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Innovative partnerships for the utilisation of confiscated assets previously owned by mafias

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ABSTRACT¹

Purpose

The third sector is a producer of trust and positive social interactions, the mafias destroy trust and social norms. To confiscate assets and the reuse of confiscated assets are important tools from an economic and symbolic point of view for contrasting mafias and promoting sustainable and fair economy. The purpose of this paper is to analyse the role of the third sector in the reuse of confiscated assets.

Design/methodology/&approach

The paper is based on a theoretical analysis of the reasons for a third sector role in the reuse of confiscated assets, focusing on the economic, social and cultural dimensions. Italian legislation and data are presented for the relevant and innovative role of third sector in the reuse of the confiscated assets. A case study is presented about the city of Forlì, of particular interest because based in Northern Italy, a part of the country of non historical presence of mafias and also because the University of Bologna is now a partner of the project through the Observatory of the Legality. Five hectares of confiscated, urban land have been given to two social cooperatives for organic agriculture and social gardening, managed by the disadvantaged people working in the cooperatives.

Findings

The case study offers useful implications for other national and international situations. The results support that third sector can be an effective partner in managing and restoring the goods to their community.

Original/values

Scaling up from a pioneering activity to a large scale network of social enterprises and partnerships could make the difference.

KEY WORDS: third sector, confiscated assets, mafia, partnership, social enterprise.

TYPE: case study

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1. Introduction

In the wake of the financial crisis, new business models and creative forms of collaborative development have been developed to respond in innovative ways to the rising social needs left unmet by the market and the state (Murray, Caulier-Grice, Mulgan 2010); needs which have been brought on by a weakening in customer purchasing power and the growing austerity in public finances (Mintzberg, 2012). These new, creative solutions, at the forefront of social innovation, “simultaneously meet social needs and create new relationships or collaborations. In other words, they are innovations that are both good for society and enhance society’s capacity to act”². The advent of social innovation has gone hand in hand with the rise in importance of the social enterprise, recognized as a legal form, which allows for democratic decision-making power based on human rather than financial capital and being participatory in nature actively involving the persons benefitting the activity³ (Defourny and Nyssen 2012, Pestoff 2009, Dufays and Huybrechts 2014). In this paper, we will focus on a certain strand of social innovation and entrepreneurship rooted in an asset-based approach to community development. These approaches, in light of decreasing resources, leverage the resources and assets found within the community, identified in: individuals, institutions, associations, and physical characteristics—land, buildings, and infrastructure—which are inventoried and mobilized for development purposes. Some Italian examples regarding the regeneration of spaces—abandoned buildings, empty lots, land, etc.—can be seen in organizations like Impossible Living⁴, Spazi Indecisi⁵ and Spazi Docili⁶ which seek to regenerate these assets for community use to spur local economic growth.

Of particular note, however, in Italy, is the work that has been done on assets confiscated from the mafias. Confiscated assets, under the Italian law 109/96, are assets confiscated from organized crime organizations and given back to the territory for collective use and benefit. The law was created thanks to a petition, promoted by the Association Libera⁷ and the signature of a million citizens. Since then, as we’ll see later, Libera has taken great strides and has become a leader in the utilization of these goods via their entrepreneurial project, Libera Terra, which includes under its brand several Type B Social Cooperatives⁸, mostly in the South of Italy. Other social enterprises, not associated with Libera, have also had the chance to manage confiscated goods. Confiscated assets represent a strong potential for innovation in territories affected by the mafias, in terms of: (1) social capital creation (bonding and bridging); (2) horizontal networks; (3) vertical integration through policy (l. 109/96); (4) job creation; and (5) new economies (e.g. the introduction of organic farming procedures; the creation of ethical products; etc.). While the use of confiscated assets has gained experience in the South of Italy, little experience has been made in the North, despite

² Murray, R., Caulier-Grice, J., Mulgan, F. “The Open Book of Social Innovation,” The Young Foundation, (UK, 2010). Pg. 9.

³ In reference to the EMES definition of the social enterprise: Defourny J. and Nyssen M, “*Social Enterprise in Europe. Recent trends and developments*”. Emes, Working Papers, 8. And Pestoff, Victor. “*Towards a Paradigm of Democratic Participation*”. Pg. 199.

⁴ <http://www.impossibleliving.com/>

⁵ <http://www.spaziindecisi.it/>

⁶ <http://www.spazidocili.org/index.html>

⁷ <http://www.libera.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/1>

⁸ Social Cooperatives in Italy are entrepreneurial organizations that work under a limited distribution constraint whose primary objective is the maximization of social ends, achieved through the re- investment of profits into these social objectives. They fall under two categories: type A and type B. Type A provide healthcare and educational services; type B creates employment opportunities for disadvantaged subjects. Both types of social cooperatives are governed by the law 381/91.

the large amount of assets present. In fact following Sicily and Campania, Lombardia is the third region with the most confiscated assets from the mafias in Italy. In this paper we'd like to explore the potential for innovation in areas in which the cultural context of the mafias are different than those in the South of Italy.

The paper begins by analyzing the theoretical reasons for which a third sector actor can be the most effective in managing a confiscated good (Pestoff 2010, Putnam 1993, Woods 2005, Fiorentini e Zamagni 2000). Economic, social and cultural dimensions are focused on in order to show how a sustainable social enterprise can be the most effective instrument for social change in a context with a high level of mafia dominance. Likewise, it shows how third sector institutions can be the best vehicle for change in regions where the presence of the mafias are less strong and different in nature (Dalla Chiesa 2012, Mulgan 2010, Ostrom 2000).

The paper then focuses on a very innovative project being implemented in the town of Forlì, in Northern Italy where five hectares of urban land has been entrusted to two social cooperatives. The main activities being carried out on the land have been organic agriculture and social gardening projects managed either by the disadvantaged people working in the cooperatives or directly by the citizens. The project has also gained the collaboration of the University of Bologna which will develop educational programs to promote legality with the aim of becoming a center at the regional and national level.

