can be charged with racketeering.³⁸

The combined efforts of scholars like Smith, Reuter, Haller and others paid off: references to 'enterprise' started to appear in the definitions in the 1970s and continued to grow decade after decade (Figure 1). We should also note that references to 'Cosa Nostra' declined in the 1970s and disappeared in the subsequent decades (Figure 1).³⁹ Indeed, during the 1970s and 1980s, 'hierarchy' also declined significantly (it is present in, respectively, 6.7 per cent and 7.7 per cent of the definitions), but it returned in the 1990s and 2000s, these latter results being driven to an extent by the characteristics of European definitions.

³⁵ *ibid*; see also P Reuter, *Disorganized Crime: The Economics of the Visible Hand* (Cambridge, MA, MIT Press, 1983) and P Reuter, *Racketeering in Legitimate Industries: A Study in the Economics of Intimidation* (Santa Monica, The RAND Corporation, 1987).

³⁶ M Haller, 'Illegal Enterprise: A Theoretical and Historical Interpretation' (1990) 28(2) *Criminology* 207, 208.

³⁷ *ibid* 215 and 222.

³⁸ C Morselli and L Kazemian, 'Scrutinizing RICO' (2004) 12 *Critical Criminology* 351 and Woodiwiss, 'Enterprise Not Ethnicity' (n 14) 49.

³⁹ Some definitions continue to have references to specific groups, eg, the President's Commission on Organized Crime, created by Reagan in 1983, listed, in addition to Cosa Nostra, other organised crime entities, such as outlaw motorcycle gangs, Colombian cartels, the Japanese Yakuza and Russian gangs. See Albanese, 'Government Perceptions' (n 14) 59, 62 and Paoli, 'The Paradoxes of Organized Crime' (n 27) 56.

v. Networks and Harm

Recent developments include the emergence of concepts such as ‘networks’ and ‘harm’. Although they belong to different analytical levels (the former refers to structure, while the latter to the consequences of organised crime), we shall briefly review them together. Since the 1970s, there has been an exponential growth in sociology publications that contain ‘social network’ in the abstract or title, as documented quantitatively by Borgatti and Foster.⁴⁰ Such growth has also been felt in the field of organised crime research since at least the 1990s.⁴¹ ‘Network’ has even entered a (still limited) number of definitions of organised crime, namely 3.4 per cent in the 1990s, and 5.2 per cent in the 2000s (Figure 2). For instance, McIlwain reframes some classical definitional issues—such as the provision of illicit goods and services—with references to network structures:

Human relationships form the least common denominator of organized crime. The actors composing these relationships engage in the process of social networking for the provision of illicit goods and services. They also protect, regulate and extort those engaged in the provision or consumption of these goods and services.⁴²

Some criminologists have gone beyond advocating the use of network data for the study of organised crime organisations and proposed a more general ‘criminal network perspective’ for the understanding of organised crime. One proponent of such a perspective, Carlo Morselli, writes that ‘a network is a self-organizing structure that is driven by the emergent behaviour of its parts.’⁴³ The network perspective is able to capture ‘a flexible order’, structural arrangements that are lighter on their feet than ‘slow moving’ hierarchies and quick to adjust to changing situations and opportunities.⁴⁴ Such a framework can account for organisational systems ranging from simple co-offending to attempts at monopolizing markets or territories, from one-time partnerships to membership in quasi-structured organisations, from ties based on family, to those based on friendship, background affinities, resource sharing and so on. Criminal opportunities are generated—and collaboration to seize such opportunities occurs—within networks.

⁴⁰ S P Borgatti and P Foster, ‘The Network Paradigm in Organizational Research: A Review and Typology’ 2003 29(6) *Journal of Management* 991, 992.

⁴¹ See, eg, G W Potter, *Criminal Organizations: Vice, Racketeering, and Politics in an American City* (Prospect Heights, Waveland Press, 1994); J O Finckenauer and E J Waring, *Russian Mafia in America: Immigration, Culture and Crime* (Boston, Northeastern University Press, 1998); N Coles ‘It’s Not What You Know—It’s Who You Know that Counts: Analysing Serious Crime Groups as Social Networks’ (2001) 41(4) *British Journal of Criminology* 580; K von Lampe, ‘Criminally Exploitable Ties: A Network Approach to Organized Crime’ in E C Viano, J Magallanes and L Bidet (eds), *Transnational Organized Crime: Myth, Power, and Profit* (Durham, Carolina Academic Press, 2003) 9; E Chattoe and H Hamill, ‘It’s Not Who You Know—It’s What You Know About People You Don’t Know that Counts’ (2005) 45(6) *British Journal of Criminology* 860.

⁴² J S McIlwain, ‘Organized Crime: A Social Network Approach’ (1999) 32(4) *Crime, Law and Social Change* 301, 319.

⁴³ C Morselli, *Inside Criminal Networks* (New York, Springer, 2009) 11.

⁴⁴ *ibid.*

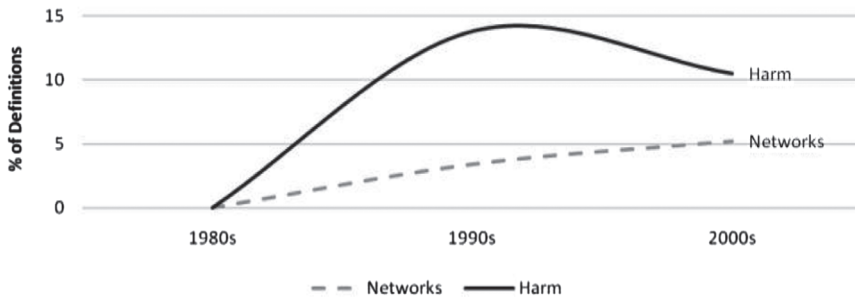


Figure 2: ‘Networks’ and ‘Harm’ in Definitions of Organized Crime, 1980–2010

Source: K von Lampe, www.organized-crime.de/organizedcrimeDEF1.htm.

Although analytically distinct, we also observe a rise in references to the ‘harmful’ consequences of organised crime (Figure 2, 13.8 per cent and 10.5 per cent respectively). Rather than trying to specify what organised crime is, several authors define organised crime by the harm that it causes. The rise of references to harm is likely to be related to the emphasis on harm reduction in other realms of the criminal justice system, such as drug use, prostitution and the public’s protection against violent and sexual offenders.⁴⁵

In conclusion, Figures 1 and 2 suggest a trend towards a higher level of generality within definitions of organised crime. From the 1950s onwards, organised crime was narrowly depicted as a highly structured entity, often a synonym for a single crime group, the Italian-American mafia. As this perspective came under sustained criticism in the 1970s, a more general term, ‘enterprise’, came to be preferred by many scholars of the phenomenon. Since the 1990s, an even more general term has appeared in the von Lampe data set, namely ‘network’. As organised crime is being defined more broadly, it loses specificity, paradoxically leaving it *more* open to political interpretations; or else the analysis of specifics is subsumed by practical concerns such as its harmful effects. The organised crime label can now be applied to any criminal activity deemed harmful or ‘serious’.

