

**SOCIAL CONTROL AGENTS AND THE EVOLVING DEFINITION OF
WRONGDOING: THE CASE OF THE GRAY AREA AROUND THE MAFIA**

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Giulia Cappellaro
Department of Social and Political Sciences
Bocconi University
via Roentgen 1
20136 Milan
Italy
Email: giulia.cappellaro@unibocconi.it

Amelia Compagni
Department of Social and Political Sciences
Bocconi University
via Roentgen 1
20136 Milan
Italy
Email: amelia.compagni@unibocconi.it

Eero Vaara
Saïd Business School
University of Oxford
Park End Street
Oxford
OX1 1HP
UK
Email: eero.vaara@sbs.ox.ac.uk

ABSTRACT

In this paper, we investigate the process by which social control agents define wrongdoing over time and the principles they employ in drawing the boundary between right and wrong. We empirically examine how Italian state actors sought over four decades to categorize behaviors in the so-called “gray area,” i.e. the conduct of individuals supportive of the mafia organization Cosa Nostra and its criminal aims, but not members of the organization. Based on an archival analysis of texts produced since the 1960s we reconstruct how state actors started from a preliminary definition of wrongdoing, moved to stigmatize the behaviors in question on moral grounds, and ultimately criminalized them with legal sanctions. We conceptualize the main principles behind this evolving categorization as intentionality of conduct, freedom of choice, and scope of harm. The paper contributes to the debate on the factors and conditions shaping the definition of wrongdoing over time and the contribution that social control agents provide to this aim.

Keywords: wrongdoing, social control agents, criminal organization, state

1. INTRODUCTION

Scholars in a variety of disciplines have long debated the definition and conceptualization of wrongdoing and examined the social and organizational processes that constitute instances of wrongdoing. Researchers have recently adopted a social constructionist approach to wrongdoing (Palmer, 2008, 2012) and theorized how the boundary between right and wrong is constructed in interaction among organizational members (Anteby, 2008; Granovetter, 2007) and together with relevant external constituencies (Zavvalova, Pfarrer, Reger, & Shapiro, 2012). If anything, studies have shown how the boundary between right and wrong is often subject to negotiation across a plurality of actors and to reinterpretation over time and context (Greve, Palmer & Pozner, 2010; Manning & Anteby, 2016). However, we know less about how definitions of wrongdoing can change over time and what shapes this evolution. In particular, we are interested in understanding the contribution of so-called social control agents (Palmer, 2012) – such as the state, professional associations or networks– to the changing definition of wrongdoing. Focusing on these actors is especially important as they have the legitimate authority to define wrongdoing and to serve as “gatekeepers” of the boundary between right and wrong (Gabbioneta, Greenwood, Mazzola, & Minoja, 2013).

In this paper, we examine how, over the course of four decades, state actors categorized the practices of politicians, professionals, businesspeople and public administrators who supported the mafia organization Cosa Nostra (literally, “our thing”) and contributed to its success although they were neither part of the organization nor directly involved in its criminal activities. Through an archival analysis of texts produced since the 1960s, we focus on the evolving conceptualizations and meanings given by state actors to the conduct of these individuals. We uncover how state actors progressed from categorizing behaviors as merely deviant to viewing them as immoral, and finally framed them as illegal, placing them on a par with those of Mafiosi. We also identify the

three main principles - i.e. the intentionality of the conduct, the degree of freedom enjoyed in such conduct, and the scope of the harm generated by the conduct - employed by state actors to generate changing definitions of wrongdoing. Based on these findings, we discuss the implications for the process through which social control agents shape the boundary between right and wrong over time.

2. THEORETICAL FRAMEWORK

Defining wrongdoing implicitly requires an understanding of how the boundary between right and wrong is drawn. In line with Palmer (2012), who suggests that “if one wants to develop a comprehensive understanding of the causes of wrongdoing, one must study the role that *social control agents* play in creating wrongdoing” (p. 243), we consider in the following what the literature tells us about boundary drawing by social control agents.

2.1 Wrongdoing and Social Control Agents

The organizational literature has described many instances of wrongdoing by and within organizations (Ashforth, Gioia, Robinson, & Trevino, 2008; Greve et al., 2010; Griffin & Lopez, 2005) and explored how organizational members come to conceive of wrongdoing (MacLean, 2008; Zavyalova et al., 2012). In addition, attention has been paid to the role played by actors external to organizations (or social control agents) in defining wrongdoing (Palmer, 2008). Social control agents are all those actors that “represent a collectivity and that can impose sanctions on that collectivity’s behalf” (Greve et al., 2010, p.56) for transgressing the boundary between right and wrong. The state, professional associations, and international governing bodies act as social control agents (Gabbioneta, Prakash, & Greenwood, 2014; Greve et al., 2010; Mohliver, 2019; Palmer, 2012) with the authority to define the boundary between right and wrong, to police that boundary, and to punish those who transgress the line. Based on this definition, the media are also

social control agents and, indeed, have been found to play a central role in public scrutiny – sometimes leading to a loss of legitimacy and reputation on the part of misbehaving organizations or individuals (Breit & Vaara, 2014; Fisse & Braithwaite, 1983; Jonsson, Greve & Fujiwara-Greve, 2009). Nevertheless, the media cannot employ the same sanctions as a legislator or prosecutor; they can mainly condemn behavior as wrongful and put pressure on other social control agents to intervene.