The analysis of the case of Forlì is useful in order to underline some relevant implications for using this paradigm in other cases at both a national and international level. The use of confiscated goods is an important tool from an economic, symbolic and social point of view in order to combat the mafias and promote a sustainable and fair economy. The results support that third sector actors can be a very effective partner and often the best at managing these goods, giving them back to the community. The paper aims to support a scaling up from a pioneering activity to a large scale network of local social enterprises and partnerships that could make the difference in the fight against organized crime.

2. Methodology

The paper is focused on the strategies for reusing confiscated assets previously owned by mafias through a case study based on the Italian experience and the third sector literature. The aim is to achieve results and prescriptions that can be useful also for other experiences of reuse of urban spaces.

The first part of the paper focuses on building the theoretical foundation of the paper and setting forth a tool for implementation. The third sector literature is the main source for supporting the specific added value of third sector in the reuse of confiscated assets, previously owned by mafias. The paper then supports what was described through the case study coming from the Ex-Limonetti project in Forlì with a reference also to other different local context with the short case on the Watts House Project in Los Angeles.

The second part of the paper deepens the analysis with the support of the Italian case. Italy is a country with a long tradition of mafia and of fight against mafia. In particular Italian legislation about the reuse of confiscated assets is very innovative and it is based on a big role for the third sector.

The third part of the paper focuses the case study of the Ex-Limonetti in Forlì. The reasons for the choice of the case are the replicability, the innovation and the partnerships of the case. The good is situated in Northern Italy, a part of the country not linked historically to the mafias and it can be so a good example for other European contexts. The good is in a urban area and it can be associated to other experiences of reuse of urban spaces. The project is now part also of an innovative partnership between the University of Bologna and the local

Municipality. The Observatory of the Legality was born under this partnership and it cares also of monitoring of the project of reuse of the EX-Limonetti
The analysis of the Forlì project offers some useful insights for other national and international experiences for reusing urban spaces with economic, social, symbolic and sustainable aims.

3. Co-production, Social Capital and Community Assets

The issue regarding the governance of common pool resources, or common goods, has become more and more important with the dwindling of resources and the increased perception of the negative externalities of the capitalistic model (i.e. air and water pollution, decreasing biodiversity, etc.). Common pool resources are rivalrous and non-excludable goods and include, among others: rivers, streams, springs, lakes, other bodies of water, air, and archeological, cultural and environmental goods. The problem regarding the governance of common goods lies in the issue of ownership; a problem coined by G. Hardin as the “tragedy of the commons”. The models used by policy makers when deciding how to manage these resources are in fact based on this tragedy and on the problems surrounding collective action. The models are interesting because they put into question the logic that rational individuals can achieve rational results by showing how “individually rational strategies lead to collectively irrational outcomes”⁹.

As a result, only two policy solutions have been implemented: public/state control and market privatization. According to some, the only measure by which the tragedy of the commons can be overcome is through a strong coercive force—a ‘Leviathan’—capable of controlling the private interests of the individual. Others argue that privatization is the only method by which to curb the self-interest of the rational individual and ensure shared public benefit. Elinor Ostrom, however, demonstrated that for small-scale common pool resources an alternative solution can be applied which focuses on the variability of the constraints. She shows that on a small scale, in which frequent iteration occurs, social norms and rules can be made and be enforced through credible commitments which are mutually enforced, hence building social capital and thus changing the outcome¹⁰. When extended to collectively owned assets this approach becomes a fundamental and important tool in understanding how to govern them.

Ostrom also studied the effects of urban policy in relation to the then held affirmation that “citizens as clients would receive more affective and efficient services delivered by a professional staff employed by a large, bureaucratic agency”¹¹. Ostrom and her colleagues’ study, however, revealed three commonly held myths which adversely affect the way policy makers view service production. The first of these myths was found in the false notion that there is only one producer responsible for urban services in any one jurisdiction; the second that the public officials who were to be the enforcers of government policy were not simply government prawns but people with opportunistic behavior who could shirk if not given the right incentive to perform; and the third the realization that the production of a service, in contrast to a good, is difficult without the active participation of those receiving the service¹².

Ostrom and her colleagues hence proposed a concept of co-production, intended to “describe the potential relationships that could exist between the ‘regular’ producer (street-level police officers, school teachers, or health workers) and [the] ‘clients’ who want to be

⁹ Ostrom, Elinor. *Governing the Commons*. Pg. 5.

¹⁰ Ostrom, Elinor. *Governing the Commons*. Pg. 183-184.

¹¹ Ostrom, Elinor. “Crossing the Great Divide: Coproduction, Synergy, and Development.” *World Development*. Vol. 24, No. 6. 1996. Pg. 1079.

¹² Ostrom, Elinor. “Crossing the Great Divide.” Pg. 1079.

transformed by the service into safer, better educated, or healthier persons”¹³. Co-production hence works on a complementary rather than a substitution production function, in which the best outcome is produced by a combination of inputs from both sources—i.e. government and citizen inputs¹⁴, where the “regular” producers are professionals and the voluntary producers are citizens acting on voluntary efforts to enhance the quality and/or quantity of the services they receive¹⁵. There have been several empirical studies done on co-production, for example Ostrom’s research on the co-production of urban infrastructures in Brazil¹⁶ or V. Pestoff’s study on childcare services in Sweden¹⁷. Ostrom identifies four condition-setting factors that heighten the probability that co-production is preferred over regular government production or citizen production alone: (1) technologies in use must create a complimentary production possibility frontier—i.e. each party possesses something that the other needs; (2) there must be favorable legal options available; (3) there has to be credible commitments from both sides guaranteeing joint effort; and (4) there must be a proper incentive structure in place that encourages input from both the ‘regular’ producers and the consumer producers¹⁸.

