

A SYMBOLIC DEFEAT? EXPLORING SYMBOLISM AND FAILURE IN THE SOCIAL REUSE OF CONFISCATED MAFIA REAL ESTATE IN ITALY

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Italy's pioneering anti-mafia legislation allows confiscated assets to be handed over to civil society groups. The 'symbolic' benefits of this approach are much lauded, but ill-defined. In the context of increasing global interest in the social reuse of assets, this article examines two case studies from the Calabria region to interrogate the symbolic impact of the social reuse of real estate, and addresses the potential impact when such projects fail.

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I INTRODUCTION

The concept of the 'social reuse' of confiscated assets is gaining increasing influence in academic and institutional circles globally. While a precise definition has yet to be established, the broad concept—that of reusing the proceeds of crime for the benefit of affected communities—is ostensibly simple and compelling. In an indication of its growing reach, social reuse features in the EU's Confiscation Directive,¹ which calls on Member States to consider measures 'allowing confiscated assets to be used for public interest or social purposes'.² Different national legal orders have adopted a range of approaches to social reuse, which can be broadly divided into 'indirect' and 'direct' approaches. The former is by far the most common, usually taking the form of assets (or the proceeds from their sale) being distributed through specialised funds.³ This is the case in Australia, where all jurisdictions sell the proceeds of crime, distributing funds either to support victims, crime prevention initiatives, or

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¹ *Parliament and Council Directive 2014/42/EU of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union* [2014] OJ L 127/39.

² *Ibid* art 10(3).

³ Barbara Vettori and Boban Misoski, 'Databases to support asset management and social reuse: the case study of the republic of North Macedonia' (Conference Paper, EU 2021: The Future of the EU in and After the Pandemic, July 2021).

incentivisation schemes for law enforcement.⁴ Certain states have also opted to allow assets to be transferred to a broader range of beneficiaries as an alternative to public sale—however, as Montaldo observes, this can still be classified as ‘indirect’ social reuse, since civil society is a ‘mere beneficiary’ of such measures, and not actively involved in the process.⁵

By contrast, direct forms of social reuse allow states to foster the ‘direct and proactive involvement of civil society organisations’.⁶ Italy stands as a pioneer in this regard. The country’s long struggle against the mafias has had a profound impact on its legal landscape, with detailed legislation providing for the allocation of assets to civil society, and a specialised central agency to administer the process: the National Agency for the Administration and Allocation of Assets Seized and Confiscated from Criminal Organisations (‘ANBSC’),⁷ which was established in 2010. Italy’s legislation has also been influential at international level, feeding into the development of the EU Confiscation Directive, and before it the United Nations Convention Against Transnational Organized Crime (‘UNTOC’).⁸ While this article will focus specifically on real estate, Italy’s statute books contain detailed provisions for the social reuse of all varieties of confiscated assets—including businesses, cash, and movable property—first introduced by law no. 109 of 1996, and now enshrined in the 2011 Anti-Mafia Code and subsequent amendments.

Social reuse legislation has tangible benefits: when managed effectively, confiscated assets can serve as practical resources for social and economic development, as has been explored in a growing body of academic and institutional literature.⁹ However, tangible outcomes are only part of the picture; symbolism is a fundamental goal of Italy’s social reuse legislation. Indeed, ‘symbolic’ benefits are touted widely in institutional and political narratives around the law facilitating the direct social reuse of assets, with the ANBSC describing it as a ‘decisive step of high symbolic value’.¹⁰ The capacity of real estate, and specifically buildings, to be imbued with particular symbolism as a tangible manifestation of territorial criminal power is of

⁴ Gregory Dale, ‘Crime, Confiscation and Emotion’ (PhD Thesis, Monash University, 2022) 211–213.

⁵ Stefano Montaldo, ‘Directive 2014/42/EU and Social Reuse of Confiscated Assets in the EU: Advancing a Culture of Legality’ (2015) 6(2) *New Journal of European Criminal Law* 210.

⁶ *Ibid.*

⁷ Agenzia Nazionale per l’amministrazione e la destinazione dei beni sequestrati e confiscati alla criminalità organizzata. NB This translation of the Agency’s title is my own, as are all other translations unless otherwise stated. Note that elsewhere, the word ‘destinazione’ is often literally (mis)translated as ‘destination’ rather than ‘allocation’, including some instances on the Agency’s own website.

⁸ *United Nations Convention Against Transnational Organized Crime* (adopted on 15 November 2000, entered into force on 29 September 2003, 2225 UNTS 209) (‘UNTOC’).

⁹ See, for example, Giovanni Maria Mazzanti, Giulio Ecchia and Tamami Komatsu, ‘Innovative partnerships for the utilization of confiscated assets previously owned by mafias’ (2016) 12(1) *Social Enterprise Journal* 23; Graziana Corica and Vittorio Mete, ‘The case of the Suvignano estate: A story of mafia, anti-mafia and politics’ (2020) 13(3) *Partecipazione e Conflitto*.

¹⁰ Agenzia Nazionale per l’amministrazione e la destinazione dei beni sequestrati e confiscati alla criminalità organizzata, *Press Brochure* (Web Page) <<https://benisequestraticonfiscati.it/wp-content/uploads/2023/03/BROCHURE-INGLESE-3.pdf>>.

special relevance to the fight against mafia-type crime, as will be explained below. However, symbolic benefits are difficult to measure, and remain ill-defined. Furthermore, while many have alluded to the symbolic benefits of successful reuse, less attention has been directed at the specific vulnerabilities of legislation with symbolic aims, nor the potential ‘symbolic’ implications when social reuse projects fail.

This article aims to interrogate the ‘symbolic’ goal of legislation facilitating the social reuse of confiscated real estate. In the absence of any formal measures, it proposes a tentative novel framework to measure the symbolic impact of social reuse in mafia-infiltrated territory, based on three factors: its impact on the social consensus and territorial control of mafia groups, and its capacity to ‘de-animate’ criminal property.¹¹ The article’s second key objective is to explore the potential symbolic impact of the failure of social reuse projects; specifically, what happens when projects not only fail to meet their stated objectives, but confiscated properties are turned back over to the state by the third sector entity to which they were allocated. A third objective is to consider the potential symbolic repercussions of individual criminal misconduct within recipient civil society organisations. I argue that, in the context of the ‘symbolic’ goals of the legislation, the potential impact of failure and misconduct transcends the individual project/property, highlighting the specific vulnerabilities of laws accompanied by a strong focus on symbolic narratives, and flagging potential implications for other jurisdictions affected by mafia-type crime.

To achieve these aims, the article adopts a two-part methodology: deduction from the literature, and an analysis of two specific case studies of real estate allocated for social reuse. Both case studies are located in Calabria, a region with a particularly high concentration of mafia activity, in the form of the ‘ndrangheta. Each attracted significant national media and political attention in Italy, and featured high-profile individuals eventually accused of criminal misconduct. The selection of these high-profile cases has a methodological motive: such cases invite political, media, and institutional responses, and data is drawn exclusively from these publicly available sources, permitting an analysis of the narratives they contain. While it would be desirable to conduct empirical research on community attitudes to failed social reuse projects, challenges impede the collection of participant data from heavily mafia-infiltrated areas. Examining these cases allows an exploration of the vulnerabilities of symbolically-targeted legislation, and lays the ground for future empirical work. Each case study will be analysed in the context of the novel framework proposed by this article to assess symbolic impact. In focusing on failure and misconduct my aim is not to discredit the concept of social reuse, but rather to acknowledge this complex and inconvenient truth: I argue that this under-researched issue is one of increasing urgency given the global turn toward the social reuse of assets and the growing number of high-profile fraud cases connected to third sector social reuse in Italy.

