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Comparative Synthesis of Part I

Cyrille Fijnaut and Letizia Paoli

All things considered, not much historical research has been done in Europe on the background, manifestations and consequences of what are traditionally referred to as gang crime and the underworld. Particular branches of the Italian mafia, most notably the Sicilian ones, and a number of the criminal gangs operating in seventeenth- and eighteenth-century Germany, the Netherlands, present-day Belgium and France have, however, long attracted close scrutiny. Some phases in the history of specific forms of crime in cities such as Paris, London and Amsterdam have also been closely studied on more than one occasion. But large parts of the history of crime in Europe, such as crime in large German cities or gangs in the Spanish countryside prior to the French Revolution, have certainly not yet been the subject of extensive research.

It is quite unusual in historical circles to study collective forms of serious crime – as just referred to as either mafias or criminal gangs – in terms of ‘organised crime’. This is not odd in itself because, as mentioned in the introductory chapter to this Part, the term ‘organised crime’ was not used in Europe to refer to more or less organised forms of serious crime until a few decades ago. Applying the concept of organised crime to historical forms of serious crime does not, however, mean that anyone who does so, or intends to do so, is or would be guilty of a misplaced form of re-interpretation of criminal history.

Firstly, this is not the case for a reason related to knowledge theory: it may be very innovative to examine from a new perspective phenomena that have always been studied from other points of view. Secondly, it is not true because the benefit of using the concept was in fact proven years ago in practical historical research on pre-revolutionary gangs. This was done by Florike Egmond in her research on the major criminal gangs of Dutch history. In her study she made rewarding use of the concept of ‘organised crime’ and the academic polemics which the material content and actual application of this term have been evoking for decades.

Given most historians’ scarce familiarity with the very concept of organised crime and its related criminological debate, it is not surprising that little or no comparative research has been done on historical organised forms of crime in Europe. In order for such research to take place, it would be necessary that thorough studies of such forms of crime had already been undertaken at a number of places

for a number of years or that there were several researchers willing to do so in mutual consultation and in a systematic manner. However, neither of the two conditions is met at present. An attempt therefore needs to be made, subject to the necessary caution, to distil conclusions from the preceding contributions so that a contribution can be made towards a better understanding of both the history of organised crime in Europe and its impact on the present-day and future development of this form of crime.

1. The Difficulty and Importance of Historical Research, Comparative or Otherwise

It should be noted straightaway that although it is quite possible to provide a relatively detailed picture of historical forms of 'organised crime' above all on the basis of judicial materials, there is a need to be very cautious in using such sources, as Katrin Lange pointedly notes in her report on Germany. In fact, police and judicial documents were usually put together with a view to gathering evidence in criminal cases. And this implies not only a certain one-sidedness in the information recorded by members of the police and judicial authorities, but also a colouring of the information contained in the statements of suspects and witnesses. Judicial dossiers, in other words, cannot be regarded as reflecting the reality of what they are concerned with. They necessarily provide a limited 'criminal-law' picture of this reality and are therefore not capable of providing a definite answer to all the important questions relating to the organisation and action of organised crime in earlier times. They do not offer us an adequate level of clarity, but neither did they offer it to contemporaries. This explains why in the past discussions repeatedly arose on the nature of collective criminal phenomena, their extent and their effects on society and so on, just as they do today. Consequently, it is always difficult to reach a consensus on a definition of organised crime and it is difficult, if not impossible, to prove through any kind of research that a particular definition perfectly matches reality.

These problems, however, do not alter the fact that it is very important to undertake and continue to undertake historical research about forms of serious crime that can today be labelled as organised crime. This needs to be done both to obtain a clearer scientific picture of these forms of crime and to keep the non-scientific perception of these phenomena up to par as well. Various articles in this Part refer to how organised crime activities and in particular the main protagonists can easily be or become the stuff of legend. This in itself is a curious phenomenon: why are so many legends created on this topic? Why is there so often a certain degree of romanticising of villains and mafiosi? Is it because ordinary people want to emphasise in this way what limits even serious criminals must not exceed, as Stephen Wilson states in his contribution on Corsican banditry? Or is it because

such criminals themselves constantly try to boost their position in society in order to protect themselves from official repression?

Whatever the answer, the more important point here is that these myths, through the rosy description of organised crime and its perpetrators, obscure the view of the full reality of this phenomenon and completely overlook its evil aspects. As Yücel Yeşilgöz and Frank Bovenkerk point out, in any case there is a wide discrepancy between the hard reality of organised crime and its image and it is therefore very important to continue to conduct thorough historical research. This is one of the few ways in which it is possible to demonstrate the evil aspects of organised crime and thus to paint a realistic and more balanced picture of this crime.