Co-production therefore would allow the welfare state to break the glass ceiling present in public service provision; a condition which currently inhibits citizen participation by limiting the role of citizens to that of mere clients with no voice¹⁹. It therefore has the potential of playing a salient role in the current welfare crisis by addressing the democracy deficit seen in advanced states. These countries would do well to recognize its ability to more efficiently meet the enduring welfare demands that currently dominate advanced countries; challenges which include: the ageing population, climate change, social service organization, and social security, among others.

An example of a development strategy based on these approaches and concepts is the Asset Based Community Development (ABCD) model created by John McKnight and John Kretzmann to counteract the dominant needs-based approach in urban policy which focuses on the deficiencies, problems, and needs of a community by focusing instead on the existing assets and capacities held in the community. Needs-based development plans have led to a deterioration of internal social capital as the only relationships that are strengthened are those with an external agent—i.e. social workers, health workers, donors, etc.—thus weakening the social glue that holds the community together. Clientelistic communities are hence formed in which the citizen/clients are locked in a vicious circle of need. Furthermore, it’s been found that the “consumers of [these] services focus vast amounts of creativity and intelligence on the survival-motivated challenge of outwitting the ‘system,’ or on finding ways--in the informal or even illegal economy--to bypass the system entirely”²⁰. Finally, this form of policy will at best create a maintenance and survival strategy rather than a community-wide development plan.

The ABCD approach, on the other hand, leverages community assets and mobilizes them for development purposes. By mobilizing these informal networks, formal institutions like the local government, community based organizations, and private enterprises are armed with greater resources. “In fact, the key to ABCD is the power of local associations to drive the community development process and to leverage additional support and entitlements. These associations are the vehicles through which all the community’s assets can be

¹³ Ostrom, Elinor. “Crossing the Great Divide.” Pg. 1079.

¹⁴ Ostrom, Elinor. “Crossing the Great Divide.” Pg. 1080.

¹⁵ Pestoff, Victor. “Towards a Paradigm of Democratic Participation”. Pg. 204.

¹⁶ Ostrom, Elinor. “Crossing the Great Divide.” Pg. 1074.

¹⁷ Pestoff, Victor. “Towards a Paradigm of Democratic Participation”. Pg. 211.

¹⁸ Ostrom, Elinor. “Crossing the Great Divide.” Pg. 1082.

¹⁹ Pestoff, Victor. “Towards a Paradigm of Democratic Participation”. Pg. 218.

²⁰ McKnight, J. and Kretzmann, J. *Building Communities from the Inside Out: A Path Toward Finding and Mobilizing a Community's Assets*. Evanston: Institute for Policy Research, 1993. Pg.4.

identified and then connected to one another in ways that multiply their power and effectiveness”²¹. Through this process both bonding and bridging social capital is created which empowers the community to move beyond being clients and adopt a role as co-producers, complimenting service production.

An interesting example of this type of development strategy is the Watt’s House Project (WHP) in Watts, Los Angeles, California. The WHP, led by artist Edgar Arceneaux, is an artist driven neighborhood redevelopment project, wherein artists and design professionals, in collaboration with the Watts Towers area residents, employ art as an economic and community development engine to promote and enhance the quality of residential life in the neighborhood. Watts has a history of violence and crime which dates back to the 1965 Watts Riots. This was followed by a period of gang rivalry and war over the illicit drug market which only ended in the 1988 Peace Talks (signed ironically the day before the LA Race Riots started in 1992). “The pact supported by a community based education initiative and private investments from prominent members of the community... [has continued] to contribute to the decrease in gang related deaths in Watts and [the] greater South Los Angeles area since 1992. Key hallmarks of the pact continue to influence life in Watts to date, with colors and territory having little to do with gang-related crime”²². Beyond this, the neighborhood has been largely ignored by public service organizations (particularly noted in irrigations problems) and has gone through several residential changes (e.g. gentrification, public housing - Jordan Downs, white flight). Despite some setbacks, Watts might experience more changes as the City Council has approved demolition plans for Jordan Downs and the construction of mixed-income housing, community parks and commercial areas.

The Watt’s House Project was created to counteract the vicious growth cycle created and rooted in the by now clientelistic neighborhood. The WHP is located on East 107th Street, directly across from the Watts Towers, made by Simon Rodia. The towers are the center point of the WHP’s redevelopment plan, around which they plan to create a cafe, an education center and residential housing for the artists and architects who come to renovate the houses. The redevelopment plan is based on fostering cultural tourism and economic development in the neighborhood: (1) renovating the houses on the block by pairing them with artists and architects; (2) bringing healthy food to the neighborhood through organic farming in the residents’ front yards which will feed a local cafe; and (3) solving local problems via community effort and creative solutions. The WHP hence uses an asset based approach that is bottom-up, based on outside-in and inside-out exchanges and is relationship-driven. The WHP is helping move Watts out of its negative and problematic history by leveraging it to create positive growth.

The example of the WHP along with the theoretical framework explored above provide a useful lens through which to view and analyze the social and economic development framework used to contrast the mafias in Italy. The Italian case of confiscated assets from the mafias is of particular interest because it is a relatively new answer to a big and complex problem based on the idea of a new model of economic and social development where social enterprises and non profit institutions play a crucial role in social change.

4. The Mafias in Italy Today

The mafias in Italy are a plural subject. There are four main strands present in the country: Cosa Nostra (Sicily), ‘Ndrangheta (Calabria), Camorra (Campania), and the Sacra Corona Unita (Apulia), which work on a network-based, capillary system of territorial

²¹ Mathie, A. and Cunningham, G. “From Clients to Citizens: Asset-Based Community Development as a Strategy For Community-Driven Development”. Antigonish: The Coady International Institute, 2002. Pg. 3.