Studies have shown that social control agents can engage in defining wrongdoing proactively to exercise control and govern the behavior of social groups and organizations, or reactively, for instance, when urged by public opinion or by the media in the wake of a scandal (Adut, 2004; Palmer, 2012). In addition, various sets of social control agents may proceed at different times and in different directions to draw the boundaries between right and wrong. For instance, Mohliver (2019) shows how a first tier of social control agents, i.e. professional auditors, refrained from categorizing stock-option backdating by companies as misconduct until the U.S. Securities and Exchange Commission (i.e. another social control agent) clearly outlawed the practice and companies began to face legal action for backdating.

2.2 The Process of Defining Wrongdoing

We have comparatively less understanding of how social control agents proceed in drawing the boundary between right and wrong and what factors and conditions may influence this process. Moreover, while scholars (Bowker & Star, 2000; Castro, Phillips & Ansari, 2020; Greve et al., 2010) acknowledge that the process of boundary drawing implies that social control agents employ a set of implicit or explicit criteria, we know little about what principles are invoked in defining wrongdoing and what guides the choices of social control agents over time. In our view, this lack of understanding is unfortunate as the choices of social control agents, due to their very nature, are

bound to be informed by historical contingencies (e.g. scandals; Castro et al., 2020), but also by the system of institutional and cultural values and principles in which they are embedded (Zelizer, 1978).

Despite this paucity of knowledge, two insights from the existing literature are worth emphasizing. First, the literature suggests that to define wrongdoing, social control agents tend to use rules and standards of some sort. Concentrating on the case of the state, Palmer (2008, 2012), for instance, provides a series of real-world examples showing how social control agents may create or alter the boundary between right and wrong by working out rules in the form of laws (Black, 1976), and thereby making behaviors that were previously socially acceptable illegal. Social control agents can also strengthen monitoring of compliance with rules by organizations and individuals and thus reinforced the boundary between right and wrong, explicitly or implicitly. They can also restrict policing and enforcement of a boundary, thereby allowing actions to remain liminal or grey – i.e. not clearly defined as illegitimate or outlawed – even for extended periods (Gabbioneta et al., 2013; MacKenzie & Yates, 2017; Webb, Tihanyi, Ireland, & Sirmon, 2009). Apart from the law, scholars (Zelizer, 2007) underline how social control agents may elaborate ethical codes or uphold moral standards and commonly held values in defining wrongdoing. For example, codes of conduct elaborated by international associations of corporations stigmatizing child labor have been instrumental in labeling this practice as wrongful, especially in countries lacking prohibitory legislation. Codes of conduct in turn invoke universal moral principles (Zelizer, 2007) by which all companies should abide. In many instances, law and moral standards may be combined by social control agents in variable and complex ways (Heimer, 2010). In this sense, the case of abortion in the USA is exemplary (Augustine & Piazza, 2021). The literature shows how moral considerations dramatically delayed legalization of abortion in the country

(Augustine & Piazza, 2021) and are now at the basis of a controversial law passed by the Texas legislature that restricts the conditions in which abortion is deemed legal.

The second insight provided by the literature on the process of defining wrongdoing comes from labeling (Becker, 1963; Lemert, 1951; Schur, 1971) and categorization theories (Bruner, 1957; Durand, Granqvist & Tyllström, 2017). Categorization processes, for instance, have been invoked in studies explaining the progressive criminalization of certain behaviors in society (Janness & Grattet, 2001) or of organizations (Castro et al., 2020), as in the case of white-collar crimes (Sutherland, 1983) perpetrated by corporations or public administrations (Simpson, 2002). In a study on hate crimes in the USA, Janness and Grattet (2001) narrate the process followed by a diverse group of social control agents (i.e. federal and state legislatures, courts, and law enforcement agencies) in establishing the new category of hate crimes. They describe how social control agents started by selecting certain problematic behaviors – from outright violence to intimidation, minor assault and vandalism – and then proceeded to label these behaviors as “motivated by prejudice based on race, religion, sexual orientation and ethnicity” (p.44), ultimately assigning them to the category of criminal behavior and hence making them punishable by law. The study shows how each of these steps engendered a long series of debates and controversies among social control agents about the principles guiding choices and their legitimacy. Both labeling and categorization theories therefore suggest that the definition of wrongdoing implies selection of certain behaviors, labeling them as right or wrong, and deciding to attribute them to categories of deviant/normal, moral/immoral, or legal/illegal according to the principle used to make the judgment.

