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Crime and Criminal Policy in Italy*

Tradition and Modernity in a Troubled Country

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ABSTRACT

This paper investigates the development of criminology research in Italy and places it in the context of broader considerations of the country's policies on crime and criminal justice. An overview of Italian research on crime and criminology reveals the versatility of Italian literature and jurisprudence; it also indicates that 'new' forms of criminality (such as white-collar crimes, sexual offences and the crimes of immigrants) are being discussed alongside the more traditional topics of murder, crimes against property and organized crime. Furthermore, this survey attempts to clarify why, in Italy, the level of public confidence in the criminal justice system is so low, despite the numerous recent reforms and the official crime rates, according to which Italy is within the European norm for most categories of offences.

KEY WORDS

Criminal Policy / Italy / Public Confidence in the Criminal Justice.

1 Introduction

Italy may be considered the motherland of criminology in the 18th and 19th centuries. In those early days, the Classical and Positivist models offered

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opposing explanations of criminal behaviour and several distinguished Italians led the debate. In 1764, Cesare Beccaria published his masterpiece *On Crimes and Punishments*, arguing in favour of a comprehensive reform of the European criminal justice systems; a century later, Cesare Lombroso founded the Italian Positivist School and went on to be remembered as the father of criminology. Lombroso rejected the established Classical School belief, which held that people are rational decision-makers and hence crime is the product of a free choice by the offender. Instead, using concepts drawn from physiognomy, early eugenics, psychiatry and social Darwinism, Lombroso's theory (known as 'criminal anthropology') argued that criminality was inherited and that the 'born criminal' could be identified by certain physical features. Although this approach has been superseded – even in Italy biological criminology now has very few followers (Marchetti 2004) – criminal anthropology developed as an academic subject, studied within the faculties of medicine (as well as of law) of Italian universities. A sociological approach to criminology was also adopted by Enrico Ferri, an Italian often celebrated for his works on the social and economic roots of crime.

This survey begins with a brief description of the political and economic context of contemporary Italy and its criminal justice system. The academic standing of criminology and the sources of funding for criminological research are then outlined. Some remarks on crime statistics and the chronic overcrowding of state prisons follow. The analysis then moves on to consider the most salient themes investigated by contemporary research in criminology: from the traditional forms of violent crimes (murder, theft) to organized crime, from sexual offences to the new forms of criminality.

2 Background

2.1 Political and economic context

Italy has been a democratic republic since 2 June 1946, when the monarchy was abolished by popular referendum. The Constitution was promulgated on 1 January 1948. The economy has changed dramatically since the end of World War II. From an agriculturally based economy, Italy has developed into an industrial state ranking as the world's sixth-largest market economy. Italy has a large underground economy, worth some 27 percent of its gross domestic product (GDP). It is not subject to taxation and thus remains a source of lost revenue to the local and central governments. At present, Italy is in the midst of a slow economic recovery following the aftermath of 11 September 2001 and the global economy's tailspin. Since economic growth has averaged only 0.66 percent for the past five years, Italy continues to grapple with excessive budget deficits and high public debt (4.3 percent and

108 percent of GDP, respectively, expected in 2006). The once flourishing manufacturing industry has suffered competition from the emerging giant manufacturing districts of China, India and South East Asia, which benefit from extraordinarily low labour costs. As a result, recent governments have enacted numerous short-term reforms aimed at improving competitiveness and long-term growth. However, because of the current economic slowdown and opposition from the unions, Italy has moved slowly on implementing structural reforms, such as easing the high tax burden and overhauling Italy's rigid labour market and over-generous pension system.

Politically, the country underwent major changes in the 1990s. Voters, disenchanted with past political paralysis and massive government debt, demanded political, economic and ethical reforms, and the once major political parties, beset by scandal and judicial investigations for corruption, underwent far-reaching changes. While the 'Clean Hands' campaign of judicial investigations – initiated by a group of prosecutors in Milan – hit thousands of politicians, administrators and businessmen, the parallel shift from a proportional to majority voting system also contributed to altering the political landscape. New political parties and new alignments of power emerged. Transition, however, left a country deeply divided between two broad and unsettled coalitions (a liberal and populist 'centre-right' and a social democrat 'centre-left') that to date have not managed to win a second term in office.

2.2 The criminal justice system

The foundations of Italian criminal justice are embedded in the Constitution, in which the major principles relevant to substantive as well as procedural law are acknowledged. The principle of legality (Cadoppi and Veneziani 2006) is stated in Art. 25, and Art. 27 states that criminal responsibility rests solely on the acting individual. Art. 27 grants a presumption of innocence to those subject to criminal prosecution. The presumption stands until a final judgment on the case is reached: any prison term served by a defendant before the final judgment (even after a conviction in the first instance or appeal) is considered 'preliminary detention'. Pursuant to Art. 27, the inhumane and degrading treatment of prisoners is strictly forbidden and all criminal sanctions should aim at re-educating the offenders, a provision that has been interpreted by the Constitutional Court as a ban on life imprisonment for juveniles. In 1999, a fair trial amendment to the Constitution, inspired by Art. 6 of the European Convention on Human Rights, inserted elaborate guarantees for all defendants in criminal cases. According to the amended version of Art. 111 of the Constitution, criminal proceedings are now governed by the principle of adversarial adjudication, and

a significant exclusionary rule prevents the use in evidence of any depositions given by those who have always avoided confrontation with the accused or counsel. Every accused person has the right to an interpreter and the right to confront adverse witnesses before the court (Maffei 2006).