The need for thorough research also applies to organised crime in the contemporary world. Sometimes to the great annoyance of the authorities, for example in the United Kingdom and in the Netherlands, there continues today to be a certain degree of glamorisation of serious crime and therefore an obscuration of the hard reality of this phenomenon. The media and popular success of organised and serious crime is to some extent due to the characteristics of the phenomenon itself. On the one hand, we find it repellent but on the other, we are attracted by the apparently unrestrained nature of major criminals, the resources they use to arrange and achieve whatever they want, the power they wield over others and so on. The shadowy sides of this phenomenon evidently cannot entirely eliminate its sunny sides. This discrepancy nonetheless has consequences. It does not just cause confusion in public opinion on the nature, extent and impact of serious crime, it can easily lead to hesitation among the authorities on what policy to adopt as well. However, both these side-effects are undesirable and, for this reason, there is a great need for responsible and balanced academic research on organised crime. It can ensure some stability in opinion-forming on such a problem and can provide a basis for the development of an effective policy to deal with it.

2. The Dynamics of the History of Organised Crime

The five articles presented in this Part of the book amply demonstrate that organised crime is not a static phenomenon. They show that besides carrying out a variety of illegal activities, in different historical and geographical contexts specific criminal groups succeeded in additionally seizing political power for themselves. This was due largely to changes in political relationships of power or was a consequence of states having insufficient ability to assert their own political power.

A dynamic of power shifts clearly emerges from the twentieth-century history of Russia. Here the establishment and collapse of political regimes or, at any rate, major upheavals in their organisation and operation have been linked with the development and disappearance of particular (new and old) forms of organised crime. The gangsters of the 1920s were, as Yakov Gilinskiy and Yakov Kostjukovsky

write, followed in the 1930s by the so-called 'thieves-in-law', who in turn were displaced in the 1950s and 1960s by the *tsekhoviks* and these in turn were replaced by the bandits of the 1980s and 1990s.

In addition to the case of Russia, it is by now well-proven that politically unstable countries and more generally weak states (i.e., states that cannot enforce their monopoly of power in a sustainable and real way) provide ideal conditions for the growth of violent criminal organisations and groups. An obvious example of a weak state is the Ottoman Empire. According to Yeşilgöz and Bovenkerk, its government was totally incapable of asserting its authority in both the countryside and the neighbourhoods of large cities and was therefore constantly confronted with figures who – in many, usually criminal ways – filled this power vacuum, particularly through extortion.

Italy can also be considered a weak state for most of its modern history. As Gianluca Fulvetti writes, the unsuccessful unification of Italy in the nineteenth century led to the 'democratisation of violence' and the consolidation of mafia groups and the turn-around in relations during the time of Mussolini did not prevent mafia groups and their chiefs from regaining their position of power after the Second World War. The weakness of the Italian state at that time and protection by political parties and/or individual politicians, combined with the mafiosi's willingness and ability, if necessary, to use brute force against opponents, enabled them to succeed again.

Despite the clear connection between weak states and organised crime, countries with a less turbulent political history have also faced manifestations of organised crime. A good example of this is the Netherlands. In the seventeenth and eighteenth centuries it was in general a relatively stable and reasonably prosperous country, but a country in which criminal groups of all kinds were active in the countryside and in the cities. And the same can be said to some extent about Germany. How can this be explained?

It can be inferred from the contributions by Egmond and Lange that exclusion from society for whatever reason, usually long-term poverty and/or ethnic origin, was the principal source for the constant formation of new criminal gangs. In these relatively peaceful countries as well, political conditions and particularly the effective authority of state bodies had a relevant impact on the rise and consolidation of criminal groups. The weakness of the state at least partially explains why a number of the gangs were able to operate successfully over a prolonged period of time. For years and sometimes even for decades, there were a few better organised gangs that were given free rein in some more remote corners of the countryside. It was not until the time when the police system was modernised and the criminal justice system consolidated that even in northern Europe adequate resources became available to combat these gangs effectively. The survival of the mafias in southern Europe must therefore be chiefly attributed to the fact that the state-building process here did not lead to the establishment of solid police and judicial structures.