B. Activities

We now turn to a review of what organised crime does, as it emerges in the definitions analysed. Figure 3 summarises some key words—‘monopoly’, ‘the provision of illegal goods and services’, ‘illegal activities’ and ‘predation’—used by authors describing the activities of organised crime.

⁴⁵ Harm reduction is a movement within the criminal justice system that advocates the adoption of pragmatic and evidence-based public health policies designed to reduce the harmful consequences of various high risk activities. G A Marlatt, *Harm Reduction: Pragmatic Strategies for Managing High-Risk Behaviors* (New York, Guilford Press, 2002).

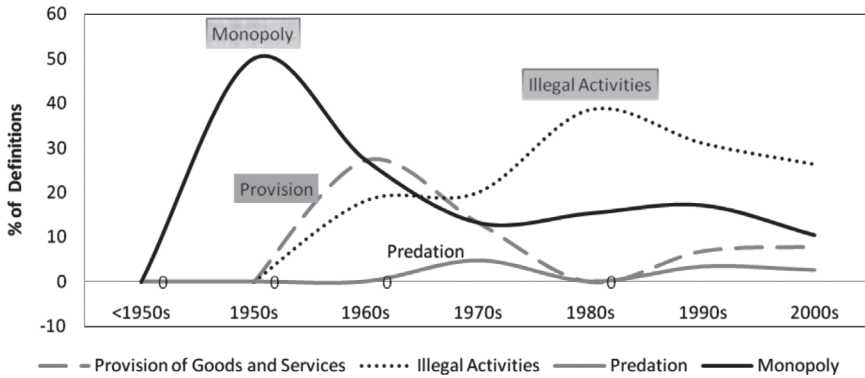


Figure 3: Activity-related Keywords in Definitions of Organized Crime, 1915–2010

Sources: Maltz, 'On Defining Organized Crime' (figure 1); Hagan, 'The Organized Crime Continuum' (ibid) and von Lampe (ibid).

i. Monopoly

'Monopoly' has the highest percentage of entries in relation to the 1950s (two out of four). References to monopoly continued in the subsequent decade (three out of eight; 27.3 per cent). An advocate of such a view is Thomas C Schelling, who was awarded the Nobel Prize in economics in 2005. In his two papers on organised crime (Schelling 1967 and 1971), the American economist introduces a crucial distinction between producers of illicit goods and services, and organised crime. The former category includes the bookmaker, the loan shark and the brothel keeper. As for the latter, he writes

evidently [by organised crime] we do not merely mean 'crime that is organized' ... The characteristic [of organised crime] is *exclusivity* or, to use a more focused term, *monopoly*. From all accounts, organized crime does not just extend itself broadly, but brooks no competition. It seeks not only influence, but exclusive influence. In the underworld its counterpart would be not just organized business, but monopoly. (Emphasis in the original).⁴⁶

Some businesses, continues Schelling, lend themselves more to monopolisation than others. For instance, bars provide a focus for would-be monopolists, since they are fixed establishments, while marijuana distribution may be moved around more easily.⁴⁷ Certain structural features, such as technology, the market, consumer demand and personnel requirements, may well help predict which markets are more likely to become monopolised than others. Once a monopoly is in place, it breeds violence: large-scale monopolistic entities cannot allow competition any more than a tax authority can.

⁴⁶ Schelling, 'What is the Business' (n 18) 72 and 73.

⁴⁷ Reuter, *The Organization of Illegal Markets* (n 32) 31. For an example taken from illegal abortions, see T C Schelling, 'Economics and Criminal Enterprise' (1967) 7 (Spring) *The Public Interest* 61, 75.

Schelling differs from Cressey in one crucial respect. For Cressey, ordinary criminals are wholly predatory, while organised criminals offer a service to society. Schelling reverses this perspective, arguing that it is organised crime that is wholly predatory. Monopolisation does not bring any benefit to the criminal entrepreneur:

[T]he interpretation that I want to suggest is that organized crime does indeed have a victim. The victim is the bookmaker—the man who sells illicit services to the public. And the crime of which he is the victim is the crime of extortion. He pays to stay in business.

For the future Nobel Prize winner, organised crime operated like a taxing authority but provided no benefit to its victims.⁴⁸

ii. *The Provision of Illegal Goods and Services*

The view that organised crime is involved in attempts to monopolise markets or territories coexisted in the 1960s with another characterisation, namely that the essence of organised crime is to provide illegal goods and services (Figure 3). For instance, the Task Force on Organized Crime of the 1967 President's Commission asserted on its first page, 'the core of organized crime activity is the supplying of illegal goods and services—gambling, loan sharking, narcotics, and other forms of vice—to countless numbers of citizen customers.'⁴⁹ Cressey follows suit by arguing that organised criminals offer a service to a segment of society. 'If La Cosa Nostra were suddenly abolished, it would be sorely missed because it performs services for which there is a great public demand.'⁵⁰ A link between the official consensus that the Italian-American mafia dominates organised crime in the US and is involved in supplying the public with goods and services is confirmed empirically by a correlation analysis among the seven items, which shows that 'Cosa Nostra' and 'the provision of illegal activities' are strongly related, with a 0.910 coefficient (significant at 0.004).

iii. *Illegal Activities*

In parallel with the rise in 'enterprise' discussed above, the 1970s see a growth in authors who favour references to illegal activities as the core activities of organised crime and a decline in the 'monopoly' view ('enterprise' and 'illegal activities' have a 0.720 correlation coefficient).⁵¹ An example is the following definition by the British Home Office from the early 1990s, which combines references to 'enterprise' and 'illegal activities' (note also the mention of transnational activities): 'Organised

⁴⁸ Schelling, 'What is the Business' (n 18) 76; Schelling, 'Economics' (n 47) 67.

⁴⁹ Task Force Report, *Organized Crime: President's Commission on Law Enforcement and Administration of Justice* (Washington, United States Government Printing Office, 1967) 1.

⁵⁰ Cressey, 'Methodological Problems' (n 14) 107.

⁵¹ For a recent critique of the 'monopoly' view, see, eg, F Allum and J Sands, 'Explaining Organized Crime in Europe: Are Economists Always Right?' (2004) 41(2) *Crime, Law and Social Change* 133.

crime constitutes any *enterprise*, or group of persons, engaged in continuing *illegal activities* which has as its primary purpose the generation of profits, irrespective of national boundaries' (emphasis added).⁵² Schelling's contention that monopolisation amounts to extortion almost failed to be picked up,⁵³ as illustrated by the 'predation' variable in Figure 3.

The results of the analysis above mirror those referring to 'structure'. Over the past century, authors have moved away from mentioning specific behaviour patterns, such as attempts to monopolise markets and supply illicit goods and services, in favour of the more general term 'illegal activities'. Notably, hardly any author mentions 'predation'—logically, predation is a subset of 'illegal activities'—as a feature of organised crime.