In Italy, criminal cases are heard by different courts of justice. Minor offences are tried before the lay Justice of the Peace; the majority of crimes are dealt with by the Tribunal of first instance. Depending on the gravity of the offence, the Tribunal sits either with a single judge or with a panel of three justices. For very serious offences only (such as murder) the competence lies with the Assize Court, a panel of eight judges (six lay, two professionals) who retire together and deliberate jointly on questions of both fact and law. Cases may also be dealt with by a single professional judge at a committal hearing if the defendant agrees to certain simplified proceedings. No separate phase for sentencing is prescribed by the law, as all criminal courts are required to pass sentence when they find the accused guilty of the particular offence. Juvenile criminal courts sit in panels of four judges (two professionals and two laypeople, chosen from experts in psychiatry, psychology, criminology and sociology).

The sources of criminal law and procedure are codified. The Criminal Code dates back to the Fascist regime (1930). Although it originally emphasized crime control to the detriment of civil liberties, the Code has long survived the birth of the republic, owing to its solid structure, some liberal founding principles (*nulla poena sine lege*, *nullum crimen sine lege*) and a number of far-reaching reforms that have progressively dismantled its most ideological and questionable contents. The Code of Criminal Procedure came into force on 24 October 1989, a date that stands as a turning point in the history of Italian law (Amodio and Selvaggi 1989). The new Procedural Code marked a departure from the inquisitorial French tradition and subscribed to adversarial assumptions. Despite the resistance of large sectors of the French-influenced Italian legal culture and jurisprudence (Pizzi and Marafioti 1992), the new Procedural Code opened the doors to cross-examination by the parties, private defence investigation and alternative forms of proceedings (based upon negotiations over the evidence and the sentence between defendant and prosecutor) (Corso 1993).

Separate bodies of statutory law govern the criminal trial of juveniles (Decree No. 448/1988), drug crimes (Decree No. 309/1990) and the penitentiary system (Act No. 354/1975). In practice, the sentence served upon a defendant at the end of the trial is subject to significant modifications during the 'execution' phase, in which various rehabilitation measures (such as probation and home detention) may be granted by a Supervisory Penitentiary Court to those who qualify for them under the terms of the law. In recent years, however, Italian public opinion has developed considerable scepticism

about the rehabilitative efficacy of criminal penalties, and benefits to convicted persons are now often perceived as over-generous examples of undue leniency.

The fall of corporate giants (such as Cirio and, more recently, Parmalat), as well as other scandals of mismanagement in public companies, has led to the progressive surrender of the traditional principle according to which a corporation could not be subject to criminal prosecution (*societas delinquere non potest*). Pursuant to Decree No 231/2001, corporations can now be brought before a criminal court for offences committed on their behalf or to their advantage by directors, administrators and other persons responsible for the governance of the corporation.

Despite numerous recent institutional and legal reforms, the country's most pressing problem remains the enormous court backlog and the excessive duration of proceedings. In the first semester of 2005, over 3 million proceedings were pending before the criminal courts. In 2005, criminal proceedings averaged two years and five months for the first instance alone, and their duration reached an average of five years and six months for cases taken to appeal and to the Supreme Court of Cassation. Unsurprisingly, Italy has often been convicted by the European Court of Human Rights of violating the reasonable-time requirement of the European Convention (see, among others, *Del Federico v. Italy*, App. No. 35991/97, 4 July 2002). As a result, public confidence in the criminal justice system is critically low. Despite the relative success of alternative modes of proceedings (including the equivalent of plea-bargaining, which is now available for all offences punishable with less than seven-and-a-half years' imprisonment; Maffei 2004), Italian criminal courts seem unable to deal with the backlog of cases. Further, a 2006 pardon law (see section 3.2 below), intended to put an end to the endemic overcrowding of state prisons, has further undermined public confidence in the state's ability to bring justice to criminal matters.

2.3 Research infrastructure and the academic standing of criminology

The unusual academic standing of criminology mirrors its origin and tradition. In Italy, all academic subjects fall within certain 'research areas', identified with codes by a decree of the Ministry of Education. These areas are crucial for the recruitment of academics as well as the allocation of state funding for research. Criminology is not a research area in its own right; instead, criminological matters come under several areas, namely legal medicine, sociology and psychology. As suggested earlier, the Positivist origin of Italian criminology (and the theory of the 'born criminal') led to the establishment of four postgraduate schools of 'clinical' criminology in the faculties of medicine in Genoa, Milan, Modena and Bari. Traditionally, graduates of these schools were entitled to serve as experts in state prisons, as well as lay

judges in the juvenile courts and the Supervisory Penitentiary Courts. Since such schools were foreign to European practice, they have been abolished. As a result, postgraduate studies in criminology are currently available in advanced courses and Master's degrees offered by faculties of law, social sciences, psychology and medicine.