²² <http://www.thewattsneighborhoodcouncil.org/history.html>

control. Common characteristics that identify them—variables, which are not tied only to the Mezzogiorno or to under-developed areas in general but extends to affluent areas—are: a rooted organizational structure; a core-business based on illicit trade and illegal activities; profitable and strong international relations; a constant and functional political rapport; and a strong and rooted hold on the territories via confirmed social consent—a fact that is constantly being reinforced through welfare service provision, employment opportunities, and violence²³.

The main operative strategy of the mafias today is control of the market. According to a report done by SOS Impresa²⁴ entitled *The Hands of Criminality on Companies*, the mafias produced a turnover of 130 billion euros and a net profit of over 70 billions. The commercial branch alone totaled over 92 billions, making up about 6% of the national GDP (SOS Impresa 2010: 3). This wealth was produced via: illicit drug trade, extortion, usury, racket, and money laundering activities, infiltrating all sectors of the economy, including: sport, tourism, fashion, agriculture, construction, and catering, conducting business both in the legal and illegal economies. The primary reasons for which the mafias enter the legal economy are: to cover up illicit activity (money laundering); for economic reasons (profit); for social reasons (social consent); for strategic reasons (territorial control); and for cultural or personal reasons.

The infiltration of the *colletti bianchi*²⁵ (white collar mafiosi) in the legal economy in fact has been done so well that their presence is difficult to individuate and fight against, so much so that it's rendered their very existence unimaginable²⁶. An illusion that is very dangerous in both economic and social terms for the entire country and not just the South. The reach of the mafias in fact has crossed borders entering global markets, extending its social, cultural and economic control to the rest of the world. The single unifying aspect that underlies the various characteristics of the mafias is its economic power; a power which has allowed it to keep under threat both the territory and the public administration through increasingly intertwined relationships with politicians and companies, becoming a menacing, invisible drain on the economy and social capital of the country.

The anti-mafia movement has taken great strides in the past 20 years to fight against the mafias, particularly by aligning horizontal and vertical innovation measures, as we'll see in the next sections.

5. The Anti-Mafia: horizontal and vertical innovation measures

5.1 The Evolution of the Law: From Rognoni-La Torre to the Law 109/96 to Now

In September 1982, the law 646/1982, more commonly known as the law Rognoni - La Torre, was passed by the Parliament into the Italian Penal Code under the article 416-bis, following the assassination of Pio La Torre that April. It was later discovered via pentiti (repenters) that La Torre was killed because he had proposed a law which for the first time made association to the mafias a felony, liable to 7 to 14 years in prison, and legalized the confiscation of its assets. According to the law Rognoni - La Torre, “an organization is mafia-related when it uses intimidation, subjection and silence (*omertà*), to commit crimes, directly or indirectly, to acquire the management or the control of businesses, concessions, authorizations, public contracts and public services to obtain either unjust profits or

²³ Maggio, U. d. (2010, September 30). *Libera Regional Representative Sicily*. (T. Komatsu, Interviewer)

²⁴ SOS Impresa is a supporting initiative for small enterprises who have to deal with the organized crimes.

²⁵ Dino, A. (2004) “Mafia, salotti e colletti bianchi.” *La mafia esiste ancora. Mafia e antimafia prima e dopo le stragi del 1992*: Roma, l'Unità. Pgs. 34-38.

²⁶ Giannone, T. (2013). *Dal bene confiscate al bene comune*. Fondazione Tertio Millenio-Onlus. Pg. 7

advantages for themselves or others or to hinder the right to vote or to procure votes for themselves or others in electoral campaigns.”²⁷.

Alongside this was the introduction of confiscating from the mafias all assets that couldn't be traced to a legitimate origin, which could be anticipated by sequestration should there be any chance that the asset could be sold, taken away or dispersed. This made all assets in the range of the convicted liable to search: theirs, their family's, their company's, any juridical or physical body or association which could be associated²⁸. Once the assets were confiscated, they were entrusted to an appointed administrator who was given the responsibility of managing the assets. The administrator however couldn't make any decisions or take on any initiative that could prevent the asset from depreciating. All profit was to be given to the State's Register: revenue minus the operational costs. The law did not make any distinction between type of asset²⁹.

In the years following the law 416-bis, several integrations were made that worked both to verify the economic resources held by the mafiosi and to hinder their entrance into the economy or their undertaking of entrepreneurial activities. The primary object under investigation hence shifted from being centered on the danger of the subject at hand to their economic power³⁰.

By 1995, enough momentum had risen for a cultural and social rebellion against the mafias from the citizens, associations, and various political and religious groups who realized that the fight against the mafias couldn't come from the magistrates or the police alone. In this context, *Libera: Associazioni, Nomi e Numeri contro le mafie* was established on March 25, 1995, by founder and President Don Luigi Ciotti, with the intent to solicit civil society in the fight against the mafias and the promotion the ideals of legality and justice. Its mission was and is to create a network of horizontal collaboration composed of a plurality of actors that work cooperatively in the fight against the mafias and the subsequent fight toward an alternative socio-economic reality.

Libera's first collective action was the collection of over a million signatures to pass the law 109/96, written by Ex-Magistrate of the Anti-Mafia Pool, Giuseppe Di Lello, for the social re-use of all assets confiscated from the mafias and the designation of these assets to those subjects—associations, cooperatives, municipalities, provinces, and regions—who were able to give them back to the citizens through services, activities of social promotion, and work. The most innovative aspect of the law 109/96 is its destination of assets confiscated from the mafias to social re-use and identifying the Third Sector as the ideal subject to

²⁷ Law 646/1982.

²⁸ Giannone, T. (2013). *Dal bene confiscate al bene comune*. Fondazione Tertio Millenio-Onlus. Pg. 23.