III. A Critical and Selective View of Organised Crime Perspectives

How are we to evaluate the trajectory of the definitions of organised crime in the past century? Below I touch upon only a few selected issues, namely, Cressey's model and the rise of the concepts of 'enterprise' and 'networks'.

In many academic reviews, Cressey comes across as the main foe of organised crime studies. He is criticised for his over-reliance on the Valachi testimony, his emphasis on ethnicity, and more generally for his description of the structure of organised crime.⁵⁴ As for the first charge, he should be given a suspended sentence. The American criminologist acknowledged that Valachi's testimony was at times contradictory.⁵⁵ Moreover, he noted that the statements contained in the testimony were often the product of interactions whereby senators interrupted the witness, typically failing to return to issues that the mobster had raised.⁵⁶ Recent evaluation of Valachi's testimony suggests that in many parts it is consistent with other sources. Historian David Critchley has concluded that Valachi gave valuable intelligence to US law enforcement. Critics were 'incorrect to assert that Valachi's public evidence "was not corroborated on any essential point"'. Nor was Valachi's testimony noticeably marred by any 'coaching' he allegedly received from his

⁵² B Huber, 'England' in W Gropp and B Huber (eds), *Rechtliche Initiativen gegen organisierte Kriminalität* (Freiburg, Iuscrim, 2001) 203, 216, available at: <http://organized-crime.de/OCDEF1.htm>.

⁵³ For a partial exception see the following definition by A A Block and W J Chambliss, *Organizing Crime* (New York, Elsevier, 1981)12: 'Thus we suggest that organized crime is a term that refers to those illegal activities connected with the management and coordination of racketeering (*organized extortion*) and the vices—particularly illegal drugs, illegal gambling, usury, and prostitution.' Emphasis added.

⁵⁴ See Hawkins, 'God and the Mafia' (n 27), Albini, *The American Mafia* (n 27), Ianni, *A Family Business* (n 27) and Smith, 'Paragons, Pariahs and Pirates' (n 20).

⁵⁵ Cressey, *Theft of a Nation* (n 16) 37.

⁵⁶ *ibid.*

FBI handlers.⁵⁷ Certainly, Valachi's recollections were partial and, as mafia boss Joseph Bonanno claimed, he did not see the entire picture. Yet, his evidence was substantiated by the later memoirs of Nick Gentile and Bonanno himself.⁵⁸ Overall, the description of Cosa Nostra, as a set of hierarchically structured crime groups of Italian-American extraction coordinated by a Commission, has been confirmed.⁵⁹

Yet, Cressey's work fails to stand the test of time for at least two reasons. His prediction that criminal groups would continue to grow in size and complexity into a Weberian ideal-type rational bureaucracy failed to acknowledge that, like any other organisation, an organised crime group is based on a set of agency relationships. Any organisation faces problems of asymmetric information, imperfect monitoring and opportunistic behaviour, although such problems are pervasive in the underworld. Political and economic institutions in the overworld arise to alleviate agency problems: committees monitoring the behaviour of members of Parliament, legal machinery to enforce civil and property rights, and so on. In the overworld, long multi-stage chains of agency relationships have developed to mitigate agency problems. But the longer the chain, the harder it is to monitor agents. Conversely, the shorter the agency chain, the easier it is to solve the governance problem.⁶⁰ Agency problems are the most acute in the underworld. Thus one would expect organised crime groups to be localised, relatively small and unable to control members perfectly. Subsequent historical research has in fact ascertained that, contrary to Cressey's assertion, Italian-American mafia families are localised, the 'boss of bosses' does *not* have 'absolute control over mafia members' and Italian hegemony over organised crime in the US has always been limited.⁶¹

Secondly, Cressey failed to distinguish the loan shark, the brothel keeper, the prostitute and the abortionist from those who aspired to govern transactions in the underworld by providing services of dispute settlement, cartel enforcement, and more generally governance of illegal transactions. Ultimately, Cressey assumed that vertical integration of functions was an inexorable trend within firms, legal and criminal alike. Indeed, he even predicted that Cosa Nostra would

⁵⁷ D Critchley, *The Origins of Organized Crime in America: The New York City Mafia, 1891–1931* (London, Routledge, 2009) 167.

⁵⁸ *ibid.* See N Gentile, *Vita di Capomafia. Memorie raccolte da Felice Chilenti* (Rome, Crescenzi Allendorf, [1963]1993); J Bonanno with S Lalli, *A Man of Honour: The Autobiography of Joseph Bonanno* (New York, Simon and Schuster, 1983).

⁵⁹ See, eg, A Graebner Anderson, *The Business of Organized Crime* (Stanford, Hoover Institution Press, 1979); N Pileggi, *Wise Guy: Life in a Mafia Family* (New York, Simon and Schuster, 1985); P Maas, *Underboss: Sammy the Bull Gravano's Story of Life in the Mafia* (New York, Harper Paperbacks, 1997); J D Pistone and R Woodley, *Donnie Brasco: My Undercover Life in the Mafia* (New York, Signet, [1989] 1997) and J D Pistone and C Brant, *Donnie Brasco: Unfinished Business* (Philadelphia, Running Press, 2007).

⁶⁰ J E Stiglitz, 'Whither Reform? Ten Years of the Transition'. Annual Bank Conference on Development Economics, Keynote Address 28–30 April 1999' (Washington, World Bank, 1999) available at www8.gsb.columbia.edu/faculty/jstiglitz/sites/jstiglitz/files/1999_4_Wither_Reform.pdf.

⁶¹ Critchley, *The Origins of Organized Crime* (n 57) 189. *cf* Cressey, *Theft of a Nation* (n 16) 38.

gradually shift from a rank-oriented to a task-oriented enterprise. Such a prediction was also predicated on the assumption that the organisation would be able to integrate more and more tasks and ensure significant coordination among its different branches. He failed to see that gaining and maintaining control over such a large entity was far from likely.⁶²

The 'enterprise perspective' championed by authors such as Smith, Reuter and Haller crucially highlighted the agency problems that obtain in criminal organisations, drawing upon advances in industrial economics, and in particular the work of Oliver E Williamson on transaction-cost economics. Yet these authors are not unanimous on the extent to which an economy exists beyond the individual firms. For instance, Reuter's dissection of the organisation of illegal markets suggests that external capital markets are virtually impossible to develop: 'growth'—he writes—'must be internally financed out of profit'.⁶³ Haller's example of the Colonial Inn criminal partnership suggests instead that in certain cases external capital *is* available as well as mechanisms to reduce risk. The Colonial Inn was an illegal casino that opened in 1945 in Florida. A variety of entrepreneurs joined forces to establish this enterprise: Mayer Lansky arranged for political protection; Frank Ericson, Frank Costello, Vincent Alo and Joe Adonis provided starting capital; while Mert Werthmeimer was appointed as the manager.⁶⁴ The appointed manager of the Colonial Inn, Mr Werthmeimer, had agreed to cover 50 per cent of any losses that might occur. In order to insure himself against such a risk, Werthmeimer approached Jack Guzik (a partner of Tony Accardo, the boss of the Chicago 'Outfit') for insurance against financial losses, offering him 50 per cent of his profits in exchange for covering 50 per cent of his potential losses. Guzik agreed and both benefited from the high earnings of the Casino.⁶⁵ Thus, it transpires that a rudimentary capital market and ways to insure against risk did exist, and Italian organised crime was able to make criminal markets operate smoothly.