The article will first offer a brief overview of the legislation permitting the direct social reuse of real estate in Italy, informed by sociological literature on the mafias to explain the specificity of the context. It will then discuss the theoretical benefits of

¹¹ Dale (n 4) 197.

allocating confiscated real estate to civil society groups, followed by an overview of the literature on the challenges obstructing its successful implementation. It will then briefly outline the situation in Calabria and the landscape of confiscated real estate in the region, offering crucial context for the subsequent case studies.

II CONTEXT: WHY MAFIA-TYPE CRIME REQUIRES A TAILORED LEGISLATIVE RESPONSE

In order to contextualise Italy's confiscation regime and approach to social reuse, it is first of all necessary to briefly clarify the meaning of the term 'mafia'. Numerous social scientists have sought to distinguish 'mafia-type' groups from regular organised criminal groups ('OCGs'). Varese offers a simple distinction: while regular OCGs are preoccupied with maximising their profits, Mafias specifically aspire to govern territories and markets.¹² This characteristic, which we might shorthand as 'territorial control', features in numerous definitions of mafia-type crime: in her list of mafia characteristics, for example, Paoli identifies 'the goal of political dominion and capacity to provide governance'.¹³ A second key characteristic of mafia-type groups can be labelled broadly as 'social consensus'. Mafias operate successfully thanks in part to their ability to leverage popular legitimacy—which is 'formed and strengthened by destroying trust among individuals and towards public institutions'.¹⁴ Social consensus is achieved using a range of tools, including providing employment opportunities and services, the use of intimidation and violence, and the co-opting of traditional culture and values.¹⁵

Italy's pioneering legislative response to the mafias specifically recognises and targets these pillars of mafia power. In 1982, Article 416 of the Italian Criminal Code was amended to introduce the offence of 'mafia-type association', which provided a legal definition of a mafia for the first time.¹⁶ The new 'Rognoni-La Torre law' (named after the politician Pio La Torre, who was assassinated by the mafia after presenting the draft bill to parliament) defined mafia-type associations as consisting of at least three members, who:

use the power of intimidation of the association, and the state of subjugation and omertà (code of silence) that arises from it, to commit crimes, or to obtain – directly or indirectly – control over economic activities, public contracts or concessions or to obtain unfair profits for themselves or others, or to impede or jeopardise the free exercise of the right to vote or to gain votes for themselves or others upon elections.

¹² Federico Varese, *Mafias on the Move: How Organised Crime Conquers New Territories* (Princeton University Press, 2013) 6.

¹³ Letizia Paoli, 'What Makes Mafias Different?' (2020) 49 *Crime and Justice* 141, 185.

¹⁴ Michele Mosca, 'The Social Regeneration of Mafia Assets in the Land of Gomorrah: The Role of Social Cooperatives' in Silvia Sacchetti, Asimina Christoforou and Michele Mosca (eds), *Social Regeneration and Local Development: Cooperation, Social Economy and Public Participation* (Routledge, 2018) 117.

¹⁵ Fabio Truzzolillo, 'The 'Ndrangheta: The Current State of Historical Research' (2011) 16(3) *Modern Italy* 369.

¹⁶ Law no. 646 of 13 September 1982, creating art 416-bis of Codice Penale [Penal Code] (Italy).

The elements of territorial control and social consensus are clearly identifiable in the above definition, which went on to influence the definition of ‘organized criminal group’ contained in article 2 of the UNTOC.

As well as this innovation, the Rognoni-La Torre law also provided for asset-tracing, freezing and confiscation measures to individuals suspected of the crime of mafia association, in cases of a ‘notable disparity between the standard of living and apparent or declared income’, in recognition of the importance of mafia assets to their economic power and social prestige.¹⁷ This was followed in 1996 by the ‘Libera Law’ (Law No. 109 of 1996), now enshrined in the 2011 Anti-Mafia Code alongside Rognoni-La Torre.¹⁸ The Libera Law, which came about as a result of a popular citizen’s initiative,¹⁹ made it possible for assets confiscated from individuals convicted of mafia-related crimes to be allocated directly to civil society organisations, providing for their ‘social, productive, and public’ reuse.²⁰ Under the Anti-Mafia Code, confiscated real estate can be assigned to the relevant Regional, Provincial, or Municipal Authority. The authority can then choose whether to administer the asset itself, or confer it to be managed by a civil society organisation via a public tender process. Alternatively, the ANBSC can directly assign properties to civil society organisations on a temporary basis; given that the average length of time between the initial seizure and definitive confiscation of an asset is around ten years, this measure allows real estate assets to be used for the benefit of the community while at the same time mitigating the risk of depreciation and degradation.²¹ A further reform of the Anti-Mafia Code in 2017 (Law No. 161 of 17 October 2017) brought in a raft of measures aimed at, *inter alia*, further improving the efficiency of administrative processes.

As noted in the introduction, in Italy, considerable emphasis is placed on the symbolic power of this legislation. It is helpful at this stage to offer some theoretical context on the topic of symbolism in public policy and legislation. Symbols are, to borrow Victor Turner’s definition, ‘sets of evocative devices for rousing, channelling, and domesticating powerful emotions’,²² and are thus used routinely to communicate

¹⁷ Ibid.

¹⁸ Legislative Decree 159/2011. NB The name ‘Anti-Mafia Code’ is potentially somewhat misleading, as a number of other measures targeting the mafias are contained in (inter alia) the Italian Criminal Code and Criminal Procedure Code.

¹⁹ The Libera Law came about as a result of a citizen’s initiative backed by the signatures of over a million ordinary Italians, named for the Libera anti-mafia organisation led by Don Luigi Ciotti and founded in 1995 as part of a groundswell of shock and disgust at mafia-perpetrated atrocities in Italy in the early 1990s. Libera specifically sought to involve civil society in the fight against the mafia, involving hundreds of groups and actors from across society.

²⁰ Commissione Parlamentare di Inchiesta sul fenomeno delle mafie [Parliamentary Investigation Committee on the Mafias], *Relazione sull’analisi delle procedure di gestione dei beni sequestrati e confiscati* (Document XXIII no. 15, approved at the hearing of 5 August 2021) 9.

²¹ For a detailed examination of this process, see Maria Vittoria Ferroni, ‘The Re-use of Assets Confiscated from Organized Crime: How to Make the Informal Formal’ in Maria Vittoria Ferroni, Rossana Galdini, Giovanni Ruocco (eds), *Urban Informality: A Multidisciplinary Perspective* (Springer, 2023).