Furthermore, this stream of literature suggests that drawing the boundary between right and wrong may be a burdensome and effortful process for social control agents (Gabbioneta et al.,

2014). It often requires assuming the burden of proof, uncovering practices that may be barely visible (Castro et al, 2020; Simpson, 2002), or describing poorly understood phenomena. For instance, Janness and Grattet (2001) show how the US Congress started the process around hate crimes by instituting a program to systematically collect data on the frequency and pervasiveness of certain behaviors within the country. Difficulties in defining wrongdoing for social control agents may be particularly evident, especially in cases in which behaviors are kept intentionally opaque (Reinmoller & Ansari, 2012) or when they are performed by organizations or individuals that appear to be “beyond suspicion.” For instance, the long process leading to the criminalization of certain types of conduct on the part of white collar workers or top corporate managers clearly shows that the “respectability” of these actors (Sutherland, 1983) has hindered the efforts of social control agents to detect such practices and categorize them as wrongful.

Overall, the literature provides some interesting yet preliminary insights into how social control agents may come to define wrongdoing. It points to the need to take into consideration the principles used by social control agents and account for the fact that the process of defining wrongdoing is bound to be laborious and gradual. In this paper, we attempt to extend our understanding of how social control agents define wrongdoing by asking the following two questions. How does the process through which social control agents define wrongdoing evolve over time and what principles do social control agents employ in this effort?

3. THE EMPIRICAL CASE: THE “GRAY AREA” AROUND THE MAFIA

We address the above questions by exploring the specific case of how social control agents, in particular state actors, made sense of and categorized the conduct of individuals who, despite not being affiliates of the mafia organization Cosa Nostra and operating in the legal world, supported the criminal organization for over four decades. In 1982, for the first time, one of the most active

investigators of the mafia, Nino Cassarà, used the term *zona grigia* (gray area) to label this dense web of supporters of the mafia:

The gray area is constituted by a multiplicity of protectors of the Mafiosi, supporters, accomplices, informers, people who are indebted [to the mafia] for money or for favors they have received, people who are held to ransom, intimidated. They are not only part of common criminality but also of all the other sectors of society – from public offices, national, regional, provincial, municipal to centers of political power, to banks, to consortia, to public and private institutions, to large private firms and public enterprises. (Report of 161, 1982)

Defectors from the mafia confirmed this notion at basically the same time. The mafioso Tommaso Buscetta put it this way:

Around every man of honor [mafioso] there is a vast area of contiguity and complicity by people who, despite not being men of honor themselves, are connected to him through common interests and activities. Nothing can be said about these relations as they vary case by case, they can be episodic or repeated, and, therefore, stable over time, but all imply that these individuals are available to establish this kind of relationship with men of honor (confession, 1984)

Since then, the notion of gray area has received increasing attention by scholars in law, sociology, and the history of organized crime (e.g. Allum, Merlino & Colletti, 2019; Catino, 2019; Dino & Macaluso, 2016; Mete & Sciarrone, 2017; Sciarrone, 2011). According to these scholars, the “grayness” attributed to the conduct of individuals supporting the mafia stems from its limited visibility and observability (Allum et al., 2019), but also from the apparent lawfulness of the individuals involved, who, while part of the legal world, support criminal aims and activities. Sciarrone (2011) explains how blurring the difference between licit and illicit is bound to create confusion for whoever attempts to categorize such conduct:

If the legal world is seen as white and pure and the illicit underworld as black, the space and borders between these two worlds become ‘gray,’ ‘blurred,’ ‘unclear,’ ‘confused,’ ‘fuzzy’ or ‘cloudy’ (2011, p. 11).

The inherent ambiguity surrounding the conduct of individuals who are part of the network of collusion and corruption (Cappellaro, Compagni & Vaara, 2021; Dino & Macaluso, 2016) around

the mafia makes this case particularly suitable for exploring the cumbersome process through which state actors draw the line between right and wrong.

4. METHODOLOGY

We adopted a longitudinal qualitative case design that encompassed material from the early 1960s up to the present. We employed a discursive approach (Phillips & Oswik, 2012) to trace the main steps taken by state actors in defining wrongdoing during the period in question.