Most crucially, the 'enterprise perspective' in the 1970s and 1980s did not emphasise the distinction between producers of goods and services, and providers of services of dispute settlement and protection in criminal markets. Such a distinction would prove to be crucial in identifying groups that are likely to engage in violence to control territories and markets, as opposed to groups that are happy to compete on the open market.

The network perspective draws attention to a fundamental tool for the study of human societies, Social Network Analysis (SNA). SNA is a methodology for coding and analysing a special type of data. Such data have a peculiar structure:

⁶² Cressey, 'Methodological Problems' (n 14) 242–4. An additional reason that makes Cressey's work dated is the ultimate aim of his book, namely that of raising awareness of the danger of organised crime in the US, rather than analysing the phenomenon.

⁶³ Reuter, *The Organization of Illegal Markets* (n 32) 14.

⁶⁴ Some partnerships were particularly successful and far reaching, such as the one involving Al Capone in the city of Cicero, outside Chicago (Haller, 'Illegal Enterprise' (n 36) 218 and 221).

⁶⁵ *ibid* 217.

actors are located both on the rows and the columns of a data matrix, while standard representations of data in a matrix list cases on the rows and variables on columns. Network data thus capture an essential feature of social interaction, namely the interdependence of actors in the social world.⁶⁶ SNA is particularly apt at representing the informality of relations within organised crime groups. To the extent that a particular group has some formal roles—such as boss, underboss and soldier—SNA is able to describe and model the informal patterns among members and how they evolve over time. The position of a soldier strategically placed near the boss in the informal pattern of ties can help predict future interactions and conflict above and beyond formal titles. Ultimately SNA is a technique of data analysis and any organisation can be thought of as a network-based social system. As modelled by SNA, hierarchies, too, are networks. Whether an organisation is ‘slow-moving’ or ‘quick on its feet’ is an empirical question rather than a theoretical premise or assumption.

The network perspective of organised crime remains at a high level of generality, subsuming almost any form of co-offending, ranging from car thieves to structured groups that aspire to control territories and markets. In order to generate hypotheses, the perspective needs to identify a more specific object of study. One route it could take is to focus on the problem of enforcing deals and promises among criminals (a central theme in the study of organised crime) *in the absence* of third party enforcers. Since at least the 1970s, many contributions in applied game theory, experimental economics, anthropology and economic history have shown that appropriate punishments can be inflicted so as to reduce the future payoffs of any defector (and transmit information on such defectors) in bilateral continuing relationships and within the context of small groups.⁶⁷ Punishment takes the form of refusing future interaction. A minimum of collective action is then required to ensure that information on cheats flows to others in the group. Throughout the economic history of several countries some clever informal systems of governance have emerged before the rise of national states and have extended quite beyond extremely small groups to people who did not know each other. Greif’s (1993) study of Maghribi traders’ system of communication and collective punishment is such an example, as is Greif, Milgrom and Weingast’s (1994) exploration of how groups of traders (guilds) in late medieval Europe created a system of informal judges able to record accurately and reliably traders’ past history so that they could punish cheaters by refusing to trade with them in the future. If the network

⁶⁶ When it comes to data analysis, standard methods—such as general linear model analysis—cannot be used because they assume independence of observations (G Robins and Y Kashima, ‘Social Psychology and Social Networks’ (2008) 11(1) *Asian Journal of Social Psychology* 1). Several continuous-time Markov chain models of social networks have been formulated in order to test hypotheses of tie formation over time. See T A B Snijders, ‘The Statistical Evaluation of Social Network Dynamics’ (2001) 31 *Sociological Methodology* 361.

⁶⁷ See A K Dixit, ‘Economic Governance’ in S N Durlauf and L E Blume (eds), *The New Palgrave Dictionary of Economics* (London, Palgrave Macmillan, 2008), on whose paper this section draws.

perspective were to focus on the conditions under which we could expect such informal systems of punishment to emerge and collapse, it would make a significant addition to the study of organised crime.⁶⁸ SNA (the data technique) would not be mandatory to study these arrangements.

Ultimately, the enterprise and the network perspectives conceptualise organised crime too broadly. In section IV below I will argue for a narrower definition. I will also introduce a distinction between organised crime and mafia, and will define the latter analytically, rather than just in reference to a specific criminal organisation such as Cosa Nostra, and argue that organised crime and mafia belong to the same genus of states and insurgencies. Each sub-section below starts with what I consider a viable definition of organised crime and mafia respectively.

IV. Organised Crime and Mafia as Forms of Governance

I propose to consider the phenomenon of organised crime as part of a broader category, namely, that of governance. The concept of ‘governance’ has been used widely in business studies, economics, politics and sociology since the 1980s.⁶⁹ Like any other concept, it has been deployed to refer to a variety of objects. Two applications, however, have been given an analytical definition, ie, *corporate governance* and *economic governance*. The former refers to the way a corporation is managed internally and the way it deals with its shareholders and the outside world. In the formulation of Oliver E Williamson, the latter refers to the ‘study of good order and workable arrangements.’⁷⁰ Broadly speaking, economic governance is the set of rules and norms that regulate exchange.⁷¹ Although corporate governance and economic governance are connected,⁷² I will concentrate on economic governance (henceforth, governance).

Ordering of exchange may emerge spontaneously, through repeated interaction, or be supplied by an institution. As for other social arrangements, there is also a dark side to governance. Property rights can be protected for some at the expense of others, resources can be mobilised in order to secure benefits

⁶⁸ For such an exploration see the study of the drug market in F Varese, ‘How Mafias Migrate: The Case of the Ndrangheta in Northern Italy’ (2006) 40(2) *Law and Society Review* 411.

⁶⁹ O E Williamson, ‘The Economics of Governance’ (2005) 95 *American Economic Review* 1.

⁷⁰ *ibid.*

⁷¹ See Dixit, ‘Economic Governance’ (n 67).

⁷² *ibid.* The fundamental contributions of R Coase, ‘The Nature of the Firm’ (1937) 4 *Economica* 386 and O E Williamson, *Markets and Hierarchies: Analysis and Antitrust Implications* (New York, Free Press, 1975) have highlighted how the boundaries of a corporation are themselves endogenous and that a firm might consider it more efficient to solve problems of governance by vertically integrating a trading party. See also O E Williamson, *The Mechanisms of Governance* (New York, Oxford University Press, 1995).

for a select few, even at the expense of overall long-term economic efficiency.⁷³ Thus, the study of governance should include also less-than-good arrangements.⁷⁴ A focus on governance should also help us dispense with the artificial dichotomy between the economic and political nature of organised crime,⁷⁵ while retaining the crucial distinction between producers of goods and services, and suppliers of forms of regulation, protection and governance. Below, I will discuss organised crime and the mafia as forms of governance while making some reference to the State and insurgent groups.