²⁹ Despite there being room for improvement, the importance of this law stands in the centrality that was placed on the economic aspect of the fight against the mafias. In fact in a conversation intercepted of a call made by Italo-American mafia boss Francesco Inzerillo during the “Old Bridge” investigation done in February 2008, he was recorded saying, “All it takes is to be incriminated according to the law 416-bis and automatically the confiscation of assets begins [...]. Something worse than the confiscation of assets doesn't exist [...]. So the best thing to do is to leave” (Giannone, T. (2013). *Dal bene confiscate al bene comune*. Fondazione Tertio Millenio-Onlus. Pg 12). A conversation which proves the efficacy of the law and the legislative design of Pio La Torre and Virginio Rognoni at hitting the core power of the mafias where they are most vulnerable.

³⁰ The innovations of the law 414-bis and the consequent confiscation of assets found their first important application during the Maxi Trials in Palermo in 1986. The trials were run by the Anti-mafia Pool under Antonino Caponnetto as Examining Magistrate, who courageously took Judge Rocco Chinnici's place after he was assassinated. Magistrate Caponnetto was assisted by the Judges Giovanni Falcone and Paolo Borsellino. The Maxi Trials ended on Dec. 16, 1987, with 19 life sentences, over 2,600 years of imprisonment, and more than 300 minor convictions. The Maxi Trials were also the first to apply the confiscation of assets introduced by the Rognoni-La Torre law striking the *cosche mafiose* (mafia clans) not only via the convictions of the single felonies committed but by dismantling their wealth. The mafia in return assassinated Falcone on a highway, on May 13, 1992, in Capaci by explosives and killed Borsellino two months later, on July 19th, by a car bomb. To terrorize the cultural and institutional backbone of the country, the mafias bombed the Uffizi in Florence, the Contemporary Arts Pavilion in Milan and the San Giovanni in Laterano Square and the Church of San Giorgio al Velabro in Rome.

manage these assets to safeguard the collective interests of the community. The law hence doesn't stop at confiscation but works to place the asset back in the hands of the people from whom it was stolen by creating centers of ethical, social production which create virtuous social capital cycles through the involvement of civil society actors and citizens in the re-use of the assets.

The law 109/96 is able to not only be a quantitative factor of socio-economic development but also generates the conditions necessary for a qualitative improvement in the condition-setting factors that allow for collaborative growth opportunities. These factors can be seen in: the collective participation in planning and designating the confiscated assets to social re-use and its subsequent destination; the direct positive benefits derived from the social use of the assets; and finally, the indirect positive benefits that spill over on the territories in which they are situated³¹. Timing therefore becomes key, and hence normative innovations that speed up the process from: sequester to conferment pivotal to success. The confiscated assets can only be considered as restituted back to civil society once the citizens themselves are part of the planning process.

Participative democracy that gives voice to the end user allows for opportunities that not only reduce transaction costs but also optimize services, rendering them more efficient and tailored to user needs. The inclusion of communities and citizens in the planning and social designation of the confiscated assets thereby innovates a step in the value production chain of the service while responding simultaneously to the democracy deficit seen in these territories. It likewise catalyzes social capital cycles that feed off citizen input and involvement; all of which works to create a social consensus that supports the ideals of legality, cooperation, and horizontal, civic networks of collaboration.

In regards to the second aspect, the direct positive benefits derived from the social use of the assets, the success or failure of the initiatives is dependent not only on the people who manage the confiscated assets but also on the ecosystem—legal structures, capital markets, incentive structures, enforcement policies—that surrounds it. In other words, all stakeholders are co-responsible for the success or failure of the initiatives. There is therefore a need of the right enabling environment for success, whether in the form of financial investment or in in-kind donations through technical support and training. The confiscated assets from the mafias under the law 109/96 therefore not only hold a strong ethical value and symbolic visual of the contrast to the mafias but are a rich resource for the territories, presenting them with opportunities for economic and above all social returns.

The difficulties that were encountered in implementing the l. 109/96 are found in: (1) administrative delays in the timing of the different phases of conferment; (2) delays caused by the occupation of the real estate by the families of the convicted (eviction times); (3) difficulties for social cooperatives to operate due to the at times menacing and crafty presence of the mafias; and (4) barriers in accessing credit lines as they are considered only custodians of the asset and hence don't hold a sufficient title to access loans or mortgages fundamental to face initial investments. To face these problems a dedicated Government Office was created to manage and confer confiscated assets in 1999 which lasted until 2003 and was re-opened in 2007 under the Judge Antonio Maruccia, who worked with a team on measures to improve the administrative and judicial flow of the assets from sequester to conferment. As a result of this process, the Office stated the need to create a National Agency doted with a juridical status that could allow it to be the single intermediary between the various institutions and the Third Sector, from sequester to conferment. On Feb. 4, 2010, law 4 instituted the first "mixed" Agency in Italy: an agency which was not only a work group focused on the creation of rules and specific norms but also doted with decision making

³¹ Frigerio, L; Pati, D. (2007) L'uso sociale dei beni confiscati – Programma di formazione sull'utilizzazione e la gestione dei beni confiscati alla criminalità organizzata: Roma, Libera – Associazioni, nomi e numeri contro le mafie. Pg. 60

power over the management and conferment of assets. The headquarters of the Agency for the Administration and Conferment of Assets (ANBSC) was established in Reggio Calabria on March 16, 2010, and branches were opened in Palermo, Naples and Milan in November 2011.

In 2013, the “legge di stabilità”, the l. 228/12, introduced some normative integrations that included: (1) the possibility of managing all assets in the same manner regardless of the felony committed; (2) the inclusion of territorial groups and volunteer associations as candidates for the conferment of confiscated assets; and (3) fiscal exemption during the time of sequester, confiscation and conferment³². While the legislative evolution has made improvements, it is essential that the system become more efficient to widen the reuse of assets and prevent the risk of them falling into further depreciation and decay, and worse lose social consensus. This results in territories who see assets, for example companies, go under after being confiscated and leave employees jobless, or when land goes to waste, or empty buildings that fall in value. This problem has become even more important in light of the continuous rise of assets, estates and companies, confiscated from the mafias.