Even this brief comparative analysis of historical patterns of organised crime is sufficient to show that changes undergone by this crime closely reflect the development undergone by society as a whole. This is another reason why it is important to look closely at the historical and contemporary manifestations of organised crime. They do not just reveal very clearly what changes this crime itself undergoes but also under the influence of what changes in society they have taken place. It is therefore particularly regrettable that in research on organised crime to date there has been such a clear split between those who study the history of this crime and those who are interested in its present-day manifestations.

One of the important and open questions is still what links exist between the historical patterns of organised crime that manifested themselves in different forms in Europe until well into the nineteenth century and the contemporary patterns of the same phenomenon. To what extent are there family links and, even more specifically, are the same families involved (whether in the narrow or broad senses of the word)? Or are there merely structural links: social, political and economic conditions as well as demographic and geographical characteristics, which favour the organisation of organised crime?

In his contribution, Wilson raises in particular the question of whether, and if so what, links exist between violent mafia practices in the past and violent political resistance to French administration in Corsica at present. This is not only an entirely legitimate question but also one that could be asked with respect to other parts of Europe that have long had to contend with persistent political violence.

Following from this there are other more actual questions that arise, which are equally worthy of closer study but fall outside the scope of this book. To what extent is there a connection between organised crime and terrorism? Under what circumstances can it happen that terrorist groups abandon their political goals and develop into criminal groups for which monetary gain is the principal motive in committing serious crime?

3. The Necessary Embeddedness of Organised Crime in Society

Another way of stating the above is to acknowledge that organised crime does not manifest itself outside of society but forms an intrinsic part of it. However, the reports of this Part show the societal embedding of criminal groups could historically take place at different levels of the community. Mafia groups enjoying the support of higher societal circles and political authorities cannot be simply equated in this respect with rural gangs that could only count on the support of the population strata that were themselves on the margins of society. It was common to both categories, however, that their existence was unthinkable without the community around them. Consequently, neither was it easy to combat them effectively, particularly in the case of weak or inadequately organised states, because both mafia groups

and other criminal gangs enjoyed the protection and support of their immediate surrounding population.

This obviously does not mean that they merged entirely with this surrounding population and could not, as it were, be distinguished from it. Nor is it possible to prove the opposite, that criminal organisations in the old Europe formed impenetrable criminal subcultures. As criminal groups consisted of people who systematically committed crime, they differed from the surrounding population on a number of points and had to differ from it, if they were to prevent their illegal activities being discovered by the authorities and being punished with varying degrees of severity.

The somewhat separate position of serious criminals is clearly proven by the partially specific subcultures that they developed. The development and use of a kind of secret language is a good illustration of the mafiosi's and gangsters' separate position. A 'thieves' slang' was a way of shielding oneself from the police and the judicial authorities and of avoiding eavesdropping by them. Another example is some mafia groups and some gangs requiring their members to take an oath of allegiance. This custom also makes it very clear that a dividing line ran between the broad community of which a person formed part and the criminal group to which this person belonged within that community. The fact that nicknames were commonly used to refer to members in criminal groups and that these nicknames were often related to their illegal activities is also to some extent indicative of their separate position in society.

4. The Diversity of Organised Crime in the Past

It is already apparent from the above that organised crime cannot be regarded as a monolithic phenomenon either from a historical point of view or, as we will see in Part II, from a contemporary perspective. All contributions included in this Part stress that organised crime has many manifestations. There is no single type of organised crime, nor has a single type of organised crime ever and exclusively dominated a specific area or has one form completely succeeded to another in any given territory, as time has passed. The opposite indeed took place and several forms of organised crime can be singled out in a particular territory at any given time. This was most clearly the case in the Netherlands, for example, but it also occurred in Turkey and Italy.

Relations between the criminal gangs involved in the various forms of organised crime also differed widely. In some cases, as in the Netherlands, gangs generally lived in peace alongside one another and there were no actual contacts between them, let alone alliances. In other cases they fought tooth and nail to gain control of particular black markets, as in Russia.

It must also be mentioned in this context that it is generally impossible to make hard-and-fast statements on the reality, or rather the realities, of organised crime in a particular country and in a particular period of time on the basis of research that focuses on particular types of such crime. Almost all the authors point out that in reality a single type of organised crime in itself could comprise many different forms. In other words: one gang is not the same as another! They could, for example, differ substantially in size or in ethnic composition.

This simultaneous diversity of organised crime obviously explains why contemporaries often found it difficult to establish a clear picture of the nature, extent and development of organised crime in a country or in a district or city. And not just contemporaries then but contemporaries of today as well.