Versatility is thus a typical trait of Italian criminology; the variety and far-reaching scope of the topics studied by criminologists can be summarized only briefly here. Major achievements include epistemology books (in 1993, Adolfo Ceretti received the Dennis Carroll Prize at the 11th World Criminology Congress with *L'orizzonte artificiale. Problemi epistemologici in criminologia*, 1992), works on 'narratology' (Verde et al. 2006), organ trafficking (Travaini and Dominici 2006) and pharmacological fraud (Gentilomo et al. 2006), treaties on forensic psychiatry (Fornari 2004) and many others. Research in criminology is supported by the Italian Society of Criminology, which has 500 members.

3 Trends in crime and punishment

3.1 Crime statistics

According to the *European Sourcebook of Crime and Criminal Justice Statistics – 2006*, crime rates per 100,000 Italian inhabitants between 2000 and 2003 were well below the European average, yet criminality in Italy should be viewed and understood in the light of its regional and local peculiarities, as significant differences emerge.

3.2 Inmates and prisons

Penitentiary institutions are not an example of Italian excellence – state prisons have drawn the attention of in turn Amnesty International, the UN Commission on Human Rights and the European Court of Human Rights (*Labita v. Italy*, App. No. 26772/95, 6 April 2000). The prison population, as one might expect, is dominated by immigrants (Pavarini 2002) and drug addicts (one-third of inmates claim to be drug addicts, although this may sometimes be a manoeuvre to gain some benefits in prison treatment). The situation of women behind bars is especially difficult. Although several measures are available to mothers as an alternative to detention, in some cases imprisoned mothers may keep their babies (below the age of 3) with them. In spite of sharp criticism of this practice by the Council of Europe (Rec. 1469/2000), Italian law permits it.

Overcrowding in state prisons (until 2006) was the result of a progressive increase in the number of inmates between 1985 and 1995 (from 76 to

90 per 100,000 inhabitants) which, in the 1990s, placed Italy in fourth place for prison overcrowding among all European countries, including the former Soviet bloc and Turkey (Sarzotti 2004). Despite these figures, only 452 experts in prison counselling are available to inmates (for an average of one hour of counselling per month), notwithstanding the constitutional provision that criminal sanctions should aim at re-educating offenders. By contrast, over 45,000 prison wardens are currently employed and this leads to the surreal situation of the city of Cassino, where there are as many prison officials as there are local inmates.

To put an end to overcrowding, the Italian parliament passed an ad hoc pardon law in 2006: the law granted a three-year reduction in penalty for all inmates (with the exception of those convicted of terrorism and organized crime) and released more than 15,000 prisoners. As one might expect, the pardon law has raised significant concerns in public opinion, and commentators predicted that in a few months the number of inmates would quickly return to pre-2006 figures.

4 Salient themes in criminological research in contemporary Italy

4.1 Traditional forms of crime: Murder

In the past 15 years, Italy has been within the European norm as far as the crime of murder is concerned. The *European Sourcebook of Crime and Criminal Justice Statistics* for the period 2000–3 ranks Italy between 22nd and 26th place (depending on the year) in terms of murder rates per 100,000 inhabitants among the 37 European countries covered. In 2003, the murder rate in Italy stood at 1.3, compared with a European mean of 2.7 (and a median of 1.8).

Differences between the north and the south of Italy are apparent, mainly owing to the role of mafia-type organizations (EURES-ANSA 2005; Merzagora Betsos 2006). Since 1880, murder rates in Sicily have consistently been double those of Italy as a whole. In 2004, 51 percent of all murders committed in Italy took place in Campania, Puglia, Calabria and Sicily, whereas the population of these four southern regions accounted for less than 30 percent of all Italians. Between 1975 and 2004, mafia-type murders numbered 6144 (EURES-ANSA 2005), and a peak was registered in 1991 with a record 718 murders involving mafia crime (37.5 percent of total murders committed in Italy that year). Some commentators suggest that this phenomenon is a true representation of the poor sense of civic duty that some surveys have assessed as a trait of the population of these areas (Gatti et al. 2000). More recently, however, state responses to mafia murders in

Sicily appear to have been rather effective. In the aftermath of the 1992 assassinations of two prominent prosecutors and their escorts (see section 4.3 below), the city of Palermo has been subject to careful scrutiny by the prosecuting authority and the police. As a result, a sharp decrease in mafia killings has been recorded in Palermo (Chinnici 2003) and the rest of Sicily.

In northern Italy, by contrast, the rather high percentage of murders within the family might be regarded as a symptom of the crisis of the family as a social institution, unless the cause of the crime is to be found in a psychiatric illness of the offender. More and more often murders within the family involve dependent protective homicide-suicides in older married couples, precipitated by depression and the fear of declining health (Merzagora Betsos and Pleuteri 2005). In recent years, several incidents that have caused public outrage have generated studies on domestic violence and different types of murders within the family: parenticide by minors (Bandini and Gualco 2002; De Pasquali 2002), the killing of a son by a mother (Costanzo 2003; Merzagora Betsos 2003; Nivoli 2002) and uxoricide (the killing of someone's wife or female companion) (Baldry 2006). Murder has also been investigated in connection with the crime of stalking (Modena Group on Stalking 2005). Furthermore, a few studies on serial killers must be mentioned (Ciappi 1998; Gulotta and Merzagora Betsos 2005; Mastronardi and De Luca 2005) because some authors argue that Italy is behind only to the United States and the former Soviet Union on this offence. If one looks at the statistics, however, Italian *experts on serial killers* perhaps outnumber serial killers.