5.2 The Process of Confiscating an Asset from Organized Crime

The process of confiscating an asset from the mafias is long and tricky, requiring the commitment and collaboration of many actors from all sectors: public, private and civil. The first step is to investigate the assets and holdings of the indicted, which is done by the Head of the National Anti-Mafia Commission and which must be completed within 6 months. The investigation can be extended to all subjects with whom the indicted might have had direct or indirect relations: spouse, children, legal entities, consortiums, etc. The investigations looks into: (1) the standard of life of the indicted; (2) financial assets; (3) estates. Following the investigation the first step of the Judge is to sequester the asset and entrust it to a custodian for the entire duration of the process. After this, the asset must go through various degrees of judicial approval until it is finally definitively confiscated and allocated to the State. The moment the asset is classified as definitively confiscated it passes from the judiciary phase to the administrative phase. After which, the State has 90 days to assign it a purpose: the Agency can either keep it for institutional reasons or transfer the property to local entities, who in turn can either keep it for institutional reasons or assign it to Third Sector organizations under loan-for-use contracts with the requirement of putting it to social use³³.

³² Giannone, T. (2013). Dal bene confiscate al bene comune. Fondazione Tertio Millenio-Onlus. Pg. 31.

³³ Giannone, T. (2013). Dal bene confiscate al bene comune. Fondazione Tertio Millenio-Onlus. Pg. 15-16.

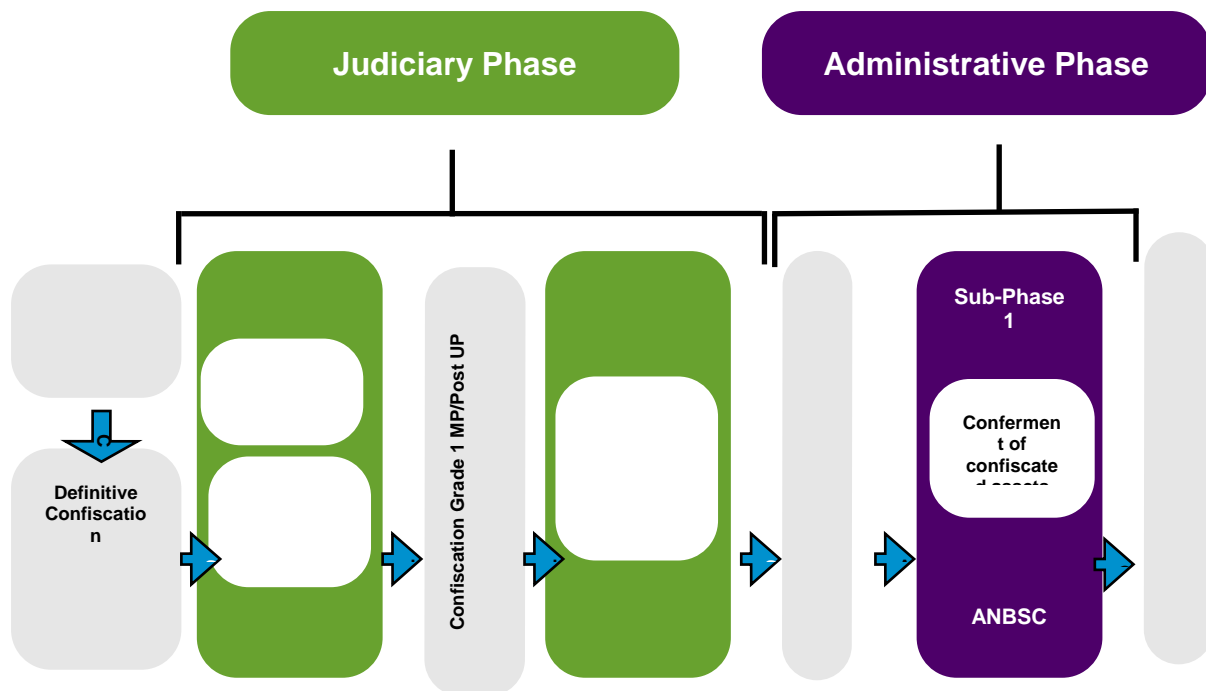


Figure 1. The Process of Asset Confiscation³⁴

5.3 Confiscated Assets in the EU

The primary means of cross-border organized crime, including those mafia-related, is economic profit. Starting in 2001, the EU started passing norms against organized crime, such as: anti-money laundering; the confiscation of tools and profits of illicit origin; the application across all EU States of temporarily blocking or sequestering assets; the cooperation of all EU members in gathering and identifying mafia-related assets; and the reciprocal recognition of decisions made regarding the confiscation of assets³⁵. On May 7, 2013, a directive was passed on the confiscation of assets from organized crime. The main tenets of the law were: (1) the confiscation of the entire criminal estate and not just those concerning the particular felony; (2) the confiscation of all goods under *prestanome*³⁶; (3) the sequester of assets even if the indicted is dead, infirm or a fugitive; (4) the precautionary freezing of assets until the sequester is confirmed; and (5) the effective execution, according to which the assets of the criminal will be held under observation and controls even in the years following the conviction to prevent that certain goods should suddenly reappear³⁷. At the beginning of this year, on Feb. 25, 2014, another EU Directive was passed regarding the freezing and confiscation of the illicit proceeds, which promoted the adoption of fundamental norms which could standardize the procedure for freezing and confiscating assets across the EU and create reciprocal trust and effective cooperation between member states³⁸. Once again, cooperation is key to keeping the legal economy free from mafia and organized crime infiltration in general.