²² Victor Turner, *The ritual process: Structure and anti-structure* (Aldine, 1969) 42-43.

complex ideas, including concepts such as unity, respect, and the State itself.²³ Much literature on policy draws a binary distinction between concrete actions and symbolic actions (which resist quantification and exist in the realm of public perception), with the latter viewed with some cynicism.²⁴ Santino, for example, has criticised Italy's anti-mafia legislation in general as reactive, too often developed hastily in response to perceived national emergencies and 'characterised by the presence of symbolic measures'.²⁵ Such criticism aligns with the rhetoric among certain policy-makers of dismissing that which is 'merely' symbolic.²⁶

However, Boussaguet and Faucher argue that in fact, 'the symbolic is not necessarily a synonym for illusion and manipulation, and there is not necessarily a contradiction between efficiency and symbolisation [...] one can find a case in which a problem is solved whilst citizens perceptions are shaped and modified.'²⁷ This seems to be the goal of social reuse legislation, through which tangible property functions as a symbol of mafia power, transformed into a symbol of state victory, and community in partnership with the state. The authors of the 2021 report on seized and confiscated assets by the Parliamentary Inquiry Committee on the Mafias deploy this symbolic narrative frequently. They note that each confiscated asset 'undergoes a substantial and symbolic evolution', shifting from an emblem of excessive criminal power to a shared, community asset, 'an instrument of public utility, of cultural and economic growth'.²⁸ Targeting mafia assets 'reaffirms the presence of the State' but also 'targets the personal prestige of the mafioso and weakens their capacity for intimidation'.²⁹ Elsewhere, Mazzanti et al. use the term 'symbolic' thirteen times in their paper on social reuse, referring to the assets' 'strong ethical value and symbolic visual of the contrast to the mafias' and calling them a 'symbolic tool to leverage cultural growth'.³⁰

In such descriptions, the symbolic potential of social reuse is linked directly to its capacity to undermine the mafias' social consensus and territorial control. With regard to the former, for example, Mosca refers to the 'high symbolic value of the reutilisation of assets for social and institutional purposes', specifying that 'removing assets from criminal organisations and re-assigning them to the community can help restore and strengthen trust among individuals and towards public institutions'.³¹ Pedretti also specifically cites social consensus, stating that 'returning the mafias' assets to the

²³ Laurie Boussaguet and Florence Faucher, 'Beyond a "gesture": the treatment of the symbolic in public policy analysis' (2020) 18 *French Politics* 195.

²⁴ Ibid 192. Boussaguet and Faucher cite Murray Edelman's influential work on symbolism and politics, in which Edelman contends that policy contributes to shaping the beliefs and expectations of the public, in order to distract public attention away from exploitative practices. Murray Edelman, *The Symbolic Uses of Politics* (University of Illinois Press, 1985).

²⁵ Umberto Santino, 'Fighting the Mafia and Organized Crime: Italy and Europe', *Centro Siciliano di Documentazione Giuseppe Impastato* (Web Page, 2 March 2015) <<https://www.centroimpastato.com/fighting-the-mafia-and-organized-crime-italy-and-europe/>>.

²⁶ Boussaguet and Faucher (n 23) 190.

²⁷ Ibid 193.

²⁸ Commissione Parlamentare di inchiesta (n 20) 317.

²⁹ Ibid 12.

³⁰ Mazzanti, Ecchia and Komatsu (n 9) 30.

³¹ Mosca (n 14) 125, 126.

community...undermines the social consensus which criminal organisations even now continue to enjoy'.³² Montaldo, meanwhile, notes that 'an effective use of these properties promotes a 'positive attitude' to the strategies aimed at tackling crime, as it fosters a culture of legality and reinforces public confidence in the justice system.'³³ The element of territorial control also has a clear relationship to the ownership of property. In the context of a deeply territorially-rooted organisations such as the 'ndrangheta, property, and the land which it occupies, are major symbols of territorial governance and control. As Mosca notes, property functions as a symbol of mafia power, used 'to signal their domination in the community and the territory where they act and to generate submission.'³⁴

In addition to social consensus and territorial control, a third element of the symbolic impact of the social reuse of mafia real estate tracks with what Dale has referred to as the 'de-animation' of confiscated property; that is, 'the process by which property's negative emotions are displaced through the cultivation of more positive emotions, primarily gratitude'.³⁵ Property which is 'animated' by its association with mafia ownership can become, in the words of the Parliamentary Inquiry Committee, 'decontaminated' by the community.³⁶ Such narratives rely on the successful conversion of the property into a resource for the community, with active involvement from the community itself; the property thus functions as a symbolic manifestation of the state's power over the mafia in multiple ways. In summary, with regard to confiscated real estate, the symbolic benefits of social reuse legislation can be tied specifically to its capacity to undermine the territorial control and social consensus of the mafias, as well as to 'de-animate' property formerly owned by Mafiosi. In the absence of formalised metrics for assessing the symbolic impact of the legislation, these three measures are offered as a tentative initial framework by this article.

III CHALLENGES POSED BY SOCIAL RE-USE OF CONFISCATED REAL ESTATE

There is a growing corpus of work addressing the challenges posed by the social re-use of confiscated assets in the Italian context. Within this body of literature (which tends to examine all asset types together), certain specific challenges are identified with regard to real estate. At the institutional level, in August 2021 Italy's Parliamentary Inquiry Committee on the Mafias published the results of a two-year investigation into the management of seized and confiscated assets.³⁷ The report's authors noted a lack of effective communication between the ANBSC and local authorities, leading to the latter often being unaware of the existence of real estate available for reuse in their own areas. The report also highlighted a lack of trained staff able to manage properties, and

³² Nicola Pedretti, 'Il riutilizzo sociale dei beni confiscati come strategia di non cooperazione economica contro la criminalità organizzata' (2018) 71(284) *Moneta e Credito* 366.

³³ Montaldo (n 5) 199.

³⁴ Mosca (n 14) 119.

³⁵ Dale (n 4) 197.

³⁶ Commissione Parlamentare di inchiesta (n 20) 327.

³⁷ Commissione Parlamentare di inchiesta (n 20).

a failure to provide effective tools for monitoring assets and assessing their social impact when allocated.

Numerous academic studies have also addressed challenges specific to the reuse of real estate. Several of these studies pre-date the establishment of the ANBSC, which was created to tackle some of the most frequently-levelled criticisms of the confiscation and reallocation process, chief of which were significant administrative delays and inefficiencies.³⁸ Mazzanti et al. point to four key challenges which faced the original Libera Law, and which led to the eventual creation of the ANBSC. These are: administrative delays, delays caused by failure to vacate property, intimidation and threats by the mafia, and difficulties of third sector groups in accessing lines of credit, being custodians rather than owners of the asset. While the introduction of Law 228/12 of 2013 reduced these burdens somewhat, efficiency remains poor. Writing in 2017, Pellegrini points to the same communication issues between the ANBSC and local authorities later identified in the 2021 Parliamentary Inquiry report, as well as the difficulties of converting private residential buildings into structures suitable for public functions.³⁹ A further key challenge is the risk of mafia intimidation and reprisals: Frigerio points to the intimidation, violence, and criminal damage suffered by civil society organisations operating confiscated assets, as a result of the exercise of territorial control by the previous owners.⁴⁰ Deliberate damage to confiscated buildings is common both pre- and post- allocation; the former often practiced by associates of the previous owners in order to maximise the costs associated with reuse.

The impact of the failure of social reuse projects receives little focused attention in the literature. Pedretti notes that allowing unallocated assets to degrade or depreciate ‘risks allowing criminal organisations to regain their popular consensus, specifically exploiting the state’s inability to respond.’⁴¹ Mazzanti et al., meanwhile, acknowledge the ‘risk of [assets] falling into further depreciation and decay and, worse, lose social consensus’, with unused assets creating ‘a negative image of helplessness and incapacity’ (presumably on the part of the state).⁴² Frigerio also notes the glacial pace of the allocation process, and the subsequent negative impact on public opinion. However, post-allocation, the potential impact of reuse projects failing for any reason—that is, properties that have been allocated to a third sector group that end up not being used for their intended purpose and/or returned to the state—is only ever briefly alluded to, never meriting detailed study or expansion, and has yet to form the focus of any dedicated research.