4.1 Data Sources and Analysis

We collected a rich database of archival sources as part of a broader project on the evolution of the Cosa Nostra as a criminal organization (Cappellaro et al., 2021). To address our research questions, we focused on materials produced by state actors since the early 1960s. It is starting from those years that, for the first time, state actors, as in judges and politicians, started approaching in a systemic way the issue of organized crime and of the broad area of influence around the mafia (Dickie, 2004). In particular, we considered three sets of state actors as social control agents: (i) politicians, e.g. members of the Parliamentary Commission on the Mafia, members of Parliament and Ministers or members of the Sicilian regional government; (ii) police officers conducting field investigations of the mafia or belonging to the national anti-mafia investigative police (DIA); and (iii) the judicial branch, such as judges working on trials against the mafia and the national anti-mafia prosecutor.

The final corpus included five types of documents: judicial documents related to the main trials against Cosa Nostra and individuals accused of supporting the mafia; parliamentary reports of the Parliamentary Commission on the Mafia (e.g., in 1963, 1972, 1978); police reports (e.g. the Bevivino report, 1964; Report of 161, 1982); annual reports of the DIA (1998-2018) and of the national anti-mafia prosecution office (DNA, 2007-2018); transcripts of speeches by the principal

anti-mafia judges (e.g. speeches by Judge Di Matteo); and articles written by state actors on the mafia and the gray area.

We analyzed our data in three iterative steps that represented cycles of inductive reasoning typical of qualitative research. Our process of gradual abstraction involved categorizing raw data, linking categories into themes, and aggregating themes into a theoretical framework. We performed a first round of open coding sensitized by broad empirical questions: How do state actors refer to individuals close to the mafia? What behaviors are associated with these individuals and how do state actors connote them? Next, by moving between the emerging insights and the literature on wrongdoing, we identified four analytical categories that summarized the main elements in the process through which the state actors defined wrongdoing. The identified categories were (i) behaviors selected by state actors as relevant conduct (e.g. “committing irregularities in administrative practices” or “delaying legal action”); (ii) labels, i.e. the terms used to label the relevant behaviors of individuals close to the mafia (e.g. irregular, illegal); (iii) categorization outcomes, i.e. the resulting classification made by state actors of such behaviors with respect to wrongdoing (e.g. stigmatization, criminalization); and (iv) the principles or criteria based on which state actors explicitly or implicitly decided to categorize conduct as wrongdoing. Three were the principles employed by state actors that emerged from the analysis: a) the intentionality of the conduct, b) the degree of freedom enjoyed by individuals performing such conduct, and c) the scope of the harm generated by the conduct. Finally, in the third step, we traced changes in the content of the identified analytical categories longitudinally and temporally bracketed our story in three phases of definition of wrongdoing.

5. FINDINGS

Our analysis identifies three phases in which social control agents (state actors) discursively categorized the conduct of individuals supporting the mafia. In each phase, we focus on the specific behaviors highlighted by state actors and the terms used to label them. We then explain how state actors categorized these behaviors across the boundary between right and wrong and the principles employed to make such judgments. Table 1 summarizes these conceptual categories in each phase.

Table 1. Main Elements in Categorization by State Actors of Conduct in the Gray Area

	Phase 1 (1960s-1982)	Phase 2 (1982-1993)	Phase 3 (1993- 2021)
<i>Selected behaviors</i> (i.e. behaviors typical of the gray area)	<ul style="list-style-type: none"> • Irregularities in administrative practices • Abnormal personal developments/ careers • Abnormal number of votes in elections 	<ul style="list-style-type: none"> • Delaying legal action against Mafiosi • Supporting the mafia with funds (pizzo) • Working as a straw buyer for Mafiosi • Protecting Mafiosi on the run 	<ul style="list-style-type: none"> • Being business partners with Mafiosi • Asking for favors from Mafiosi • Asking for support from Mafiosi during electoral campaigns
<i>Labeling terms</i> (i.e. terms used to connote behaviors)	Anomalous, outside the norm	Immoral, amoral, socially contemptible	Illegal, criminal
<i>Categorization outcome</i> (i.e. final definition of wrongdoing)	Uncertainty (about whether a given act was wrong)	Stigmatization on moral grounds	Criminalization
<i>Principles for categorization</i> (i.e. criteria for judging the behavior of individuals in the gray area)			
Intentionality of conduct	Unclear	Defensive, to prevent harm	Intentional, strategic, for own benefit
Freedom of choice	Unclear	Limited, subject to coercion	Complete, awareness of wrongdoing
Scope of harm	Very circumscribed (disadvantageous to a few)	Local communities	Entire society and democracy

4.1 Phase 1- Uncertain Categorization of Irregularities (1960s- 1982)

4.1.1 Labeling Conduct as Irregular

State actors, when referring in this initial phase to the conduct of individuals apparently close to the mafia, referred generically to specific acts of “complicity” or “admixture” and to “dangerous relationships with Mafiosi.” For example, the report of the Commission on the Mafia (1972) described Francesco Vassallo, a building contractor, as someone whose position was different from that of the Mafiosi as “he had never been directly involved in delinquent episodes, nor had he ever been brought to trial.” Through his conduct, Vassallo worked as “the link between the mafia, the profitable entrepreneurial activities it takes nourishment from, and political-administrative collusions [with the mafia]” (Commission on the Mafia, report, 1972), indicating the existence of a web of relationships connecting criminals to the legal world.