4.2 Crimes against property and the security of citizens

Like the rest of the world, Italy's most significant category of crime is that against property (especially theft). The number of thefts reported ranges from 1,300,000 to 1,500,000 cases each year. The 'dark figure' of unreported cases, however, makes it virtually impossible to determine the precise numbers of these offences, although the *European Sourcebook of Crime and Criminal Justice Statistics* places Italy in line with European standards. Much more accurate figures are available for car thefts, since insurance claims are subject to prompt reporting to law enforcement agencies. For once, rates of crimes against property are lower in the south of the country, and this is because stealing is more lucrative in the northern regions. Burglaries are also more frequent in the north, because most women have daytime jobs there and houses and apartments may then be more easily targeted by burglars.

Usury remains an Italian anomaly. In spite of a detailed (and over-complex) anti-usury law (according to which usury ceilings are calculated in relation to the actual average global rate specified periodically by the

Ministry of the Treasury), the practice of usury is still the cause of a great deal of public concern. Modern day Shylocks – who do not necessarily belong to mafia-type criminal organizations – are harmful not only to the finances but also to the psychology of their victims (De Leo et al. 2004).

Since thefts and street crimes are crucial to citizens' sense of security and the level of public confidence in criminal justice (Barbagli 2003), Italian criminologists have now turned their attention to fear of crime and other related matters, such as victimization and crime prevention. As is well known, the first studies on victimization were carried out in the USA in the 1960s and some European countries followed suit immediately afterwards (the United Kingdom, Finland, Sweden, France). Italy has now caught up: since 1997, the National Institute of Statistics has conducted a victimization survey that is repeated every five years. The Citizens' Safety Survey focuses on certain types of violent offences and reveals the dark figures of these crimes. It also highlights which members of the population are more at risk of suffering theft, robbery, assault or threats and violence and investigates the reasons for reporting or not reporting violent crimes. Moreover, the Survey attempts to measure the feeling of security/insecurity associated with crime and criminality and the strategies adopted by citizens to defend themselves or to prevent such crimes.

In this regard, it may perhaps be surprising to discover that over 14 million Italians feel 'totally or rather unsafe' to walk alone at night in their local streets. Historically, fear of crime became a large-scale problem in the 1970s, at a time when thefts, robberies and murders rose dramatically. Now, however, fear of crime seems to increase independently of the actual incidence of the particular offences. In other words, fear of crime does correlate with the increase in crime but, in Italy, it is more widespread than crime itself (Miceli et al. 2004). The best predictors of fear of crime are urbanization, degradation of residential areas, and living in north-eastern Italy.

Despite public concern about violent offences, fear of crime has not yet led to systematic calls for higher penalties and exemplary punishments (Barbagli and Gatti 2002). Nevertheless, in 2001, two separate amendments were introduced in the Criminal Code so as to increase the penalty for domestic burglary and 'street robbery' (e.g. theft of a wristwatch or purse). In addition, in 2006 the law of self-defence was amended in order to justify some forms of disproportionate (and even violent) response to domestic and business burglaries, in line with the famous common law 'castle exception' (Cadoppi and Veneziani 2006).

In recent years, criminal justice policy has been inspired by both 'situational' and 'social' (or 'community') crime prevention. In this regard, Italy's distinguishing trait lies in the engagement of local authorities in the effort to improve citizens' security. Projects 'for the security of citizens' were

first launched (and funded) in the 1990s by the city of Bologna and the Emilia-Romagna region. These projects were inspired by a group of criminologists persuaded of the crucial impact of street crimes on public concern about criminal matters. At present, the most active organization in the field is the Forum on Urban Security, to which more than 80 city administrations are affiliated. On the one hand, situational crime prevention has led to the installation of a multitude of surveillance cameras in public places and to the reorganization of both the training and the work practices of municipal police. On the other hand, social crime prevention has inspired both Neighbourhood Watch projects (of limited success) and significant actions involving the fight against juvenile poverty and drug addiction, especially with assistance through 'street' projects (Selmini 2002).

4.3 Organized crime: Mafia-type organizations and terrorism

Although Italian mafia-type organizations initially developed as regional enterprises, they later established themselves across the whole of Italy and even abroad. Besides the world-famous Sicilian Mafia, dating back to the 19th century, the list now includes the Camorra (in Campania and its capital, Naples), the 'Ndrangheta (in Calabria) and the Sacra Corona Unita (in Puglia).