Two key points emerge from this brief analysis of the literature. First, while there is a consensus among institutions and academics as to the symbolic benefits of the successful social reuse of confiscated real estate, much less attention has been paid to the potential symbolic impact of the failure of reuse projects to deliver on their stated

³⁸ Lorenzo Frigerio, ‘La confisca dei beni alle mafie. Luci ed ombre di un percorso civile’ (2009) 60(1) *Aggiornamenti sociali* 38, 47.

³⁹ Stefania Pellegrini, ‘Il riutilizzo dei beni confiscati?’ in Stefania Pellegrini (ed), *La vita dopo la confisca: il riutilizzo dei beni sottratti alla mafia* (Aracne, 2017) 27, 29.

⁴⁰ Frigerio (n 38) 47.

⁴¹ Pedretti (n 32) 359.

⁴² Mazzanti, Ecchia and Komatsu (n 9) 31, 33.

aims, or the failure of third sector organisations to retain their allocated properties. Turning once again to the literature on symbolism in public policy, this would seem to be a significant oversight. Smith suggests that symbolism in law may disguise ‘hollowness’, suggesting that ‘the extent of symbolism is measured by the distance between the judicial declaration of law and the actual impact of that law on the lives of human beings’.⁴³ The risk, he observes, is that if a law fails to have its intended impact, the public may react negatively; and that ‘excessive reliance on symbolism can create public expectations that may ultimately be disappointed and can lead to a loss of confidence in law and legal institutions’.⁴⁴ In mafia-infiltrated areas already experiencing low levels of confidence in public institutions—a key pillar of the social consensus of mafias in the first place—such cumulative erosion of public faith in the rule of law should be a source of significant concern.

The second key point to emerge from the literature is that the specific risk of individual misconduct within recipient civil society organisations, and the related ‘symbolic’ repercussions, are barely acknowledged at all. Notably, the 420-page Parliamentary Inquiry report contains no mention of the Italian words for ‘fraud’ or ‘embezzlement’, and few studies acknowledge this as a threat to the success of social reuse. Targeted legislation has been developed in response to the challenge of former owners using ‘straw buyers’ to regain ownership of confiscated properties, but the problem of individuals attached to third sector beneficiaries engaging in fraud does not seem to register as a major concern.

While this might at first appear logical, given the isolated nature of such cases, there are urgent motives for reconsideration. At the time of writing, news headlines in Sicily are filled with details of a scandal which broke out in Palermo in 2015 regarding the management of confiscated properties, implicating the Presiding Judge of the Palermo Court’s Section on Non-Conviction-Based Measures and a judicial administrator charged with managing confiscated assets. In Calabria, meanwhile, a number of high-profile cases of fraud linked to confiscated properties have drawn substantial media interest, two of which are explored in detail below. However isolated these cases may be as a percentage of overall allocations, the true scale and scope of misconduct remains unclear, and, more significantly, its impact is disproportionately destructive—in other words, the ‘symbolic’ power of misconduct is all the more significant given the ‘symbolic’ goals of the social reuse legislation in the first place.

IV SPECIFIC CONTEXT: CALABRIA

Before moving to the case studies, it is useful to first provide some context on the region of Calabria. Located on the toe of Italy’s boot, Calabria is frequently listed among the most economically deprived regions in the country, and indeed the whole

⁴³ Christopher E Smith, ‘Law and Symbolism’ (1997) 3 *Detroit College of Law at Michigan State University Law Review* 944.

⁴⁴ *Ibid* 948.

of Europe.⁴⁵ Historically, Calabria has occupied a marginal position in the national consciousness, and for decades the same was true of its mafia—it is notable that the 'ndrangheta was only explicitly named in Article 416-bis of the Italian Criminal Code in 2010, despite being over a century old. While resources were dedicated to tackling the mafia in Sicily in the 1990s, Calabria's mafia flourished outside the spotlight, and has emerged as one of the world's most powerful mafia-type groups, active in Australia, Canada and Europe. Despite its global reach, however, the 'ndrangheta is also a deeply territorially-rooted organization.⁴⁶ Fugitive 'ndranghetisti are known for building complex underground bunkers within and underneath their homes to evade the law, choosing to live in discomfort for years at a time rather than to avail themselves of their wealth and leave their territory.⁴⁷

According to data from the ANBSC, the number of confiscated properties currently being managed in Calabria is 1,929, including 28 villas and 252 apartments.⁴⁸ The total number of real estate properties that have to date been reallocated, meanwhile, is 3,137—the latter figure includes agricultural land, which makes up just under one third of allocated assets. The figure includes 61 villas, 167 houses, and 859 apartments. Only Sicily has more, at 7,727, with the next nearest being the Campania region at 3,106.

A Case Study One: Isola Rosa Children's Centre

The first case study concerns a large, two-storey residential villa set in three hectares of surrounding gardens and located near San Luca, a small village of around 4,000 inhabitants in the Province of Reggio Calabria. The symbolic significance of the property with regard to the 'ndrangheta cannot be overstated. First, San Luca holds a historic notoriety as a kind of spiritual home to Calabria's mafia,⁴⁹ synonymous with the organisation since the late nineteenth century.⁵⁰ Nestled high in the Aspromonte mountain range, the village is situated close to the shrine of the Madonna at Polsi which

⁴⁵ Joan Ramón Rosés and Nikolaus Wolf, 'Regional economic development in Europe, 1900–2010: a description of the patterns' in Joan Rosés and Nikolaus Wolf (eds), *The Economic Development of Europe's Regions: A Quantitative History since 1900* (Routledge, 2018) 3.

⁴⁶ Anna Sergi and Anita Lavorgna, *'Ndrangheta: The Global Dimensions of the Most Powerful Italian Mafia* (Palgrave Macmillan, 2016) 4.

⁴⁷ Lorenzo Tondo, 'Secret bunkers and mountain hideouts: hunting Italy's mafia bosses', *The Guardian* (online, 22 November 2019) <<https://www.theguardian.com/world/2019/nov/22/calabria-cacciatori-hunting-italy-underground-mafia-bosses-ndrangheta>>.

⁴⁸ ANBSC, Infoweb beni confiscati (Web Page, 2023) <https://openregio.anbsc.it/statistiche/visualizza/beni_destinati/immobili>. Statistics correct at time of writing in December 2023.

⁴⁹ Anna Sergi, 'To become 'ndrangheta in Calabria: organisational narrative criminology and the constitution of mafia organisations' (2023) *Trends in Organised Crime* <<https://doi.org/10.1007/s12117-023-09489-y>>.