In the trial and political documents, state actors started to emphasize a series of behaviors they deemed abnormal or signs of irregularities in standard practices that could be attributed to individuals close to the mafia. These irregularities concerned individual entrepreneurs, but more typically public officials working in building commissions or in the public procurement offices responsible for granting concessions. For example, an indicator of such anomalous activities was the concentration of building licenses in the hands of a few contractors:

From the examination of the building licenses granted [by the Municipality of Palermo] in the period November 1959-November 1963 (n. 4205), it emerges that five building contractors have put their signature on 80% of the licenses granted in the four-year period (Bevivino Report, 1964).

Other instances of administrative irregularities included the granting of licenses after a building process had begun or approval of projects despite negative evaluations by technical offices.

In this phase, a second set of abnormalities often stressed by state actors was related to rapid career development or accumulation of wealth by certain public administrators. In a speech

before the Commission on the Mafia in 1970, the Sicilian politician Emanuele Macaluso clearly indicated that this had to be considered anomalous conduct:

How many people in Italy have become rich starting from scratch? There are a number of examples. One should investigate, however, what paved the road to such wealth, and whether there is a link with the phenomenon called the Mafia (speech, 1970).

Macaluso went on by exemplifying the case of Vito Ciancimino, a well-known politician in Palermo, who had been mayor and municipal councilor of the city:

We need to conduct an assessment of the current wealth of Mr. Ciancimino and of his closest relatives because prior to becoming a municipal councilor he was totally destitute, while today he has a very high standard of living (article, 1970).

4.1.2 Categorization Outcomes: Unclear Definition of Wrongdoing

State actors struggled to come to a certain and unambiguous categorization of the irregular conduct of individuals who were part of the legal world but supposedly close to the mafia. The first actors reflecting on this issue, such as the 1972 Commission on the Mafia, reported being “puzzled, divided internally” (Commission on Mafia, report, 1972), on how to categorize these abnormal behaviors. Even the following Commission on the Mafia, which was active a few years later (1976), admitted that they “could not reach consensus on the final report because some members (...) did not share the judgement on the political responsibilities in the system of Mafia power in Sicily” (Commission on the Mafia, minority report, 1976).

Rather than a definitive judgment, by the end of this phase state actors had expressed a set of potential concerns about the rightfulness of the conduct of these individuals and admitted that evidence to support a definitive stance was lacking, as explained in the concluding remarks of the 1972 report of the Commission on the Mafia:

Being aware that the denunciation of political and administrative connections with the Mafia cannot represent in any sense a guilty judgment, because this judgment would need *proofs that are impossible to collect*, we hope this debate will be useful to stimulate, through political

suggestions, the appropriate institutional and community reactions. (Commission on the Mafia, report, 1972, emphasis added)

Overall, although state actors began during the first phase to single out certain anomalous behaviors as problematic, they were incapable of drawing a clear line and categorizing them as wrongdoing.

4.2 Phase 2- Stigmatization of the Support to the Mafia (1982-1993)

4.2.1 Labeling Conduct as Supportive of the Mafia

During this phase, state actors began to stress that the behaviors of individuals close to the mafia were clearly supportive of the criminal aims of the mafia organization. They described these behaviors with terms such as “support,” “backing,” and “shady involvement.” For instance, individuals supported the mafia in its illegal activities by working as straw buyers, helping the organization with funds in exchange for protection through the “pizzo” practice or providing their own ‘clean’ identity documents to Mafiosi on the run. As the main anti-mafia judges in this phase stated, these individuals started to be seen as the “clean face of the mafia, i.e. professionals, public administrators, and entrepreneurs who are not employed in criminal activities but provide very precious support and cover up [to the mafia]” (Indictment, 1985).

In addition to the conduct of entrepreneurs and public administrators, the conduct of judges was scrutinized more closely, and judges who appeared to avoid or delay action against Mafiosi unjustifiably were questioned for their choices. Rocco Chinnici, one of the main anti-mafia judges, described the suspicious behavior of one of his colleagues with respect to some alleged Mafiosi:

I warned the colleague that it was a very sensitive trial ... then I left for a couple of days and when I came back, I found out that the judge intended to release [the suspected Mafiosi]. The colleague had gone to cross-examine them [the suspects] without an arrest warrant, doing something wrong ... then he said that there was sufficient cause for an arrest, afterwards he released them saying there was not sufficient cause... in short, a series of “mistakes” (Audition to the Supreme Court, 1982)

The Parliamentary Committee on the Mafia commented similarly on the conduct of some judges as follows:

One cannot exclude that there are some judges, [who] if not complicit with the Mafiosi, [are] anyway weak or hesitant in prosecuting their offences or reluctant to carry out their duty to the full. Concerns in this respect are justified: some sentences favorable to mafia bosses or some cases of delay or inertia on the part of judges have caused considerable public bewilderment (Report, 1985).