Mafia-type organizations are characterized by their viciousness and the similarity of their structure, which is based on a network of secret associations of 'men of honour' governed by the code of silence. One of the most significant features of these organizations has always been their aptitude for infiltrating public offices and exerting political influence. As suggested by Art. 416*bis* of the Italian Criminal Code: 'A criminal association is considered *mafiosa* ... when members of the association use the power of intimidation of the associative bond and ... the vow of silence ensuing therefrom to commit crimes, to take control of businesses, to obtain the granting of authorizations, tenders and public services or to prevent or obstruct the free exercise of voting rights during elections.' In Sicily, Calabria and Campania, several town councils have been dissolved owing to mafia infiltration and many Italian MPs have been the subject of criminal investigation for mafia crimes. The link between the mafia and local and state authorities clearly appears when one considers the killings of politicians, judges and other leaders who have either attempted to oppose the organizations or have at some point become unable to secure state support (and funding) for them (Sciarrone 2002).

Over the decades, mafia-type organizations have become more eclectic. The traditional crime of extortion from shops and local businesses has been progressively replaced by other profitable activities such as loan-sharking, prostitution, the illegal importation of drugs and cigarettes, robbery,

kidnapping, and the smuggling of illegal immigrants (especially by the Sacra Corona Unita, based in the coastal region of Puglia, which faces Albania). More recently, organized crime has even managed to infiltrate the lucrative business of the international trafficking of artworks (Ciotti Galetti 2003).

A number of studies have investigated the reasons for the 'success' of these organizations from a political, economic and social point of view. Some authors argue that mafia crimes are the product of a particular 'mafia subculture', which is embedded in certain cultural traditions and in some psychological weaknesses of human nature, such as fear and the subsequent need for protection (Scalia 2005). One can only hope that an ever-increasing percentage of today's new recruits – who have grown up in a society where economic success lies at the heart of someone's reputation – will be less susceptible to subcultural mafia codes of conduct concerning 'honour' and the 'vow of silence'.

Given the difficulty of securing testamentary evidence against mafia members, the fight against mafia-type organizations has always significantly relied upon the encouragement of defection. In Italy, the evidence of defectors has not only led to the judicial convictions of many mafia affiliates but also contributed to a better understanding of the structure of the Sicilian Cosa Nostra and to the shattering of the image of the impeccable 'man of honour'. Mafia defectors are former members who leave the organization in exchange for more lenient judicial treatment and a tailor-made protection programme intended to provide protection, financial assistance and, in some cases, a new identity. The first applicant for such a protection programme was Tommaso Buscetta, a member of the Porta Nuova family in Palermo, who later took refuge in the USA. Buscetta's testimony in the New York 'Pizza connection' trial in the mid-1980s led to the conviction of hundreds of mobsters in Italy and the United States, including Gaetano Badalamenti. Buscetta later became the star witness in the Palermo 'maxi-trial', which led to almost 350 mafia members being imprisoned in 1987. During the 1990s, defections increased significantly: in 2002, applicants to the special protection programme reached 1100 (Barbagli 2003). This increase has cast some doubt on the veracity of defection testimonies, and some have argued that the mafia was pursuing a strategy of defection to muddy the waters. Under a recent law, defectors are now required to submit their evidence within a specified time-limit, and such evidence must necessarily be corroborated (Art. 192, Code of Criminal Procedure).

After the killings of two senior prosecutors (Giovanni Falcone and Paolo Borsellino) in 1992, a number of tough laws were passed in order to (a) increase the secrecy of judicial investigations into mafia crimes, (b) establish solitary confinement for inmates involved in mafia crimes and (c) allow more flexibility in the collection of evidence (i.e. wiretaps). In the past

decade, there is some evidence that, especially in Sicily, law enforcement is eventually gaining the upper hand over the mafia. The capture of godfather Bernardo Provenzano in 2006 is the most recent success. By contrast, the Camorra in Campania has become increasingly violent and recent clashes between city gangs have turned Naples into the Italy's most dangerous city.

Although women traditionally were little involved in mafia activities, the 1990s saw a significant increase in the number of women imprisoned for related offences (Russo and Salomone 1995). Research also reveals that females are being assigned key roles, in particular when their husbands or partners are jailed. Further, women are believed to ensure that the fundamentals of mafia culture, which favours values such as loyalty, revenge and the vow of silence, are passed on to the children, in keeping with the traditional role of mothers (Pitch 2002; Università degli Studi di Palermo 2003).

Another recent positive development is the sharp reduction in the number of kidnappings for ransom, once a profitable activity of certain mafia-type organizations (e.g. the 'Ndrangheta and Anonima Sequestri in Sardinia). Thanks to laws that now grant generous judicial benefits to defectors, as well as the immediate seizure of the victim's assets – to prevent the payment of ransom – statistics for this offence have plummeted and Italy is now within the European norm (Luberto and Manganeli 1990; Marongiu 2002).

Italy also defeated internal political terrorism after the emergency of the 1970s. Between 1969 and 1982, in fact, 2712 terrorist acts were recorded and 351 individuals were murdered in that context. The long list of victims of terrorism included two university professors in criminal anthropology (Alfredo Paoelli in 1978) and criminology (Guido Galli in 1980). In the past decade, some alleged followers of the communist Red Brigades murdered two labour law professors in an attempt to halt the introduction of the government's reforms of the extremely rigid Italian labour market. However, the killers of government consultants Marco Biagi and Massimo D'Antona (in 1999 and 2001 respectively) were quickly brought to justice and sentenced to life imprisonment, and the labour reforms have significantly moved ahead.