A. Organised Crime

Definition: an organised crime group attempts to regulate and control the production and distribution of a given commodity or service unlawfully.

As stated by Schelling, burglars may be in the underworld but do not seek to govern it.⁷⁶ Such an attempt requires investments in a special set of resources, which are not necessarily available to illegal entrepreneurs. The most crucial of such resources is violence. The group is bound to clash with others who also wish to engage in the sale and distribution of the commodity the group wants to regulate. Thus an organised crime group must be stronger than the individuals that operate in its area of influence. Only those who possess force can guarantee that their decisions will be respected and their punishments executed.⁷⁷ Information is also a crucial resource, as the group needs to know who deals in what in a given market, in order to prevent them from doing so.⁷⁸ The above characterisation does not imply any particular organisational structure. However, for organised crime to be effective, one would expect the presence of a rudimentary structure, a system for issuing orders, and someone who benefits from such governance and some continuity over time—all features that have been mentioned over the past century as being part of organised crime.⁷⁹ Empirically, we could take gang wars and truces, and market sharing arrangements, as suggesting the presence of organised crime.

⁷³ For insightful examples referring to the modern state, see F C Lane, 'National Wealth and Protection Costs' in *Venice and History: The Collected Papers of Frederic C. Lane* (Baltimore, The Johns Hopkins University Press, [1941]1966) 373 and 'The Economic Meaning of War and Protection' in *Venice and History: The Collected Papers of Frederic C. Lane* (Baltimore, The Johns Hopkins University Press, [1942]1966) 383.

⁷⁴ cf Williamson, 'The Economics' (n 69) 1.

⁷⁵ Paoli has pointed out that such a dichotomy is misplaced for mafia groups (Paoli, 'The Paradoxes of Organized Crime' (n 27) 74 and L Paoli, *Mafia Brotherhoods: Organized Crime, Italian Style* (New York, Oxford University Press, 2003) 172. See also Cressey, *Theft of a Nation* (n 16) 110.

⁷⁶ Schelling, 'What is the Business' (1971).

⁷⁷ D Gambetta, *The Sicilian Mafia* (London, Harvard University Press, 1993).

⁷⁸ D Gambetta, *Codes of the Underworld. How Criminals Communicate* (Princeton, Princeton University Press, 2009).

⁷⁹ See, eg, D C Smith, 'Illicit Enterprise: An Organized Crime Paradigm for the Nineties' in R J Kelly, K L Chin and R Shatzberg (eds), *Handbook of Organized Crime in the United States* (Westport, Greenwood Press, 1994) 121, 135, who derives the emergence of organisational structure from the conditions of illegality, uncertainty, self-interest and investment.

The humorous Exemplary Story by Miguel de Cervantes, *Rinconete and Cortadillo* ([1613]1998), points to the existence of what we mean by organised crime. When two delinquents, a cardsharp and a pickpocket, start to practise their trade in the city of Seville, they soon discover that an underworld syndicate controls crime in the city. Rather than being 'a free trade', as Cortado expected, stealing is regulated by a society headed by crime boss Monipodio, who acts like a 'father and a leader' and along the way ensures protection against the officers who deal with vagrants, confers upon the two men a new name, and tells them when and where they can carry out their trade.⁸⁰ Severe penalties are in place for those who break the rules of the syndicate. In a light-hearted manner, this short story suggests that attempts at controlling crime are not new.

For an in-depth analytical exploration of an instance of an organised crime group one can turn to the case explored in the paper by Levitt and Venkatesh (2000). The group, defunct at the time of their writing, had been located in an inner-city neighbourhood of a large, industrial American city.⁸¹ The structure of drug selling in the city was rather elaborate. The top level included four to six individuals responsible for the long-term strategy of the organisation and for maintaining ties to suppliers and affiliates in other regions. Other individuals at the top were responsible for collecting dues, overseeing recruitment and serving as a liaison to the community. The next level down included local gang leaders with a specific territorial responsibility for one gang, and this is the level for which the authors have data. Gang leaders paid a fee to the superior level and were the residual claimant on the profits. At this level, the gang had some formal roles, such as enforcer, responsible for ensuring the safety of the members, treasurer and runner, who transported drugs to and from the supplier. At the street level, foot soldiers sold the goods and reported to the enforcer. At the periphery of the groups were individuals ('rank-and-file') who were not full members and paid duties to the gang to receive protection, status and a supply of drugs to sell in other parts of the city.

The group was in charge of a territory, controlling access to the drug market in that area, and was involved in wars with a competing gang to increase its market share. Drugs were sold either by gang members, or by independent sellers who paid 'the gang leader ... in return for the right to sell heroin on the gang's turf'.⁸² During the period for which Levitt and Venkatesh have data, the gang fought prolonged and costly wars for the control of territory from which to sell. In particular, it was involved in a series of violent conflicts with a rival gang that controlled an area immediately to the north, culminating in the conquest of the rival gang's

⁸⁰ M de Cervantes, *Rinconete and Cortadillo*, in M de Cervantes, *Exemplary Stories* (Oxford, Oxford University Press, [1613]1998) 71, 80.

⁸¹ S Levitt and S A Venkatesh 'An Economic Analysis of a Drug-Selling Gang's Finances' (2000) 115(3) *Quarterly Journal of Economics* 755, 759. The data available to the authors include detailed records of earnings and expenses that had been kept by the gang leader.

⁸² *ibid* 765.

12-square territory.⁸³ The participants themselves made it clear that they used violence on their competitor's turf as a strategy for shifting demand to their own territory.⁸⁴ The income recorded by the leader increased significantly after the war, although the conflict was costly: 'Gang surplus and drug revenues are ... almost double the mean values for these variables observed over the sample.'⁸⁵ Since many of the customers came on foot, increasing the gang's turf from 12 to 24 square blocks substantially reduced competition.⁸⁶

Schelling (1971) maintains that organised crime is purely predatory. In the case analysed in Levitt and Venkatesh (2000), it is clear that the overall organisation was supplying a service. The gang leaders paid a fee to the 'central leadership' and in return received

protection (both on their turf and in prison), stable alliances with other gang sets such that gang members can travel to other areas of the city with relative safety, access to reliable sources of wholesale drugs, and the possibility for members to rise up the hierarchy into the upper echelon.⁸⁷

Gang members (officers and foot soldiers) were paid a wage, while the recorded financial data also include expenses for funerals and disbursements to families of deceased members. Rank and file, who had to pay the gang, received in return—write the two authors—'protection, status, and a reliable supply of drugs for those who deal independently'.⁸⁸ Overall, the gang was selling a product to its customers, offered protection and other services to its members and clients, and in turn received protection from the higher level of the organisation.