4.2.2 Categorization Outcomes: Definition of Wrongdoing on Moral Grounds

During this phase, state actors came to stigmatize and express their disapproval of the conduct of individuals supporting the mafia on moral grounds. For instance, with reference to politicians who supported the mafia by avoiding firm action against the organization, judge Chinnici wrote the following:

Nowadays politicians are characterized by their *amorality*. When the serious problem of the mafia is not faced with the necessary energy, when the same is valid for the problem of the war against drugs then it is not only our responsibility as citizens but also that of politicians who had the duty to do something about this and did not do anything (Public speech, 1982, emphasis added)

In his final speech in court, the prosecutor in the key trial against the mafia (the so-called Maxi Trial) emphasized in a similar vein that the “frequent contacts between Mafioso families and public figures emerging from the trial raise disturbing questions about the morality and transparency of public administration” and labeled these behaviors “administrative immorality.”

Despite this general sense of disapproval, stigmatization by state actors of the conduct of individuals supportive of the mafia was never complete. While they deemed the support granted to the mafia by these individuals *intentional* and considered it normally motivated by the pursuit of personal gain (i.e. protection, prestige), the *freedom of choice* enjoyed by these individuals in so doing often appeared limited by fear for their lives. For instance, with respect to certain businesspeople who were found to have paid ‘pizzo,’ the judge in the Maxi Trial admitted the following:

In this situation, it is very hard to establish in each case where the behavior *imposed* by the mafia ends and where, instead, engagement in and support for the activities of the Mafiosi begins (Sentence, 1987, emphasis added)

Individuals supportive of the mafia were often characterized by state actors as being in the “hands of the mafia,” “victims of intimidation” or in a state of “psychological subjection to the mafia.” In addition, the potential for *harm* posed by the conduct of these individuals was still deemed limited in scope, affecting either the local economy (e.g. creating unfair competition among businesses) or the local bureaucracy, making it “inefficient and rather non-transparent.”

Overall, during this second phase, state actors started to draw a much clearer boundary between right and wrong. While they explicitly categorized the behaviors of individuals belonging to the legal world but supportive of the mafia as wrongdoing, their categorization stopped at moral judgment.

4.3 Phase 3- Criminalization of Support to the Mafia (1993-2021)

4.3.1 Labeling Conduct as Illegal

During the 1990s, there was gradual recognition that the conduct of individuals supportive of the mafia was fundamental to the very survival of the mafia organization. As indicated by the national anti-mafia judicial system (DNA) in its 2008 report, the more “legal” and “normal” this conduct was, the more it would help the criminal organization thrive:

The [mafia] organization enjoys a vast network of supporters made up of technicians, professionals, especially accountants, physicians, businesspersons, politicians, and bureaucrats at all levels. This is what is defined the “*mafioso middle class*” [...]. The activity of this group of people provides a legal front for the [the mafia] without which the organization could not operate in the legal economy. In a nutshell, the Mafioso middle class lends a legal face to the mafia, thereby allowing it to manage its business normally (Report, 2008).

The conduct of individuals operating in the legal world but supporting the mafia gradually came to be described with terms such as “complicity,” “collusion,” “mutual agreement,” and “reciprocal exchange with the mafia.” Moreover, as the above quotation attests, use of the attribute “Mafioso”

to describe the conduct in question identified it with criminal activity. It was depicted as “contributing, consciously and willingly, to the maintenance and strengthening of the organization” (Commission on the Mafia, Report, 2013) and as such was unequivocally deemed to be not only morally deplorable but also categorically illegal.

A number of statements according to which the conduct of these individuals should no longer be considered “gray,” but clearly wrong attests to increasing willingness on the part of state actors to draw distinct boundaries between right and wrong and categorize the behaviors in question with respect to them. For instance, politicians already wrote the following in the Parliamentary Commission’s report in 2017 in referring to the “gray area” around the mafia:

The gray area is not external to the mafia, but the space in which the Mafiosi move, creating alliances and collusive agreements with other actors (Report, 2017)

Likewise, Sergio Mattarella, President of the Republic, recently stated that “there is no gray area, no “omertà,” no tacit connivance: one is either against the mafia or he is in collusion with the Mafiosi” (public speech, 2021).