In addition, it must be emphasised here that the diversity of organised crime is not in any way at odds with the fact that particular types of organised crime did not occur at all in particular parts of Europe and did occur in others. What form or forms occurred when and where in Europe obviously depended heavily on societal conditions at a particular time in a particular country. The fact that the mafia clans in nineteenth-century Italy and Corsica routinely enjoyed the support of local elites, while eighteenth-century criminal gangs in the Netherlands and Germany mostly had to survive with the help of other people on the margins, can only, however, be explained by the state-building process having gone awry in Italy and Corsica, whereas in the Netherlands and Germany public administration was organised in a relatively more vigorous manner.

However, it should be noted in passing that the differences between the southern clans and the northern criminal gangs in Europe were not absolute across the board, as is sometimes thought. The authorities in northern Europe were usually weakly organised in the countryside, or at least were far less strongly organised than in the larger cities, and in this way certainly also fostered the upsurge and growth of gangs in the outlying areas. Some northern gangs generally speaking did not enjoy any support from social, economic or political elites, but often benefited from dubious relations with officials and other influential individuals to shield their illegal activities. It also needs to be borne in mind that organised crime, as stated previously, was also in the past a dynamic phenomenon and that at a particular time different forms of organised crime could occur that made it even more difficult to distinguish types of organised crime clearly from one another.

Another factor that could be involved was that criminals, for example in Corsica, deliberately sowed confusion as to the type of organised crime they were involved in. The mercenary bandits in Corsica did so, for example, by trying to pass themselves off as bandits of honour. Thus, even the members of criminal gangs could not be divided into particular categories at first glance. Background knowledge about them was required to be able to do this properly.

5. Some Building Blocks for a Historical Classification of Criminal Groups

Ideally, it would be advisable to fit all forms of organised crime discussed here into a clear classification, but it is still too early for such an operation to be performed. It necessitates more detailed research. A number of items can, however, be identified on the basis of the preceding contributions, which can provide the building blocks for a historical classification of forms of organised crime. A classification of this kind is not just important in making it possible to compare the mafias, gangs and bandits that have been discussed so far. It is also important in shaping possible future comparative historical research on organised crime in Europe.

There are two main criteria – or dissimilarities – for classifying historical forms of organised crime.

The first criterion comprises the dissimilarities relating to the embedding of gangs and bandits in the society around them. Reference has already been made to routine protection by political, economic and administrative elites: to what extent and for what reasons gangs and gang leaders do or do not enjoy such political protection. There is a second closely related point. To what extent did gangs and bandits strive for political power themselves and did they, for example, become directly involved in elections? Following from this, there is the third point: to what extent and in what role did members of upper classes themselves take part in gangs?

If the question of the embedding of gangs and bandits in society is not looked at from above but from below, a fourth important point needs to be added to the enumeration above: to what extent and why did gangs and bandits have the support of the ordinary population in the districts and cities and towns in which they operated? And just as in the case of protection by political or other elites, a fifth point can be added here: under what circumstances did gangs, in one case or another, lose this vital support?

If the contributions in this part of the book are re-read on the basis of these five aspects, the differences between the gangs that have been looked at immediately become apparent. Compare, for example, the gangs in the Dutch and German countryside with the urban mafias in Italy, Turkey and Russia, to take an extreme example. Dutch and German rural gangs had a completely different position in society than the urban mafias in the latter countries. Where the former gangs almost literally operated on the fringes of society, the latter mafias by comparison were right at the centre of society.

The second criterion on the basis of which historical forms of organised crime can be distinguished from one another relates to the organisation of the gangs. As Fulvetti points out in his contribution, organisation is a key element in organised crime, because it governs the type of crimes in which gangs want to and are able to develop. It is therefore very important in the historical study of organised crime

to provide as clear a picture as possible of the organisational aspect of the criminal groups involved.

The dissimilarity relating to the 'organisation of the organised crime' can be looked at to begin with. It is evident from the various contributions that this could differ widely. At one extreme, we find gangs composed of very few people and led by one or two leading figures; at the other, we have extensive networks linking several key groups, with the intermediate form of extensive, tightly, almost militarily organised gangs, such as those that operated in the eighteenth century in the South of the Netherlands and in the twentieth century in Russia. The second dissimilarity is very closely related to the first one: the territorial scale on which gangs operated. Some gangs and gang leaders operated very locally – in a particular neighbourhood of a city or in a specific region – and therefore did not need a network structure to be successful. Other gangs, because they operated over large distances, could not survive at all without a structure of this kind.