⁵⁰ John Dickie, *Mafia Republic: Italy's Criminal Curse. Cosa Nostra, 'Ndrangheta and Camorra from 1946 to the Present* (Sceptre, 2013) 83.

has played host to meetings of the 'ndrangheta for over a century.⁵¹ San Luca is a centre of the 'ndrangheta's power— subject to overwhelming territorial control and infiltration, and able to confer prestige upon clans closely associated with it.⁵² Beyond the significance of its geographical location, the villa's former owner also casts a long shadow: it once belonged to Antonio Pelle, also known as 'Ntoni Gambazza ('Tony Bad Leg'), a powerful and notorious 'ndrangheta boss with a criminal career spanning six decades. Pelle died in November 2009 at the age of 77. Earlier that year he was arrested after spending nine years on the run, having been implicated in kidnappings, murders, drug trafficking, and extortion. The power exerted by Pelle and his family in San Luca was and is hugely significant; Pelle moved in the very highest circles of the 'ndrangheta, and was referred to as 'the patriarch'.⁵³

The property is also connected to a key event in the 'ndrangheta's recent history. In August 2007, six people were murdered in a car park outside an Italian restaurant in the town of Duisburg, Germany, in what came to be known internationally as the 'Duisburg massacre'. The killings were the culmination of an 'ndrangheta blood feud which originated in San Luca, and drew unprecedented global press attention to the tiny mountain village, amplifying its notoriety. Meanwhile, Pelle, the villa's former owner, was a key figure in the Pelle-Vottari clan, to which the six victims had been affiliated. The event and subsequent media storm drew national political focus, triggering a number of initiatives at regional level, for example, prompting the prefect of Reggio Calabria to issue a call for projects to reinvigorate San Luca. The confiscated villa, which in 2007 was standing empty, thus presented a timely opportunity for a symbolic response.

In 2009, the villa and surrounding gardens were handed over to the 'Women of San Luca Movement' (*Movimento Donne di San Luca*). The association, headed by Rosa (known as Rosy) Canale as its President, was created in January 2008 as a direct response to the Duisburg massacre, when 400 women from the village—around 10% of its total population—signed up to join. *Movimento Donne di San Luca* applied successfully to the Prefecture's call for projects, with three main objectives: to establish a youth centre for children in San Luca; an anti-mafia women's centre; and to develop artisan lace and soap-making businesses geared at providing work for local women. On 20 November 2009 the villa was officially inaugurated as the 'Isola Rosa Enel Cuore' youth centre, in a ceremony attended by local and national political representatives and journalists. The costs of the refurbishment were met by Enel Cuore, the charitable arm of the Enel energy company, which provided a grant of €160,000, and further funding came in the form of €18,500 from the Ministry of Youth. Aimed at children aged 4-14 years, the new youth centre was equipped with a music room, art room, and gym equipment, and aimed to provide cultural events and facilities otherwise lacking in a village severely underserved by public services. The goal, according to Canale, was to provide opportunities for the women and children of the community: 'we don't want

⁵¹ Arcangelo Badolati, *Mamma 'ndrangheta: La storia delle cosche cosentine dalla fantomatica Garduña alle stragi moderne* (Pellegrini Editore, 1st ed, 2014) 15.

⁵² Sergi (n 49).

⁵³ Andrea Galli, *Il Patriarca* (Rizzoli 2014).

to wait for these children to grow up and get killed too. The wives, sisters and daughters of the bosses want to help children and young people to change their ways.’⁵⁴

Canale quickly came to national and international media attention as an anti-mafia activist, leveraging her compelling past. Born in Reggio Calabria, she had run a bar and restaurant until in 2004 she was badly beaten by ’ndrangheta members for refusing to allow drugs to be sold at her venue. Following the attack, she left Calabria for Rome, but returned in 2007 having been moved by the events in Duisburg to do voluntary work in San Luca, despite having no previous connection to the village. The *Donne di San Luca* project led to global media attention, including interviews with the Washington Post and the Guardian, as well as national plaudits including the prestigious Paolo Borsellino prize and personal support from the then-Minister for Youth (and subsequent Prime Minister) Giorgia Meloni. Canale featured in the first ‘festival of confiscated property’ in Milan in 2012, a venture organised by Libera, and in 2012 published a book detailing her experiences.

The youth centre ostensibly represented a clear example of the symbolic impact of social reuse legislation, targeting both the social consensus and territorial control of the ’ndrangheta: property previously used to house and represent mafia power had been converted into a tangible resource to benefit the entire community. Crucially, moreover, the women and children of San Luca were working as active partners as well as beneficiaries, aligning with the ideal outlined by Mazzanti et al:

viewing the citizens as asset holders rather than stakeholders, that is, as containers of solutions and skills useful for the production of socially benefiting activities that go beyond individual benefit and towards collective benefit.⁵⁵

In a further layer of symbolism, the centre’s opening ceremony was chosen specifically to coincide with World Children’s Day.

However, exactly one year after its opening, on 20 November 2010 the Centre announced its closure. The soap-making business proved similarly short-lived. In a statement, Canale blamed state authorities, calling on them to save the project.⁵⁶ The youth centre had, she claimed, been run for some time using her own personal savings, with the 12 staff members forced to work for free after requests for further vital funding had been ignored.⁵⁷ The youth centre never fully reopened, and worse was to follow: in 2013, Canale was arrested on suspicion of fraud and embezzlement as part of ‘Operazione Inganno’ (‘Operation Deception’), an investigation by the Reggio Calabria DDA (District Anti-Mafia Directorate). The order issued by the *Giudice per le indagini preliminari* (investigating magistrate, henceforth GIP), Domenico Santoro,

⁵⁴ Quoted in Laura Badaracchi, ‘Il no di Rosy alla ’ndrangheta’, *Avvenire* (online) 13 November 2012 <<https://www.avvenire.it/agera/pagine/il-no-di-rosey-alla-ndrangheta>>.

⁵⁵ Mazzanti, Ecchia and Komatsu (n 9) 34.

⁵⁶ Quoted in CN24TV, ‘Chiude a San Luca ludoteca aperta in un bene confiscato alla ’ndrangheta’, *CN24TV* (online, 20 November 2010) <<https://cn24tv.it/news/15041/chiude-a-san-luca-ludoteca-aperta-in-un-bene-confiscato-alla-ndrangheta.html>>.

⁵⁷ Quoted in John Hooper, ‘Exiled Italian victim of ’Ndrangheta defies the Calabria mobsters’, *The Guardian* (online, 31 August 2012) <<https://www.theguardian.com/world/2012/aug/31/exiled-italian-victim-defies-ndrangheta>>.

contained evidence from wiretapped telephone conversations indicating that Canale had withdrawn for her own personal use funds provided by Enel Cuore for the running of the youth centre, and subsequently failed to pay suppliers and employees.⁵⁸ The day the funds from Enel were disbursed, Canale withdrew €4,000 and bought luxury goods, including a designer bag.⁵⁹ The order also describes Canale's failure to observe the proper processes with regard to hiring staff for the youth centre. Further, she was alleged to have used only a small amount of the funds earmarked for the soap-making business, buying and re-labelling batches of cheap pre-made soap instead. On 22 January 2016, Canale was sentenced to four years in prison for fraud, with newspaper headlines reporting the fall of the 'former champion of the anti-mafia movement.'⁶⁰

To attempt to comprehensively assess the symbolic impact of the youth centre's failure would require a level of engagement with local communities which, as noted above, is prohibitively complex and outside of the scope of this article. It is however possible to use discourses from media and judicial sources to map potential indications of its impact against the framework identified above; in terms of its impact on the mafia's social consensus and territorial control, and the de-animation of the asset.