³⁴ Agenzia Nazionale per L'Amministrazione e La Destinazione dei Beni Sequestrati e Confiscati alla Criminalita' Organizzata. (2012) Annual Report. Pg. 25

³⁵ Giannone, T. (2013). Dal bene confiscate al bene comune. Fondazione Tertio Millenio-Onlus. Pg. 33.

³⁶ A *prestanome*, or "borrowed name" is someone who registers an asset with his name for a mafioso.

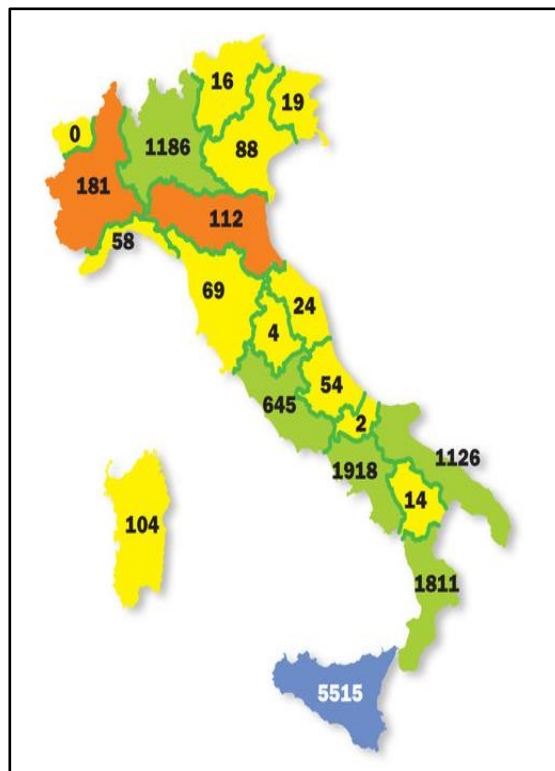
³⁷ Giannone, T. (2013). Dal bene confiscate al bene comune. Fondazione Tertio Millenio-Onlus. Pg. 33-34.

³⁸ DIRECTIVE 2014/42/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union

5.4 The Dimension of Confiscated Assets in Italy

The dimension of confiscated assets in Italy is constantly growing and while not limited to any particular area is most present where it has had historical relevance or where it currently has the most power (i.e. economic centers, agricultural areas, etc.). As can be seen on the map there are a total of 11,238 estate assets confiscated and 1,708 companies confiscated, for a total of 12,946 assets; 42.6% of which are in Sicily, 19.9% in Campania, 14.82% in Calabria, 8.7% in Puglia, and 13.99% in the other regions. As mentioned earlier, it's interesting to note that the third region with the highest number of confiscated assets is Lombardia, home of the economic capital of Italy. Of the 11,238 estate assets: 3,995 are still under the management of the ANBSC; 5,859 have been conferred; 907 have been given a purpose but not yet conferred; and 477 have gone out of management (i.e. they were sold before the definitive confiscation or were liquidated or demolished due to unauthorized building or via compulsory purchase order.) As can be seen the economic potential of the confiscated assets in Italy is quite large and represents not only an economic incentive but a high symbolic tool to leverage social and cultural growth.

To give further weight to the economic stimulus that these assets represent, it's useful to understand the economic value of the assets sequestered and confiscated from the mafias.



Organization	Sequestered	Confiscated
Cosa Nostra	6,502,394,679	917,686,114
Camorra	4,162,184,720	637,162,000
‘Ndrangheta	965,278,067	216,381,444
Org. Crime Apulia	167,359,895	73,978,698
Others	761,422,000	102,906,102
Total	12,386,266,805	1,902,145,373
Aggregate Value 2012- First Semester 2013	1,614,260,883	52,216,522
Total	14,000,527,688	1,954,361,895

Figure 3. Total Economic Value of Confiscated Assets by Mafia Type 1992-2013 in euro.

The values presented above are estimates and do not include companies, which present a large value and from which an interesting study could be made on how much (and if any in the case of abandonment) social and economic value is created after confiscation in comparison to when managed by the mafias in terms of job creation, economic growth, territorial development, and other variables tied to the specific asset. As we saw earlier, unused community assets not only feed into need-based development strategies, they also create a negative image of helplessness and incapacity. In comparison to abandoned assets, however (while recognizing the importance of their reuse), leaving abandoned a confiscated asset presents a much higher social, cultural and economic risk measured by the opportunity cost between the asset in the hands of the mafias and the asset in disuse and the percentage of social consensus lost or gained (which has a tendency of swaying with the “best” manager of the asset).

For these reasons it is of primary importance that the patrimony of confiscated assets be reused in order to push toward an asset-based and relationship-driven approach to community development which results in both social and economic growth. Furthermore, as we saw earlier, services co-produced with the beneficiaries result in social and economic advantages that come from viewing the citizens as asset-holders rather than stakeholders; in other words, as containers of solutions and skills useful towards the production of socially benefitting activities that go beyond individual benefit and toward collective benefit. This is the nexus where cultural change can be created as the *mafioso* culture based on individual interests (*homo oeconomicus*) is substituted with a civic culture based on mutual trust and reciprocity (*homo reciprocans*).

6. Case Study: Forli

6.1 History

Forlì is a town with over 115,000 inhabitants, located in the Emilia-Romagna Region in Northern Italy. It has a high GDP per capita, represents one of the “capitals” of the Italian cooperative movement, and hosts one of the campuses of the University of Bologna. In other words, Forlì can be considered as a European town with a high endowment of economic and social capital. The following case is hence an example of how the presence of the mafias is not limited to underdeveloped areas, and more importantly the answer given by the local community can be of interest and serve as a benchmark for many other towns or communities around Europe affected by the mafias.