It would not be enough to describe this gang as just a network or an illicit enterprise. Although it would be correct to depict the group as a network, such a description would only be the obvious starting point of analysis. Two co-offenders stealing a car are also a network, but in all other respects this network would differ from the gang. It would also be correct to suggest that the gang was an enterprise. Indeed, its main aim was to sell drugs and make a profit. However, it also bore greater ambitions, namely, that of being the *only* seller of drugs. In order to achieve this, it developed special skills, such as violence, and engaged in wars with other firms. Clearly, the gang was a special type of enterprise aspiring to conquer a market. On the other hand, to regard all illicit enterprises as organisations that aspire to govern territories or markets would be misleading.

Under certain conditions, an organised crime group can evolve into something else. Certain variables, such as technological innovation, might increase or reduce

⁸³ *ibid* 764.

⁸⁴ *ibid* 782.

⁸⁵ *ibid* 781.

⁸⁶ *ibid* 782. Expansion was a bonus but also a cost, both financially and militarily. Levitt and Venkatesh speculate on why it was harder in the instance of these two gangs to agree on a collusive equilibrium rather than fight costly wars and suggest that part of the explanation is due to the inability of the leadership to control foot soldiers.

⁸⁷ *ibid* 762.

⁸⁸ *ibid* 762.

the ability of an organised crime group to fulfil its aspiration to control a given market. For instance, the impact of pagers and mobile phones and the ‘one-shot’ mobiles that cannot be easily traced can weaken the ability of a gang to control the market, as buyers and sellers can easily coordinate their transactions bypassing the organised crime group. Rather than pointing to a weakness of the definition, this would qualify as dynamics specific to a situation and would require conceptualising the resulting entity as something different from organised crime. Even if the scope for controlling certain markets shrinks and an organised crime group turns into an illicit enterprise in competition with others, it does not follow that the definition is not viable.

B. The Mafia

Definition: a mafia group is a type of organised crime group that attempts to control the supply of *protection*.

A drug syndicate may try to be the sole supplier of drugs in a given domain, while a mafia attempts to be the sole supplier of protection. Thus, the scope of a mafia group is much wider than that of an organised crime group, since it attempts to protect *any* transaction, not just those related to, say, drugs, in a given domain. As in the case of organised crime, violence and the ability to collect reliable information are two key resources for a mafia group, and one would expect some rudimentary hierarchical structure to develop.

Since the 1990s, a series of ethnographies have claimed that the Sicilian Cosa Nostra, the Hong Kong Triads, the Russian mafia and the Japanese Yakuza are essentially forms of governance specialising in the supply of protection.⁸⁹ This body of research suggests that such groups can be collectively referred to as ‘mafias’. A *mafia* is a set of mafia groups that share the same rituals and rules. For instance, a number of mafia families operate in Sicily and the ‘Sicilian mafia’ is the collective entity of which they are a part. At different points in the history of each mafia, different arrangements regulate (or fail to regulate) the relations among mafia groups. The relations between groups are often dependent on clever institution builders and historical circumstances.

Contrary to Schelling’s claim (1971), extensive evidence exists that the services offered by mafias are ultimately genuine. For instance, scholars have established that mafias are able to supply genuine services like protection against extortion; protection against theft and police harassment; protection in relation to credit

⁸⁹ F Sabetti, *Political Authority in a Sicilian Village* (New Brunswick, Rutgers University Press, 1984); Gambetta, *The Sicilian Mafia* (n 77); Y K Chu, *The Triads as Business* (London, Routledge, 2000); F Varese, *The Russian Mafia* (Oxford, Oxford University Press, 2001); F Varese, *Mafias on the Move: How Organized Crime Conquers New Territories* (Princeton, Princeton University Press, 2011); P B E Hill, *The Japanese Mafia: Yakuza, Law, and the State* (Oxford, Oxford University Press, 2003). See also P Wang, ‘The Chinese Mafia: Private Protection in a Socialist Market Economy’ (2011) 12(4) *Global Crime* 290–311.

obtained informally and the recovery of loans; and the settlement of a variety of social disputes. The mafia offers protection services to traders of illegal commodities, such as protection for thieves, prostitutes, loan sharks and drug dealers. Mafiosi also protect their clients against law enforcement.⁹⁰

The following extract from the memoirs of Antonio Calderone, the *vice-rappresentante* of the Catania mafia family, appears to be an instance where the mafia intimidated a firm.

[In the mid-fifties] we Mafiosi were in dire economic straits. But the idea of wholesale extortion never entered our heads. The only instance I remember was an extortion that took place in the late fifties or early sixties against the Rendos, who had the largest construction firm in Catania. The goal was to do the Costanzo brothers [the main competitors of the Rendo] a favour. A bomb was placed in the chimney of the Rendo offices; after that, the usual phone call asking for money was made.⁹¹

In this case, extortion and protection are a matter of perspective. As mafia boss Joe Bonanno put it in his autobiography, 'what is seen as extortion from the outsider is viewed as self-protection by the insider'.⁹² From the point of view of the Rendos, the Calderone family was engaged in predatory behaviour. From the point of view of the Costanzo brothers, Tonino Calderone was protecting them vis-a-vis competitors. In a protected market, a firm faces a cost of entry higher than it would face were the market *not* protected. The firm trying to enter might well consider this a form of extortion, while those who operate in the market would consider it a genuine service of protection, that is, protection against competition.⁹³

An even more sophisticated form of market protection undertaken by mafias is the enforcement of cartel agreements. Producers have an incentive to enter into cartel agreements but also to undercut fellow conspirators, placing themselves in a classic prisoner's dilemma. The mafia offers to enforce the cartel agreement among producers, thereby deterring conspirators from cheating on the deal.⁹⁴

It does not follow that mafias provide protection on the basis of universal criteria, such as fairness or merit. Indeed, the mafia operates without consideration for justice, fairness or the well-being of society at large. In the world run by the mafia, there is no such thing as a 'right', even to the protection for which one has paid. Mafiosi can ask for more favours or more money, or collude with other mafias

⁹⁰ For detailed references to the relevant authors, see the review in Varese, 'How Mafias Migrate' (n 68) 412–13.

⁹¹ P Arlacchi, *Men of Dishonor. Inside the Sicilian Mafia: An Account of Antonino Calderone* (New York, William Morrow and Company, 1993) 53.

⁹² Bonanno, *A Man of Honour* (n 58) 79.

⁹³ Gambetta, *The Sicilian Mafia* (n 77) 31 f.