It is essential first of all to note that a substantial discrepancy can be observed between the symbolic success of the youth centre project as portrayed in national media and political discourses, and the reality at local level, even before the centre closed down. According to the GIP's report, while the opening ceremony was attended by dozens of national and regional officials and representatives, very few local residents showed up to lend their support, including the majority of the 'women of San Luca' who had given the movement its name. The reason for this was clear: the property's former owner, Pelle, had died just weeks previously, and to attend would be interpreted by the clan as a display of open disrespect that could warrant reprisals. Furthermore, while the villa's association with Antonio Pelle is flagged as symbolic and significant in several national press reports on the opening of the youth centre,⁶¹ the connection is not alluded to at all in any of the press releases produced by *Movimento Donne di San Luca*. In the GIP's report, it emerges that this was deliberate: in a wiretapped conversation with a journalist, Canale downplayed the villa's connection with Pelle, expressing concern about an article which had emphasised its symbolism as a victory over the 'ndrangheta, and leading the GIP to conclude that Canale was seeking to avoid angering the Pelle clan.⁶² While this concern is entirely understandable, it is indicative of the immediate symbolic impact of the youth centre at local level, on all three metrics: evidently, in mafia-infiltrated areas, de-animation of the asset, and the undermining of

⁵⁸ Tribunale di Reggio Calabria, Ordinanza di applicazione di misure cautelari No 52/2013, *Operazione Inganno*, 463.

⁵⁹ Ibid.

⁶⁰ Lucio Musolino, 'Rosy Canale, condannata a 4 anni per truffa l'ex paladina dell'anti-mafia', *Il fatto quotidiano* (online, 22 January 2016) <<https://www.ilfattoquotidiano.it/2016/01/22/rosy-canale-condannata-a-4-anni-lex-paladina-dellanti-mafia-per-truffa/2398810/>>

⁶¹ See, for example, Fabrizio de Jorio, 'Rosy, un esempio da seguire. La mafia si può battere', *Rai Televideo* (2011) <<https://www.televideo.rai.it/televideo/pub/articolo.jsp?id=13925>>; Laura Badaracchi, 'Il no di Rosy alla 'ndrangheta', *L'Avvenire* (Web Page, 13 November 2012) <<https://www.avvenire.it/agora/pagine/il-no-di-rosey-alla-ndrangheta>>.

⁶² Tribunale di Reggio Calabria (n 58) 499, 510.

mafia social consensus and territorial control, cannot be assumed to have been achieved automatically upon the inauguration of a project. This contrasts sharply with much of the political rhetoric accompanying the launch of such projects, as will be explored in the next case study.

Of further note is the fact that none of the official press releases or reporting celebrating the centre's opening include full details of the building's past, as revealed in the GIP's report. While some celebrate the project being the first of its kind in San Luca,⁶³ none note that in 2002, following its confiscation from Pelle, the villa was allocated €193,000 of public funding to be developed into an anti-mafia training centre and community facility and in 2004 was refurbished and handed over to a group named 'Consorzio Evoluzione'. However, after five years, the facility remained unused, and fell in to disrepair.⁶⁴ The GIP's report reveals that in total, between October 2004 and August 2009, the villa underwent refurbishment works costing a total of €175,000. To residents of San Luca, at least some of these details are likely to have been known, again indicating a potential disparity between symbolic narratives surrounding reuse at what we might term 'national' level, and the reality in the mafia-affected community.

Turning to the impact of the project's failure, with regard to social consensus, it is obvious that by ultimately failing to provide either jobs or benefits for the local community, the youth centre cannot be judged to have restored trust in the state—this much is reasonable to assume even without empirical studies. Further, by publicly criticising the authorities for their inaction and lack of interest prior to her arrest, Canale used her platform to actively reinforce the well-worn narrative of an inept, negligent state upon which mafias' social consensus is partially dependent. Irrespective of her wrongdoing, this potentially exposes a particular vulnerability of social reuse policies dependent on partnerships between the state and third sector community organisations in mafia-infiltrated areas. In symbolic terms, it prompts questions as to the State's ability to claim itself the victor against the mafia, potentially undermining a key symbolic goal of the legislation.

With regard to the de-animation of the property, it has been established that the property cannot be considered de-animated in terms of its association with Pelle at the point of the opening ceremony. Following Canale's arrest, the project's failure once again tied the property to criminality in the public discourse. The 2013 GIP's report asserted that for Canale, the youth centre had served as a 'collettore di potere'—literally a means of collecting power.⁶⁵ According to Santoro, managing a confiscated property afforded Canale significant political capital, providing her with powerful contacts which further facilitated her personal interests. These interests were 'not only for obtaining prestige and media attention, but also as a means of acquiring financial resources earmarked for anti-mafia projects'.⁶⁶ At this stage, the property arguably obtained an additional layer of criminal association, becoming doubly contaminated.

⁶³ de Jorio (n 61).

⁶⁴ Tribunale di Reggio Calabria (n 58) 452.

⁶⁵ Tribunale di Reggio Calabria (n 58) 438.

⁶⁶ Ibid.

All of this raises a number of questions regarding the symbolic impact of social reuse in areas of severe mafia infiltration. In San Luca itself, the youth centre's opening did not represent a de-animation of the property: the villa remained a symbol of the 'ndrangheta's territorial control, powerful enough to frighten people away from attending the opening. In such contexts, refurbishment and re-allocation alone are not enough to achieve de-animation. It also raises important considerations regarding the gap between the symbolic impact of social reuse at what we might term 'national' level—as represented by national media and political discourses—and the hyper-local territorial reality.

B Case Study Two: *The Anti-Mafia University*

The second case concerns a group of three residential buildings located in the town of Limbadi, in the province of Vibo Valentia, Calabria; one a detached villa, and the others residential blocks. The buildings were confiscated from the Mancuso 'ndrangheta clan in 2005 and allocated to the municipality of Limbadi in 2008. The Mancuso clan is among the most powerful in the 'ndrangheta, its reputation bolstered by its strong connections to San Luca.⁶⁷ Limbadi, meanwhile, is a site of significant mafia infiltration. In 1983, the municipal council had the dubious honour of being the first ever to be disbanded by order of the Italian President, when Francesco 'Ciccio' Mancuso, a patriarch of the clan, won a seat in the election. In 2018 the municipal council was once again dissolved due to mafia infiltration, this time under targeted anti-mafia legislation rather than by Presidential decree, as national investigators uncovered close relationships between local administrators and the 'ndrangheta.⁶⁸

In November 2009, the confiscated buildings were assigned to *Riferimenti*, an anti-mafia organisation founded and headed by Adriana Musella and based in Reggio di Calabria. Musella's father, Gennaro, was murdered by the 'ndrangheta in 1982, and her organisation focused on education and campaigning, working in schools across the country in order to 'build an anti-mafia culture'.⁶⁹ *Riferimenti's* goal was to turn the three properties into a national 'Anti-Mafia University' hosting students from all over Italy, with the detached villa serving as a state-of-the-art meeting and teaching space to train law enforcement officers and administrators as well as scholars. Musella stated in a press release that 'carrying out anti-mafia work in a place that is symbolic of the mafia is a highly significant goal.'⁷⁰

Between 2009 and 2012, however, the proposal languished in administrative limbo. During this period, the empty buildings sustained significant deliberate damage. The proposal was eventually 're-officialised' in a summit held at the Vibo Valentia

⁶⁷ Sergi (n 49) 14.

⁶⁸ Ministero Dell'Interno, 'Cinque consigli comunali sciolti per mafia' (Press Release, 26 April 2018) <<https://www.interno.gov.it/it/notizie/cinque-consigli-comunali-sciolti-mafia>>.