A third dissimilarity can be identified following from these first two: the tightness of the internal organisation of gangs. It can be deduced from the contributions of Egmond and Lange, and also from that of Yeşilgöz and Bovenkerk on the one hand, and from Gilinskiy and Kostjukovsky's chapter on the other, that their tightness could vary appreciably, from hierarchical structures in which all the members were included to loose networks, the members of which cooperated with one another almost on a project basis.

The next two dissimilarities are closely related to this third one. The fourth dissimilarity is as follows: to what extent did gangs or gang leaders seek refuge in rituals, such as the pledging of an oath on a single occasion or repeatedly, to emphasise the internal loyalty of the group or network? Or to express it in broader terms, what was the specific culture of the mafia and gangs and how was this manifested not just in the shaping of the mutual relationships but also in the ways in which the crimes were committed?

The fifth and last dissimilarity that can be mentioned refers to the composition of gangs: to what extent were gangs from an ethnic or political point of view or in other, social and economic, respects homogeneous or heterogeneous? In the case of the Netherlands it has been demonstrated that on the one hand, there were ethnically homogeneous gangs, such as the Jewish gangs and Gypsy gangs, and on the other, gangs whose members came from all directions. The question is whether this diversity was an exceptional situation resulting from the location of the Netherlands in Europe or whether it occurred in other countries and regions as well. This question can probably be answered in the affirmative for Germany. In the final analysis, some of the gangs Egmond has studied also operated on German territory. In view of the embedding in society of organised crime in Italy, Turkey and Corsica, it seems more appropriate to answer the question in the negative for these countries. And this difference between the countries emphasises once again how many faces organised crime had in the past.

6. The Illegal Activities of Gangs and Bandits

Reading through the contributions in this part of the book gives the impression that organised crime in the past traditionally comprised two large categories of illegal activities. On the one hand, particularly in the traditional gang system in northern Europe, it mainly involved various forms of violent or non-violent property crime. On the other hand, in southern Europe, including Turkey, it mainly involved various forms of systematic extortion with respect to the local population.

This tempting two-way division must not, however, close our eyes to the fact that both the Italian and Russian examples demonstrate that in and around the Second World War organised crime started to become established on black markets and went on to grab hold of parts of legal economic activity. With regard to these black markets, a distinction can be made between markets that had arisen as a result of the scarcity of legal goods, such as the food markets in Russia, and the markets emerging from the scarcity of illegal goods, such as the drug markets in Italy. It is chiefly in Italy that organised crime, by being interwoven with political parties, has been able to make the transition to controlling complete legal industries in 'its' territory, whether it be the building industry or waste treatment.

It almost goes without saying that in countries where the latter developments have occurred or are occurring, organised crime can no longer be regarded as a secondary phenomenon in society but is to be regarded as a significant source of economic and political power. Criminal groups here are no longer groups possibly protected by powerful elites in order to be able to successfully carry out criminal activities, they have started themselves to form power elites or part of power elites. Despite their political and social rise, it must be stressed that these criminal groups do continue to use traditional means of acquiring and exercising power: on the one hand, by corrupting people who hold positions of power in the world around them, and, on the other, by using violence against those who oppose their hold on power.

All the contributions show that the use of violence has long been a characteristic feature of any form of organised crime. The gangs of the seventeenth and eighteenth centuries were so feared because they frequently made use of violence in perpetrating their crimes but also employed violence with equal ease against those who were willing to help the authorities in the fight against them. It was only when gangs used exceptional levels of violence that victims and others were prepared to collaborate with the authorities, for example by providing information. Whether their cooperation proved successful obviously also depended on whether the authorities did or did not make a strong commitment to tackling serious crime head-on. In countries where this was done and where tough criminal justice was built up, the gang system was substantially repressed.

One final point needs to be made. In the countries where organised crime during the course of the twentieth century gained a place at the centre of power through

the control of black markets and parts of the legal economy, it is obviously far more difficult to combat it effectively than in countries where this development has not occurred or has not occurred to the same extent. This is true for the simple reason that criminal groups, due to the combination of political and economic power on the one hand and the use or threat of the use of violence on the other, can counter tough intervention by the authorities far more strongly than the gangs that in the seventeenth and eighteenth centuries operated in northern Europe. The mafias that during the nineteenth century developed in southern Europe and enjoyed the protection of local power elites without becoming themselves part of them formed an intermediate phase in the history of organised crime in this respect: these mafias still needed the power of others to build up counter-power against the state.

As we will see in the next Part, common trends but also significant differences – in terms of the group composition, illegal and legal economic activities as well as political power – have continued to characterise the patterns of organised crime in Europe to the present day.