State actors pointed to a vast repertoire of behaviors as criminal acts and, in comparison with previous phases, accused an ever-larger network of professionals, politicians, businesspeople, and public administrators of such conduct. Uncovering these behaviors was not an easy task as “the boundary between the licit and the illicit sometimes ended up appearing mobile” (Parliamentary Commission on the Mafia, Report, 2013). Wiretapping became the main tool for penetrating beyond the surface of apparently “normal” behaviors and labeling them illegal.

Behaviors that came to be criminalized were, for example, the creation of joint ventures with firms controlled by the mafia; requests by professionals or entrepreneurs for support from the mafia in speeding up bureaucratic procedures and winning public tenders or by politicians, during electoral campaigns; the systematic disclosure by public administrators to the Mafiosi of

investigations of their activities. State actors deemed all these behaviors indications that “an integrated *criminal* system exists” and that “mafia and corruption are two sides of the same coin” (Judge di Matteo, speech in the Parliament, 2015).

4.3.2 *Categorization Outcomes: Definition of Wrongdoing on Legal Grounds*

During this phase, state actors increasingly attributed “an *illegal* content to relevant contributions to the mafia by individuals not permanently part of the organization” (Parliamentary Commission on the Mafia, report 2013, emphasis added). This led to modification of the anti-mafia law accordingly. For instance, all politicians who engaged in an “electoral exchange” with the mafia became subject to punishment by law similar to that meted out to a Mafioso. The law, in fact, came to recite:

Whoever accepts, directly or through intermediaries, a promise of votes from individuals belonging to the [mafia] organization, [...] in exchange for (or the promise of) money or any other benefit or the willingness to satisfy the interests or the requests of the mafia, shall be punishable with the same sentence [as a Mafioso] (law 416 ter)

The shift from stigmatizing the conduct of individuals supporting the mafia on moral grounds to categorizing it as criminal and illegal derived from changes in the criteria used in passing judgment. First, state actors framed conduct as *intentional*, strategic and calculative, and aimed at obtaining “reciprocal benefits” from the mafia and maximizing one’s own utility. In fact, these individuals were considered to be “well aware” that they were dealing with the Mafiosi. In a well-known trial, for instance, two architects hired by a firm wanting to build a shopping mall were found to have “without any hesitation or moral reserve and counting on their clean criminal record and their excellent social reputation, *intentionally* sought to prompt, renew and perpetuate a relationship of reciprocal exchange of services, benefit and favors with the local Mafioso family” (Sentence in the “Villabate” Trial cited by Judge Di Matteo, speech in the Parliament, 2015). Second, the conduct of these individuals was no longer considered to be forced upon them by the

mafia through intimidation and violence; instead, it was *freely chosen* by them and backed up by a “mental state of full consciousness of wrongdoing.” This was clearly described in one of the DNA reports:

Without any doubt, the behaviors of these individuals derive not from resigned and almost fatalistic acceptance of impositions of the mafia organization, [but] rather from strategic and not sporadic activity in support of the mafia. This activity is not aimed merely at obtaining protection in order to be able to continue one’s own business without harm, but to realize new and ever more profitable business (DNA report, 2008)

Finally, state actors argued that the *harm* caused by this conduct could potentially affect the entire country’s economic system and lead to its “impoverishment,” generating widespread corruption in government and public offices and even destabilizing the fundamental principles of its democratic system, for instance by influencing “fair elections.” Harm on such a broad scale provided the legitimacy needed by state actors to categorize such behaviors as illegal and define them as wrongdoing with respect to the general norms of the entire society

6. DISCUSSION AND CONCLUSION

We started this paper by arguing for a need to study how social control agents draw the boundary between right and wrong over time, and the principles they uphold in drawing such a boundary. We studied how state actors in the capacity of social control agents increasingly deemed illegal the conduct of individuals who did not formally belong to the mafia organization but were close to it and supportive of its criminal aims. Our study allows us to contribute to the debate on organizational wrongdoing in three ways.

First, our case contributes to the debate on the conceptualization and definition of wrongdoing. In response to recent calls for a more nuanced analysis of wrongdoing (Greve et al., 2010), we disentangled three such components: irregularity, amorality, and illegality. Moving beyond a categorical distinction between such components, our study elucidates how various

definitions are concatenated and evolve over time. In so doing, we provide fresh evidence that “the location of a line separating right from wrong is not a concrete absolute but something (...) relative, disputed, and *dynamic*” (Manning & Anteby, 2016, p. 48, emphasis added). Specifically, our findings depict an evolutionary path whereby behaviors are first marked as irregular, non-conforming and deviant (Becker, 1963). Then, they are characterized as immoral, i.e. what a community – professional or political – deems wrong according to the moral prescriptions of that community (Manning & Anteby, 2016). Finally, the behaviors are framed as illegal, i.e. they are said to go against rules shared by an entire society and transgressors thereof can be formally prosecuted and sanctioned by law.