⁹⁴ J Landesco, *Organized Crime in Chicago* (Chicago, University of Chicago Press, [1929]1968); P Reuter, 'Racketeers as Cartel Organizers' in E A Herbert and G E Caiden (eds), *Political and Economic Perspectives on Organized Crime* (Lexington, Mass, D.C. Heath, 1984) 49; Reuter, *Racketeering in Legitimate Industries* (n 35); Gambetta, *The Sicilian Mafia* (n 77) 195–225; D Gambetta and P Reuter, 'Conspiracy Among the Many: The Mafia in Legitimate Industries' in G Fiorentini and S Peltzman (eds), *The Economics of Organised Crime* (Cambridge, Cambridge University Press, 1995) 116.

against dutifully paying clients, and there is no higher authority to which a victim can appeal.⁹⁵

Under certain conditions, criminals associated with the mafias described above have engaged in extortion, the forced extraction of resources for services that are promised and not provided.⁹⁶ For instance, the shorter the time horizon of the mafia group, the more likely it is to engage in extortion. However several confusions and selection biases cause this phenomenon to be overplayed. For instance, many confuse the imposition of protection with extortion. Certainly, mafias force victims to pay, but it does not follow that what it is paid for is inevitably bogus. Moreover, if individuals living in a mafia territory believe that the *Mafioso* 'life expectancy' is short, they will be more reluctant to pay protection, and a greater degree of coercion will be required.⁹⁷ As the level of coercion increases, it is more likely that evidence will filter out of the underworld, while voluntary transactions are less likely to be reported and exposed.⁹⁸

As for the case of an organised crime group, it would be misleading to refer to mafia groups as just social networks or enterprises. Mafias deal in protection as a commodity rather than as a right, but the logic of protection leads them to acquire features of a state. A full appreciation of these dynamics does away with the artificial distinction between the 'political' and the 'economic' nature of the mafia.⁹⁹ Feudal lords were at the head of a political and economic enterprise, and so are mafia bosses. A key reason for this is that protection is a natural monopoly, as noted by Lane (1958) and Nozick (1974). Once a group has the ability to govern a given market, say drugs, it should have what it takes to govern neighbouring markets. If this logic were taken to its extreme consequences, organised crime groups would evolve into fully fledged mafia groups. Indeed, such dynamics are at work in the case studied by Levitt and Venkatesh (2000). One type of income recorded by the gang leader was 'street taxes', ie, money extracted from individuals and some companies that were conducting business on the gang's turf. Grocery store owners, unlicensed taxi drivers, people dealing in stolen goods (fences), and those providing services such as auto or plumbing repair are among those required to pay street taxes.¹⁰⁰ Interestingly, this income stream is rather small in the first year for which the authors have data—\$1,200—but it increases to \$5,800 by the last year of the gang's existence. This is not an isolated case. For instance, journalist Mark Stevenson has recently documented a similar transition from organised crime group to fully fledged mafia in Ciudad Hidalgo, in Mexico, in a reportage

⁹⁵ Gambetta, *The Sicilian Mafia* (n 77) 33; Varese, *The Russian Mafia* (n 89) 6 and 190.

⁹⁶ For recent discussions of protection and extortion, see F Varese, 'Protection and Extortion' in L Paoli (ed), *The Oxford Handbook of Organized Crime* (New York, Oxford University Press, 2014) 343 and P Campana, 'Organised Crime' in W Bernasco, H Elffers and J L Van Gelder (eds), *Oxford Handbook of Offender Decision Making* (Oxford, Oxford University Press, forthcoming).

⁹⁷ Gambetta, *The Sicilian Mafia* (n 77) 33.

⁹⁸ *ibid.*

⁹⁹ *cf* Gambetta, *The Sicilian Mafia* (n 77).

¹⁰⁰ Levitt and Venkatesh, 'An Economic Analysis' (n 81) 766.

titled, 'Mexico cartels go from drugs to full-scale Mafias'.¹⁰¹ Thus, the arguments advanced by Reuter discussed above suggesting that criminal firms are bound to be small apply only to situations where state policing is generally effective, such as in parts of the United States. Arguments such as Reuter's cannot be taken to extend beyond a rather limited number of cases. Organised crime groups and mafias can grow in size, scope and complexity when States fail to control territories within their borders. Yet, it would be rash to expect that under all circumstances organised crime groups do evolve into mafia groups, as suggested by Hill (2003). Such a transition is likely only in conditions of ineffective state policing or when the State's representatives have decided to withdraw from certain areas and markets, as was arguably the case in much of Japan in the twentieth century. Not surprisingly, the Yakuza has grown in size and complexity.

Both organised crime groups and mafia groups have been defined here against the backdrop of existing States, with which they compete in offering services of governance. Logically, all share a crucial aspiration, that of governing exchanges. The State is indeed the most common and most well-developed institutional structure, which provides governance for those having assets and wanting to exchange them. At its core, the State is a third party that uses violence to protect assets and enforce agreements (contracts) among individuals, and a territory where these individuals reside demarcated by the reach of the enforcer's enforcement power.¹⁰² In the process of enforcing contracts, it delineates rights. The rights that the State delineates are designated as 'legal'. Economic or natural rights not backed by legal rights are not part of the scope of the State.¹⁰³

One implication of the perspective presented here, namely, that organised crime, mafias and States belong to the same category, points to the existence of some hybrids, such as insurgencies and paramilitary groups. Paramilitary groups in Northern Ireland are reported to be the main players in the protection market (some police estimates suggest that they control as much as 80 per cent of it).¹⁰⁴ Other insurgent groups—such as the Indonesian Free Aceh Movement and the National Liberation Army in Columbia—behave in the same way as their Northern Ireland counterparts and impose their system of taxation on the population living in their territories.¹⁰⁵ Until recently, the Revolutionary Armed Forces of Colombia (FARC) was a major insurgent group in Columbia, controlling an area of some 42,000 km². In this territory, it carried out regular censuses and established a specific 'tax' rate for each member of the community under its control and it also protected coca plantations and laboratories. After the Cali and Medellín cartels were dismantled in the early 1990s, the FARC began to provide protection to the

¹⁰¹ AP (16 August 2009). This development is explored in greater depth by S Brophy, 'Mexico: Cartels, Corruption and Cocaine: A Profile of the Gulf Cartel' (2008) 9(3) *Global Crime* 248.

¹⁰² Y Barzel, *A Theory of the State: Economic Rights, Legal Rights and the Scope of the State* (Cambridge, Cambridge University Press, 2001).

¹⁰³ *ibid.*

¹⁰⁴ *Irish News* (21 February 2003).

¹⁰⁵ See, respectively, *Jakarta Post* (23 January 2003) and *The Houston Chronicle* (28 October 2001).

smaller trafficking groups that replaced them.¹⁰⁶ There is evidence that the protection offered by the FARC was genuine and that a rudimentary judicial system was in place, including complaint offices hearing all types of cases.¹⁰⁷ Reportedly, there was a degree of popular support for these tribunals.¹⁰⁸

Setting aside political and moral considerations, insurgent groups can be conceptualised as lying on a continuum from the mafia to the State.