As one might expect, the clear and present danger on the terrorist front is posed by the Islamic terrorist network linked to al-Qaeda. According to reports from the Home Office and the intelligence service, members of the network are particularly active in the northern cities of Milan and Turin and the Emilia-Romagna region. Although only a few proceedings have been initiated so far against al-Qaeda cells, the Italian authorities and law enforcement agencies are extremely cautious, because Islamic terrorist groups have often referred to Italy as a potential target of terrorist attacks in light of its participation in international peace-keeping missions in Afghanistan, Iraq and Lebanon.

4.4 Sexual offences

Sex crimes have been the subject of major legislative reforms in recent years, mainly owing to increased public concern, media attention and supranational impulse. The First World Congress against Commercial Sexual Exploitation of Children, held in Stockholm in 1996, suggested the adoption of specific legislation against the new criminal phenomena of sexual tourism and commercial child pornography, including crimes via the Internet. In 1996, 1998 and 2006 Italy followed suit and the Criminal Code was amended to include several new sexual offences. The (unusually long) list now includes gang/group sexual violence, paedophilia, sexual tourism and even 'virtual pornography' (Cadoppi 2006). On the procedural side, special provisions have been introduced to protect the victims of a sexual offence (especially children or the mentally-ill) as 'vulnerable witnesses' in criminal proceedings (Cabras 1996; Maffei 2006).

Any discussion of sex crimes should begin with the dark figure of unreported offences. Victims of a sexual offence are often unwilling to report it to the authorities out of shame or fear. A telephone survey conducted in 1998 by the National Institute of Statistics (on a sample of 20,064 women aged 14–59) showed that 82.7 percent of rapes and 93.2 percent of attempted rapes went unreported (Sabbadini 1998). Official statistics, however, also suggest that in the 1960s complaints of sexual offences were higher in the southern regions than in the north. Some commentators have argued that this was owing to the southern custom whereby an official complaint would often induce the offender to marry his victim, who would then withdraw her accusation (Terragni 2002). The increase in the number of complaints in the north may be seen as resulting from a real increase in sexual incidents, especially in metropolitan areas.

As noted earlier, new offences of group violence and offences against minors have recently been introduced in the Code. Criminology research, however, had long studied these forms of violence, both as a social phenomenon and as a potential threat to public confidence in the criminal justice system (Bandini and Gualco 2000; Barbieri et al. 2005; Calvanese 2005; Coluccia and Calvanese 2003; Troccoli et al. 2005). A dedicated database has been established at the National Documentation and Analysis Centre for Children and Adolescents in Florence to gather information on sexual offences concerning children. In 2001, the Centre published a special issue of its publication *Pianeta infanzia* (Planet Infancy) devoted to the fight against sexual violence and the commercial sexual exploitation of children, in an attempt to raise awareness about the subject.

Two topics of interest amongst those recently in the public eye are date rape (Moretti 2005) and marital violence, which are often underestimated

by statistics (ISTAT surveys on victimization indicate that such crimes are less likely to be reported than those committed by strangers).

4.5 Drug crimes

Drug trafficking has become the core business of mafia-type criminal organizations, attracted by the huge profits of the drug market. As a result, drug trafficking is now mostly in the hands of groups (and families) affiliated to Cosa Nostra, Camorra and 'Ndrangheta. Nevertheless, in the north of the country there is some scope for small-scale enterprises and even for individual drug smugglers. Dealers are still primarily drug addicts who are engaged in the sale of substances to secure their own doses; needless to say, they are the most likely residents of national prisons.

Statistics show a steady increase in the number of foreign offenders for drug crimes: in 1987 they totalled 1543; by 2004 this figure had risen to 8703. These data may be regarded as evidence of the progressive replacement of indigenous criminals with immigrants, especially at the lower end of the business (dealers). Other commentators suggest that the emerging role of foreigners was caused by the transformations in the drug market in the past decade, especially the increased demand for cocaine and marijuana (Barbagli 1998). The drug market is now dominated by ethnic groups that closely cooperate with local organizations. Whereas Colombian cartels are leaders in the importation of cocaine, Turkish organizations supply Italy with heroin through a dedicated Balkan route. Albanian and Nigerian groups are active in the importation and sale of heroin and cannabis. Local dealers very often come from the Maghreb countries (Morocco, Tunisia, Libya) and they alone make up more than 50 percent of the total number of foreign crimes reported yearly to the police.

4.6 'New' forms of criminality: White-collar crimes and the crimes of immigrants

Since Italy ranks lower than Botswana, Malaysia and South Korea in the 2006 Corruption Perception Index (the CPI is a composite index that draws on surveys that poll perceptions of public sector corruption), the matter of white-collar crimes deserves some attention. As suggested earlier, the 'Clean Hands' investigations of the early 1990s unearthed a system of corruption that was widespread across all political parties and involved hundreds of politicians, public officials and entrepreneurs (in Milan alone, 3200 alleged offenders were brought to trial for economic-related crimes between 1992 and 2002). It is also true that several prominent Italian figures and even

prime ministers have been the subject – on different grounds and with remarkably different judicial outcomes – of criminal investigations.