⁶⁹ 'Musella a processo per le "spese pazze" dell'Anti-mafia', *Corriere della Calabria* (online, 5 February 2019) <<https://www.corrieredellacalabria.it/2019/02/05/musella-a-processo-per-le-spese-pazze-dellanti-mafia/>>.

⁷⁰ Quoted in 'Università anti-mafia in Calabria, realizzata sui beni confiscati a 'ndrangheta' (Web page, September 2009) <<https://www.universita.it/universita-anti-mafia-limbadi-2009/>>.

Prefecture in 2012,⁷¹ and following an extensive refurbishment paid for with government funds,⁷² the structure was completed and inaugurated as the ‘Anti-Mafia University’ in 2015. Musella described the project as a ‘victory for [Riferimenti] and a victory for the state’, while politician Dorina Bianchi, representing the Parliamentary Anti-Mafia Commission, described it as ‘a concrete and symbolic sign of the presence and power of the state’.⁷³ On an official visit in September 2015, Filippo Bubbico, then Deputy-Minister of the Interior stated: ‘the government believes in this project, to the extent that it has invested 2.2 million euro [in the refurbishment].’⁷⁴ The detached villa was equipped with state of the art classroom facilities and completely remodelled, finished with green paint and brand new metal gates with the date of the refurbishment’s completion mounted on the top. The residential buildings received brand new fixtures and fittings, one equipped with 25 beds, each room with a brand new computer and telephone line.

In November 2016, *Riferimenti* signed collaboration agreements with the University of Calabria, Milan’s Università Cattolica del Sacro Cuore, and the CONFAPI (association for small and medium sized businesses) to work on the Anti-Mafia University project. However, as early as September 2015, Musella released a statement stating that she and the co-ordinators of *Riferimenti* were considering handing the buildings back to the municipal council. Describing Limbadi as ‘a difficult place’, Musella criticised a lack of support from local political figures and requested a meeting with the Ministry of the Interior to clarify the situation.⁷⁵ In the end, the university never enrolled a single student. In March 2017, following the publication of a series of investigative articles in the *Corriere della Calabria* newspaper, Musella was questioned by prosecutors on suspicion of misappropriating funds. On 19 September of the same year, Musella was subject to a non-conviction-based confiscation order for €75,000 worth of assets by the *Guardia di finanza*, pending the embezzlement investigation.⁷⁶ According to prosecutors, Musella had appropriated public funds intended for use by *Riferimenti* for her own personal use, had used funds for purposes other than their stated goal, and engaged in ‘unbridled’ spending. The investigations also indicated that Musella had directed the organisation’s funds for the benefit of her own relations. In January 2018, Musella announced in a Facebook post that the confiscated property

⁷¹ ‘Anti-mafia, l’Università nelle 3 ville confiscate’, *Gazzetta del Sud* (Messina, 15 June 2012) 23 <https://www.unirc.it/documentazione/rassegna_stamp/rs_20120615_14208.pdf>.

⁷² Quoted in ‘Il viceministro Bubbico a Limbadi per un sopralluogo all’ “Università dell’anti-mafia”’, *Il Vibonese* (online, 22 September 2015) <<https://www.ilvibonese.it/cronaca/175-viceministro-bubbico-limbadi-sopralluogo-universita-anti-mafia/>>.

⁷³ Giuseppe Natrella, ‘Beni confiscati alla mafia, Bianchi: a Limbadi vince lo Stato’, *Lamezia Oggi* (online, 15 May 2015) <<https://www.lameziaoggi.it/cronaca/2015/05/15/beni-confiscati-alla-mafia-bianchi-a-limbadi-vince-lo-stato/>>.

⁷⁴ *Il Vibonese* (n 72).

⁷⁵ ‘Ndrangheta: Musella, clima ostile verso università anti-mafia’, *Info Oggi* (online, 17 September 2015) <<https://infooggi.it/articolo/ndrangheta-musella-clima-ostile-verso-universita-anti-mafia/83477>>.

⁷⁶ Alessia Candito, ‘Reggio Calabria, malversazione: sequestrati beni presidente associazione anti-mafia’ *La Repubblica* (online, 19 September 2017) <https://www.repubblica.it/cronaca/2017/09/19/news/malversazione_anti-mafia_adriana_musella-175917996/>.

would be returned to the municipality, stating ‘it is not us who have been defeated, but the rule of law’, and indicating that *Riferimenti* would cease all of its activities.⁷⁷ She prefaced the post cryptically stating that ‘they have won’. Musella was indicted for embezzlement in February 2019, but the case was dropped in March 2024 following the expiry of the statute of limitations.

Aside from a few meetings and events, the newly-refurbished properties remained unused between the inauguration event in 2015 and their formal reallocation to the municipality in January 2018, the facilities untouched, and furniture and fittings still in their plastic wrappings. As noted above, such periods of disuse carry the risk of bolstering the image of ‘helplessness and incapacity’ on the part of the local authority—at that point being run by a special commission appointed by the national government.⁷⁸ This is reflected by narratives in local press reporting which underscored the faintly ridiculous nature of the scenario, referring to the project as ‘the university that nobody wants to run’,⁷⁹ a reporter in one television segment roving from room to room marvelling at the untouched, expensive facilities and interviews with public officials underscored by farcical music.⁸⁰ The strapline of a 2018 news article on the buildings reads ‘once a symbol of mafia power, then seized, confiscated, and left to ruin.’⁸¹

After a failed public tender process in October 2018 which received no applications, a second round was announced in December 2018, and this time two civil society organisations applied. The successful proposal came from the ‘San Benedetto Abate’ voluntary organisation of Cetraro, headed by Don Ennio Stamile, the regional head of the Libera organisation, and would see the development of an Anti-Mafia University dedicated to Rossella Casini, a young woman murdered by the ‘ndrangheta in 1981. The press conference in July 2019 launching the new university project was attended in person by then-Prime Minister Matteo Salvini, who announced his intention to return and attend one of the University’s teaching sessions.⁸²

However, the project appears to have failed a second time for unknown reasons. The university has no online presence, and on 13 November 2023 the Ministry of the Interior published a press release announcing the ANBSC’s decision to allocate 300 confiscated properties to ‘social initiatives’.⁸³ The accompanying photograph shows a

⁷⁷ Adriana Musella, ‘Si vuole questo e questo sia’ (Facebook, 18 January 2018) <<https://www.facebook.com/adriana.musella>>.

⁷⁸ Mazzanti et al (n 9) 33.

⁷⁹ Cristina Iannuzzi, ‘Nata nei locali strappati alle cosche, l’Università anti-mafia di Limbadi ora rischia di morire’, *La C News* (online, 28 November 2018) <https://www.lacnews24.it/cronaca/universita-anti-mafia-limbadi-nessuno-vuole-gestire_69975/>.

⁸⁰ Ibid.

⁸¹ Ibid.

⁸² Ilaria Calabrò, ‘Salvini in Calabria: “in una villa confiscata “l’Università della memoria”’, *Strettoweb* (online) 2 July 2019 <<https://www.strettoweb.com/2019/07/salvini-calabria-villa-confiscata-universita-della-memoria/863853/>>.