Table 1: Key Features and Differences between Organised Crime, Mafia and State

| Collective Action mechanisms constraining the institution of governance: | Single market controlled | Several markets controlled/market for protection |
|--|--------------------------|--|
| Present | * | State ↑ Insurgencies ↑ |
| Absent | Organised crime group | → Mafia group/Mafia |

* In this cell, one could place institutions that control markets with the sanction of the State, such as guilds and trade unions. It should be noted, however, that States ultimately enforce such a control.

Table 1 summarises some key distinctions. An organised crime group attempts to govern a given market, while the mafia attempts to govern several markets in a given domain. Thus, both criminal organisations share crucial features with States and insurgent groups. What distinguishes each of them is the set of collective action mechanisms that constrains institutions of governance and makes them accountable to the people, who in turn could be defined as victims, customers, or citizens. A possible evolutionary trajectory would go from organised crime to mafia to State. To chart this trajectory is a complex task, which goes beyond the confines of this chapter.¹⁰⁹ It should be noted that such entities lie on a continuum.

¹⁰⁶ *New York Times* (21 April 2000).

¹⁰⁷ Z Rueda, *Confesiones de una guerrillera* (Bogotá, Editorial Planeta Colombia, 2009); *The Independent* (21 July 2013); F E Thoumi, 'Organized Crime in Colombia' in L Paoli (ed), *The Oxford Handbook of Organized Crime* (New York, Oxford University Press, 2014) 177; M Aguilera Peña, 'Las guerrillas marxistas y la pena de muerte a combatientes. Un examen de los delitos capitales y del "juicio revolucionario"' (2014) 41(1) *Anuario Colombiano de Historia Social y de la Cultura* 201.

¹⁰⁸ *San Francisco Chronicle* (18 December 2000).

¹⁰⁹ This theme has been addressed by, eg, D C North and R P Thomas, *The Rise of the Western World* (Cambridge, Cambridge University Press, 1973); E Kiser and Y Barzel, 'The Origins of Democracy in England' (1991) 3(4) *Rationality and Society*, 396; and M Olson, *Power and Prosperity* (New York, Basic Books, 2000).

V. Conclusions

This chapter has analysed the evolution of the concept of organised crime as present in 115 definitions collected mainly in the von Lampe data set. The analysis presented in Section II has uncovered a clear trend over the past century. Organised crime started by being defined in rather narrow terms, with reference to *La Cosa Nostra*, hierarchical structure, monopolisation and the provision of illegal goods and services. By the 1970s, this perspective—mainly associated with the work of Donald Cressey and US official commissions on organised crime—had come under severe academic criticism. References to more general concepts such as ‘illicit enterprise’ and ‘illegal activities’ have become popular since the 1970s. In more recent times, we have observed a rise in allusions to ‘networks’ and an emphasis on the harmful consequences of organised crime. The overall trajectory is towards definitions that are less and less specific in characterising organised crime. In Section III, I discussed selected issues related to the evolution of this literature, in particular the contribution of Cressey and the rise of both the ‘enterprise’ and the ‘network’ perspectives. Ultimately, I argued that these perspectives have contributed to making the object of study, organised crime, a rather elusive entity. In Section IV, I advanced what I believe is a narrower yet viable definition of organised crime, capable of identifying a specific type of criminal entity and generating testable hypotheses. I compared and contrasted organised crime with the mafia, arguing that they all belong to the same set of phenomena, which can be referred to as governance.

Appendix: Descriptive Statistics of ‘Organised Crime Definitions Data Set’

The definitions contained in the data set come mainly from the von Lampe collection (N=105). Three sources are present in both von Lampe and Hagan (1976). The total cases recorded are 115. For these data, I have coded 44 variables, such as the author(s), year of publication, type of source (academic, official or dictionary), discipline of origin, country of origin, and key words or concepts.

Table A1 below presents the descriptive frequencies of the countries in the data set.

Table A1: Frequency and Percentage of Definitions by Country of Origin

| Country | Frequency | Per cent |
|--------------------------|-----------|----------|
| USA | 69 | 60.0 |
| Europe (excluding UK) | 17 | 14.8 |
| UK | 10 | 8.7 |
| Canada | 5 | 4.3 |
| Africa | 4 | 3.5 |
| Asia | 3 | 2.6 |
| Oceania | 3 | 2.6 |
| International | 2 | 1.7 |
| Americas (excluding USA) | 2 | 2.6 |
| Total | 115 | 100.0 |

Table A2 below presents the frequencies of definitions by decades.

Table A2: Frequency and Percentage of Definitions by Decades

| Decade | Frequency | Per cent |
|---------|-----------|----------|
| <1950 | 3 | 2.6 |
| 1950s | 4 | 3.5 |
| 1960s | 11 | 9.6 |
| 1970s | 15 | 13.0 |
| 1980s | 13 | 11.3 |
| 1990s | 29 | 25.2 |
| 2000s | 38 | 33.0 |
| Total | 113 | 98.3 |
| Missing | 2 | 1.7 |
| Total | 115 | 100.0 |

Table A3 presents the frequencies of the type of source of the definitions in the data set.

Table A3: Frequency and Percentage of Organised Crime Definitions by Type of Source

| Type of Source | Frequency | Per cent |
|----------------|-----------|----------|
| Academic | 63 | 54.8 |
| Official | 47 | 40.9 |
| Dictionaries | 5 | 4.3 |
| Total | 115 | 100.0 |

For the type of source, I have included in the ‘official’ category all reports and statutes. Among the academic sources, I have included books and journal papers, as well as some academic reports.

In reference to the discipline of origin of the authors, I have coded nine disciplines: Criminology; Criminal Justice; Law; Sociology; Politics; Economics; History; Security Studies; and Social Science. I defined the discipline of a paper as follows: for academic authors, either they have published their paper in a journal with a clear disciplinary title (eg, ‘Criminology’) or have written a book in that field (eg, a criminology textbook). If the interpretation was not clear, I have ascertained the department in which they hold/held their position at time of writing. ‘Criminal Justice’ includes reports originating from criminal justice agencies, such as the British Home Office and the various American ‘Task Force Reports.’ ‘Law’ includes actual statutes and law dictionaries.

The key words and concepts that I have identified can be grouped broadly in six groups: Structure, Activities, Means, Goals, Effects, and ‘Others.’ Typically, each definition makes reference to more than one dimension (eg, continuity, organisation, violence and corruption). The full list is as follows: (Structure:) Organised, Continuity, Hierarchy, Restrictive Membership, Specialization, Internal Codes and Rules, Planning, Coordination, Network, Enterprise, Flexibility, Patron-client Relations, Cosa Nostra, Triad, Social System, System of Power; (Activities:) Provision of Illegal Goods and Services, Public Demand, Illegal Activities, Extortion, Theft, Fraud, Monopoly; (Means:) Violence, Corruption, Graft; (Goals:) Power, Profit; (Effects:) Harm; (Others:) Organised Crime Concept Cannot Be Defined, Number of People, Conspiracy, Non-ideological, National/International Dimension Mentioned.

I have created a summary variable defined as ‘predation’ from ‘extortion,’ ‘theft’ and ‘fraud.’