Our case points to a process whereby the illegality of behaviors results from the progressive spread of moral disapproval (Goffman, 1963) of those behaviors to the societal level, up to the point at which “gatekeepers,” in our case the state, were compelled to deem them illegal. This path resembles other processes of criminalization, for instance, in creation of the new category of hate crimes. Jenness and Grattet (2001) describe how the US Federal Hate Crime Law came into being after a set of discriminatory acts were understood to be an issue of societal relevance requiring legal action. In our case, it was widespread awareness of the vital role played by the gray area in strengthening the mafia that persuaded and pushed state actors to criminalize behaviors that had, at best, been stigmatized as morally despicable. The negative societal impact of the conduct of mafia supporters became even more salient at a time when the public was experiencing the mafia in all its violent and criminal manifestations and anti-mafia judges, who had become well known to the general public, were murdered by the criminal organization (Cappellaro et al., 2021). In conclusion, a shift from one definition of wrongdoing to another might require a combination of triggering events and profound cultural changes (Misangyi, Weaver & Elms, 2008).

A question for future research is how the complex relationship between law and morality (Hemeir, 2010) and, as such, between the two definitions of wrongdoing, unfolds and how they may affect each other. We already know that defining wrongdoing as immorality does not necessarily translate into criminalization of such behavior. For example, although, especially after the 2008 financial crisis, high executive compensation has been stigmatized by US politicians as immoral and unfair, Congress has not banned high compensation packages for corporate top managers. In addition, it is unclear how reversal of one definition impacts another. Studies on legalization of the use of marijuana for therapeutic purposes (Aranda, Conti & Wezel, 2020; Dioun, 2018), for instance, show that if an illegal behavior is decriminalized, the stigma attached to that behavior on moral grounds can indeed decrease, but only if certain fundamental moral principles are still respected (Aranda et al., 2020). This indicates that redefining a behavior as morally acceptable may be more difficult than redefining it as legal, and that there is a limit to the moral relativism that social control agents will accept. At the same time, criminalization of a behavior may facilitate its stigmatization on moral grounds. This is true of drug use in some European countries, where once it was criminalized it began to be seen as “abuse” and as a cause of “moral deprivation.”

Second, our focus on the categorization process performed by social control agents allows us to tease out the principles employed in devising various definitions of wrongdoing. We identify three main principles: intentionality of conduct, freedom of choice, and scope of harm. These principles lead to different profiles of wrongdoers across the phases. Wrongdoers are first portrayed as individuals who perform irregular acts with uncertain purpose and intentionality. In the second phase, the wrongdoers are professionals, public administrators, politicians, or local businesspeople who intentionally enact socially contemptible behaviors in support of the mafia.

However, as they are forced to do so by intimidation and fear, these wrongdoers are painted by social control agents as victims and stigmatized on moral grounds alone. In the third phase, wrongdoers are depicted as strategic individuals who freely choose to interact and support the mafia out of their own convenience. These shifts are crucial as they indicate not only different definitions of wrongdoing but, most importantly, different conceptualizations. For instance, use of the intentionality and consciousness of wrongdoing as principles leads to the construction of wrongdoing not as something ordinary or accidental that anybody can commit, but as something “abnormal” (Palmer, 2012), conducted by people who are prone to do so and choose accordingly.

Finally, the analysis enriches debate on the “grayness” of wrongdoing (Gabbioneta et al., 2013; MacKenzie & Yates, 2017; Webb et al., 2009). Our empirical case sheds light on the fact that defining wrongdoing is something far from easy and automatic for social control agents (Gabbioneta et al., 2014; Mohliver, 2019). We explain how social control agents may face considerable opacity and ambiguity with respect to certain behaviors or simply lack the knowledge required to draw a neat boundary between right and wrong. Social control agents may be also unwilling to draw such boundaries (MacKenzie & Yates, 2017). Hence, an important question to address is what motivates social control agents to dissipate the “grayness” of certain behaviors and start defining wrongdoing. When is grayness no longer acceptable? Our case suggests that the “scope of harm” or the consequences of these behaviors for society are two of the criteria motivating social control agents. Alternatively, social control agents may feel forced to define wrongdoing once their credibility as the only gatekeepers of the boundary between right and wrong is undermined (MacKenzie & Yates, 2017).

In conclusion, our study encourages scholars interested in organizational wrongdoing to account not only for the actions of wrongdoers, but also for the contribution of social control agents

in defining and categorizing such behaviors. In our view, understanding how and on what basis social control agents proceed, the reasons for changes in their choices and judgments, and the factors and conditions that influence such choices are paramount for explaining how our societies conceive of wrongdoing and the cultural, legal, and moral limits we take into consideration when dealing with it.

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