⁸³ Ministro dell’Interno, ‘Trecento immobili confiscati alla criminalità saranno destinati a iniziative di carattere sociale. Lo ha deciso il consiglio direttivo dell’Anbsc’ (Press Release, 13 November 2023) <<https://www.interno.gov.it/it/notizie/trecento-immobili-confiscati-alla-criminalita-saranno-destinati-iniziativa-carattere-sociale-ha-deciso-consiglio-direttivo-dellanbsc>>.

familiar green-painted building in Limbadi—the detached villa that was once the flagship university building—and towards the end of the piece it is announced that this building will be serve as the new Carabinieri headquarters for Limbadi, following allocation from the municipality. In an accompanying statement, Wanda Ferro, Undersecretary of State for the Interior, boldly announces the plan as a ‘Victory for the State against mafia power’, unknowingly (one assumes) echoing the words of Bianchi before her.⁸⁴ Ferro describes the project as ‘highly symbolic, in that the property, confiscated from members of one of the ’ndrangheta’s most powerful clans, will become a haven of legality and security for the benefit of the community’, going on to state that the social reuse of mafia assets is ‘a priority for the Meloni government.’⁸⁵ The buildings’ prior costly refurbishment is not mentioned.

Examining the symbolic impact of the failed university project in Limbadi, a number of parallels can be drawn with the San Luca case. First, with regard to the impact on the social consensus and territorial control of the mafia in Limbadi, again, it can be reasonably assumed that the failure of the university project did little to bolster public faith in the authorities, either local or national, as evidenced by the news headlines underlining the farcical element. Again, assessing the true scale of the impact of the project’s failure on perceptions of the rule of law in the community is challenging, but a poignant passage from a regional news report is indicative:

Now all that remains of the dream are ashes, and the disappointment is palpable. People prefer not to openly share their opinions. The young fall back on ‘we always knew it would end like this’, while those who once argued that it would have been better for the confiscated assets to be converted into barracks for the police maintain a bitter silence.⁸⁶

It should be noted of course that, as indicated by this article, the symbolic impact of the project’s failure will not be felt in the same way by all members of the community, and that caution should be exercised before assuming the existence of a homogenous ‘community response’; once again, the need for empirical research in this area is clear.

A second key similarity between the cases lies in the involvement of high-profile individuals accused of misconduct. As celebrated figures within the anti-mafia movement, prior to the accusations against them Canale and Musella were both able to leverage their reputations in such a way as to discredit the state, as seen in Musella’s bitter Facebook announcement decrying the defeat of the rule of law.⁸⁷ This highlights a key vulnerability of symbolically-targeted legislation in mafia-infiltrated areas, where the social consensus of such groups is partially dependent on the persistence of narratives of a weak and negligent state authority. Following the allegations of

⁸⁴ ‘Limbadi, la nuova sede dei Carabinieri in una palazzina confiscata ai Mancuso’, *Il Vibonese.it* (online, 14 November 2023) <<https://www.ilvibonese.it/societa/390638-limbadi-nuova-sede-carabinieri-palazzina-confiscata-mancuso/>>.

⁸⁵ Ibid.

⁸⁶ Pino Brosio, ‘Università dell’ anti-mafia a Limbadi, nuove regole rischiano di seppellire il progetto’ *Gazzetta del Sud* (online, 26 November 2018). <<https://catanzaro.gazzettadelsud.it/articoli/cronaca/2018/11/26/universita-dellanti-mafia-a-limbadi-nuove-regole-rischiano-di-seppellire-il-progetto-a98406bd-99d6-4acc-bfc2-879973295842/>>.

⁸⁷ Musella (n 77).

wrongdoing, both properties retained their symbolic association with criminality, indicating a failure of de-animation.

The clear difference between the two cases is that, unlike the Pelle villa, following their 'de-allocation' from the third sector organisation, the Limbadi buildings were ultimately used for institutional purposes, with much accompanying political rhetoric indicating a symbolic victory for the state. The degree to which this can be considered a symbolic success, however, is questionable. As Dale observes, putting confiscated property into the service of the police 'arguably does not go to repairing ties in the community that have been severed through crime. Truly closing the circle of justice requires an arc that encompasses all of those people affected by the crime in question.'⁸⁸ Although the police station may represent a level of 'poetic justice', this is not necessarily 'suitable justice'.⁸⁹ The community were not active partners in the process, and the extent to which it will have bolstered public confidence in the justice system is questionable. Once again, it seems prudent to raise the risk of hollowness with regard to social reuse legislation. In Limbadi, after multiple dissolutions of the municipal council, and nine years and millions of euros spent developing a university which never opened, a key question emerges: can faith in the state be undermined where little existed in the first place? Without meaningful engagement with members of the affected community, symbolic victory over the mafia cannot be reliably claimed by state authorities in either case.

V CONCLUSION

While 'symbolic' impact is widely touted as a key goal of Italy's legislation on the social reuse of real estate, the practicalities of this are difficult to measure, and go largely un-interrogated. Instead, symbolism is often capitalised upon vaguely in the rhetoric of national politicians seeking to boost their anti-mafia credentials. This article has argued that more must be done to clarify the symbolic goals of the legislation, and has specifically proposed a tentative framework for measuring the symbolic impact of the social reuse of confiscated real estate: its influence on the mafias' social consensus, territorial control, and the extent to which the asset has been 'de-animated'. It would be desirable to conduct empirical research on the impact of successful social reuse projects on community attitudes toward the rule of law and the state, though the author recognises that significant challenges impede such research in heavily mafia-infiltrated areas. Interrogating the specific symbolic goals of social reuse legislation is a worthwhile exercise in itself, but becomes crucial in the context of the increasing reach of such legislation worldwide, particularly given the risks pertaining to 'hollowness' and the undermining of public faith in the rule of law.

In areas subject to high levels of mafia infiltration and territorial control, it is crucial that the highly specific, hyper-local context surrounding each building be considered. This necessitates recognition of the differences between the

⁸⁸ Dale (n 4) 218.

⁸⁹ Arie Freiberg, 'Criminal Confiscation, Profit and Liberty' (1992) 25(1) *Australian and New Zealand Journal of Criminology* 44, 68.

implementation of social reuse legislation in different areas. Symbols are dependent on context—what holds powerful symbolism in a parliamentary chamber in Rome will have little value to an individual living under the yoke of the mafia in San Luca, where there are no public services, or in Limbadi, where the local councils have been repeatedly dissolved for mafia infiltration. Further, different communities will respond to symbolic action in different ways. It is important to acknowledge the gap between the symbolic impact of social reuse at what we might term ‘national’ level—as represented by national media and political discourses - and the hyper-local territorial reality. This has implications for the implementation of social reuse policy more widely, in any community subject to the territorial governance of organised crime groups; genuine engagement with affected communities is essential to avoid the ‘hollowing out’ of symbolically-targeted legislation.

The social reuse of assets can have significant economic benefits and is a key tool in the fight against the mafias, but further research is urgently needed into the less palatable side of this symbolically-targeted legislation, including the potential repercussions of failed projects on social consensus, and the impact of misconduct within third-sector beneficiaries, particularly given the increasing number of high-profile cases of misconduct. A key question raised by this article concerns what measures, if any, can be applied to combat the destructive impact of individual misconduct on civil society social reuse projects. Canale and Musella served as figureheads for movements which mobilised significant numbers of honest, committed people who stood powerless as their work was fundamentally discredited and undermined. More importantly, many such cases will not make it into the media, but will be known within the communities affected, making it vital to undertake work to understand the potential ramifications for community perceptions of the rule of law.