Various theories have been put forward to explain the economic, political and cultural causes of corruption in Italy. One could blame Italians' poor sense of civic duty (Italy has been a unified state only since 1861). It may also be suggested that corruption finds fertile terrain in the typical Italian attitude of favouring friends and family in social and economic relations alike. Further, some authors have pointed their finger at the lack of transparency in the exercise of public functions, owing overly complex legal regulations and inefficient bureaucracy (Savona and Mezzanotte 1998). In recent years, research on white-collar crimes has focused primarily on the theories of 'costs-and-benefits' (Della Porta and Vannucci 1997) and the interrelations between economic crimes and mafia-type criminal organizations (Di Nicola 2006; Forti 2003; Martucci 2006). Especially in the south, in fact, corruption often serves the interests of those who are affiliated with criminal organizations, which, in turn, may then consolidate their power through corruption, alongside intimidation.

After the 'Clean Hands' campaign – during which hundreds of people patiently queued in the corridor of the Milan Palace of Justice to confess and report instances of corruption – complaints for this offence have returned to normal levels. This can be viewed either as a success of recent reforms (in 1997, offences of misconduct by public officers were amended by statute) or as the outcome of a normalization process that does not however correspond to the eradication of corruption from Italian politics and public administration.

Immigrant crime is a relatively recent phenomenon, since Italy has historically developed as an 'emigrant' rather than 'immigrant' nation and is hence regarded primarily as an 'exporter' of criminality. Unsurprisingly, official statistics did not introduce a separate category for crimes committed by foreigners until 1988. Italian criminologists are divided on the question of whether foreigners are particularly likely to be offenders (Barbagli 2003; Marotta 2003; Palidda 2001). It is undeniable that foreigners are more represented in the official statistics but it is also true that they are more easily recognizable and that they tend to commit more conventional crimes, which are, in turn, easier to detect. Furthermore, illegal immigrants are obviously more prone to engaging in criminal activities, because they are often unable to secure regular jobs. Statistics show that immigrants are especially active in thefts and burglaries in shops and apartments. In 2003, in the metropolitan areas of the central and northern regions (around Turin, Milan, Bologna and Florence), more than 60 percent of all reported offenders were foreign.

One of the most serious offences related to foreign criminality is the exploitation of prostitution (prostitution itself is not a crime in Italy). As one might expect, in most cases prostitutes and exploiters often come from the same countries. In 1988, only 19 foreigners were reported to the police for this offence but the figure quickly rose to 578 in 2004. Foreign prostitutes are also much more likely than their Italian colleagues to become victims of violent crimes: in Milan, 27 prostitutes were murdered between 1990 and 2000, 19 of whom were immigrants (Merzagora Betsos and Pleuteri 2004). In the past decade, prostitution in the north has developed as a well-structured business, based upon meticulous management and aggressive street prostitution, especially in metropolitan areas. Street prostitution and its usual accompaniment (such as kerb-crawling, littering and late night disturbances) are especially detrimental to citizens' sense of security. Local residents of northern cities are more and more often voicing their protests against prostitution with public demonstrations and 'night marches'. Calls for regulated prostitution in brothels (in Italy, brothels were abolished in 1958 by a statute named after its proponent, Ms Lina Merlin) or the establishment of dedicated red-light districts have not yet been successful.

In Italy, as in other Western countries, street prostitution is just the tip of the iceberg of human trafficking. Poverty, social exclusion and war are at the heart of human trafficking. Many young girls and women are hoodwinked into believing promises of a better life in Europe, sometimes by people who are known and trusted by them. Traffickers may own legitimate travel agencies, modelling agencies and employment offices in order to gain their trust. Others are simply kidnapped. Once they are in Italy, it is common for their passport to be confiscated by the trafficker; women are then warned of the harmful consequences should they attempt to escape. These may include beatings, rape, threats of violence against their family and death threats. In some cases, subjugation is secured through religious practice – as in the case of certain voodoo rituals for Nigerian women (Ravagnani and Romano 2005). Slave girls are sometimes forced into illegal abortions, and they may occasionally be left with no other choice than the abandonment, or even the murder, of their babies (Merzagora Betsos and De Micheli 2006). Italian mafia-type organizations do not directly control prostitution, although they often require a 'fee' from foreign groups for allowing prostitution in certain specified areas and streets, or for ensuring security and protection during the smuggling of women (Calzaretti et al. 2005).

In the central and northern regions, new forms of immigrant crimes have also developed in recent years. Apart from drug crimes (see section 4.5 above), criminal entrepreneurs have learned their lessons from their Italian counterparts. As a result, expressions such as 'Albanian mafia', 'Russian mafia' and 'Chinese mafia' are now commonly used by the media and the

public to describe 'ethnic' criminal groups engaged in all sorts of criminal activities. To be accurate, however, these groups do not resemble by any means the traditional structure of Cosa Nostra since they do not benefit from its political capital. Only a few Chinese criminal organizations have so far managed to establish themselves as an 'alternative legal order' in the eyes of some Chinese communities (Becucci and Massari 2003).

4.7 Juvenile crimes

Italy is again no exception when it comes to juvenile crimes. In Italy, minors offend just as they do elsewhere, and their offences mostly consist of crimes against property and so-called 'Mickey Mouse crimes'. According to official statistics on criminal prosecutions, however, in 2001 only a tiny 2.6 percent of reported offenders were minors, against 23.9 percent in the UK, 21.0 percent in France, 12.9 percent in Germany and 5.0 percent in Spain.

In 1989, a landmark reform established new rules for juvenile criminal trials. The reform introduced a special form of probation for minors and thus contributed to a significant modernization of juvenile justice. Before 1989, in fact, juvenile crimes often went unreported because minors would otherwise risk a prison term that was widely perceived as an obstacle to re-education (Gatti 2003). In Italy, the age of criminal responsibility is 14 and recent calls for its lowering (as well as for the abolition of the juvenile courts) have been unsuccessful. Despite increased public concern, the numbers of minor offenders for the crime of murder are still relatively low (Traverso and Bianchi 2002; Cipolla 2006). Nevertheless, in the 1980s and 1990s a constant increase in violent crimes by minors was recorded in Italy, in line with the results of victimization surveys carried out in England, Sweden, Holland and Germany (Gatti 2003), and juvenile gangs have become a new concern for law enforcement agencies (Gatti et al. 2004).

Juvenile crimes amount to a national emergency only in the context of mafia-type organizations. As one might expect, murders by minors are almost exclusively a feature of the southern regions (80 percent in 2000). Criminal organizations aggressively recruit minors for low-profile jobs (drug and message carriers, motorbike riders) that are essential for the effective control and management of the territory assigned to each group (Becucci 2003; Cipolla 2005). Surprising as it may sound, even drivers of motor boats for smuggling (from Libya or Albania) are sometimes minors (Becucci 2003). Another group of juvenile criminals are illegal immigrants based in the north of the country, where they primarily engage in robberies and burglaries (Gatti 2003; Merzagora Betsos and Cipolla 2004).

As in most parts of Europe, the law in Italy openly aims to keep minors out of prison. Offenders over the age of 14 may be subject to prosecution but,

in practice, a conviction is served on them in only 15 percent of cases, as many alternatives to trial are available (Gatti 2003). Furthermore, prison terms may be substituted by home detention and placement in communities for juvenile offenders (in 2000, there were 12 communities for minors in the country). Prison terms are then almost exclusively served as a form of preliminary detention for the most serious offences. In June 2006, 763 minors were being held in Italian penitentiary establishments, of whom 368 were foreigners. Research shows that they almost exclusively come from the most disadvantaged social classes, have little if no education and have an extremely problematic family life (Gatti 2003).

Mediation is encouraged in the treatment of minor offenders. Although theoretically applicable in certain prosecutions against adult offenders as well, mediation is especially important in the context of juvenile crimes, since victims of these crimes may not, under the terms of the law, claim compensation as civil parties in the related criminal proceedings. They are instead forced to bring their case before the civil courts, and civil proceedings are extraordinarily lengthy in Italy. In 1998, a pilot mediation project was launched in Milan. Following the relative success of this initiative, mediation offices were later established in other locations. Following the relative success of this initiative, mediation offices were later established in Turin (Scivoletto 2004), Trento, Rome, Catanzaro and other cities (Ceretti 1999; Pisapia and Antonucci 1997; Scardaccione 2001).

5 Conclusions

Italian research on crime and criminology mirrors the versatile nature of Italian society. Although the 'evergreen' topics of murder, crimes against property and organized crime are still being carefully investigated, attention is also paid to drug offences, immigrant criminality and white-collar crimes. Juvenile crimes and sexual offences are also the cause of growing public concern, which calls for criminological scrutiny. Further, since criminology is studied and taught in faculties of law, medicine, psychology and sociology, Italian studies on crime and criminal justice are deeply intermingled with sociopolitical, legal and psychological arguments and considerations.

This brief survey shows that, despite the country's satisfactory record in terms of crime rates (which are often below the European average), confidence in the criminal justice system is critically low. On the one hand, low confidence originates from well-founded concerns over the inefficiencies of the criminal justice system (mainly owing to delays and lengthy proceedings) and the uncertainty of criminal sanctions. Especially detrimental to public confidence was the 2006 pardon law, which was intended to put an

end to the endemic overcrowding of state prisons. On the other hand, one may wonder whether the unusually high levels of fear of crime and of insecurity are being exacerbated by destructive and sensationalist media coverage. Since 1987, when Italy became the first European country to allow the broadcasting of criminal trials on state television via the TV show *Il giorno in Pretura* (A day in the court), media coverage of criminal investigations and trials has become a national obsession. This has led not only to a proliferation of media-fed judicial scandals (not always supported by admissible evidence against the suspects) but also to gross misrepresentations, in Italy and abroad, of the country's true criminal environment.

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