The confiscated asset, the “ex Limonetti”, is an agricultural terrain in the urban area of Forlì. The land and the two related buildings were confiscated on grounds of a felony of usury, confirming the dimension of money laundering and of the presence of the “colletti bianchi”. The land was entrusted via public selection to two Type B social cooperatives to find work placement for disadvantaged subjects. The two social cooperatives, CoForPol³⁹ and Ecosphera.⁴⁰ dedicated their first efforts to clean the terrain which had become a sort of dump of different material from refrigerators to fiber cement siding and other ruins. The two buildings, on the other hand, have been temporarily transformed into a warehouse for public institutional use, one of which will be soon devoted to educational activities.

6.2. Asset Regeneration Process

The first step in regenerating the terrain was to verify that no harmful materials had been deposited or spilled on the land. The next steps were: to treat the land; dismantle the illegal shacks that had been used to raise courtyard animals; close an unauthorized well which had resulted to be illegally constructed by an investigation conducted by the State Forest Guard (a request has been made to authorize another one); and finally, plow and mill the land. The asset is about six hectares, of which 5 are cultivable. During the year 2012/13 the first 3,5 were cultivated with grain. The following year, 3 hectares were cultivated with vegetables for local shops and restaurants run by social enterprises. The remaining hectare has been cultivated with cereals and the other half of hectare will be designated to the start up of social gardens. The cultivation has been done under the prescription of the organic approach⁴¹; a formal application will be submitted next year for the official label for organic producers. The garden part of the asset has been divided into two subsections: one for private use and one for those in need through the help of Caritas who will cover the cost of the project with the funds coming from its 8x1000 campaign⁴². The renters will pay an annual fee for a subsidized price, which includes the supply of the necessary working tools for the terrain.

The cultivation of vegetables is the result of a project done in collaboration between Ecosphera and Altro Giardino, a cooperative that works with physically and mentally challenged individuals who cultivate and transform herbs into aromatic herbs. Altro Giardino will take part in the project by cultivating the vegetable plants in a greenhouse, which will then be transplanted onto the asset by the employees of Ecosphera. The remaining part of the terrain has been left uncultivated due to the high density of nut plants and has been designated to be a recreational area for the visitors who come to visit.

³⁹ ColForPol works to promote the social inclusion of the elderly, the unemployed and severe cases of personal or family hardship. The cooperative makes work placement the starting point of a full reinsertion into society. They work in: parking management; agriculture, organic farming and livestock; ecological services; cleaning services; and animal care service management for a dog shelter in Forlì.

⁴⁰ Ecosphera is a social cooperative founded in 1993 to pursue the general community interest of human empowerment and the social integration of its citizens through the organization and management of its working activities that provide work placement for disadvantaged subjects. The cooperative offers four types of services: gardening, ecological services, disinfection and cemetery services.

⁴¹ For Italian legislation only after three years of organic cultivation can be issued a formal enquiry for organic label.

⁴² 8x1000 is a percentage that tax payers can give to the State or to other religious entities each year.

The regeneration of the buildings, on the other hand, will start when funding comes; the first of which is a regional grant that will soon make it possible to start. The educational project has in fact won a grant of 175,000 euro from the Region Emilia-Romagna dedicated to supporting activities on confiscated assets. The buildings have been designed to support the agricultural activities of the asset: to store material and agricultural machines and to create an educational center of legality and responsible citizenship for the Romagna area. In particular, the center seeks to offer an innovative response to the growing demand to visit confiscated assets by school children in the Emilia-Romagna Region. Hence, on top of the agricultural activities done with the citizens of Forlì, the center would create an opportunity to engage with a larger part of the territory. The history of the asset could also create the ideal environment for educational activities on responsible consumption and ethical financing and educate the territory in responsible citizenship in the areas of: legality, organic techniques, urban gardening and sustainable finance and economics.

After the first year of activity the project gained the interest and the collaboration of the Observatory of Legality⁴³, a co-project of the Municipality of Forlì and of the Forlì Campus of the University of Bologna. The idea of the educational part of the project in fact came out of the collaboration and research of the Observatory and should enable the project to improve the effectiveness not only of the use of the land and of the buildings but also the cultural work regarding legality, active citizenship and civic lifestyles.

6.3 Impact and Scalability

According to the last decade experience we can recognize three main models of reusing confiscated assets: the Libera Terra experience, the Goel Consortium experience and a third model linked to the main urban areas of centre and northern Italy. For all the three models a strong evolution in terms of scaling up is desirable. The confiscated asset in Forlì has a high impact potential for the Forlì territory and its surrounding area. Firstly, by providing a positive and concrete response to reusing confiscated land for community benefit. Some of the more important and characterizing aspects of the confiscated asset in Forlì include: (1) its location: in Northern Italy and in an urban area; (2) ability to generate awareness in the Forlì citizenship not only about the presence of the mafias on its territory but also in positive terms about its ability to offer an answer for re-using it; (3) the management of the asset as a community asset; (4) the service mix between agricultural products and activities and educational programs. The agricultural products will be sold in various channels: organic stores, fairs, supermarkets, and restaurants managed by the cooperative and non-profit sector in Forlì. The work will be done, as said earlier, by disadvantaged subjects, who are principally mentally-challenged. The second part instead will be given to projects that touch other areas of the Third Sector, directly involving low-income individuals or families close to the poverty line. The third part has been designed to be used for urban gardening, responding to a rising demand in the urban area of Forlì. (5) The educational part will start as soon as the work for the renewing of the first building will be finished. The activities and the follow up will be for the Forlì citizenship but not only; the project has been ideated for all of the surrounding areas of the Romagna, mostly for the schools and for the youth but also for

⁴³ *The Observatory of the legality of Forlì* is a common project of the Municipality of Forlì and of the Forlì Campus of the University of Bologna. Its aim is to promote the culture of the legality in the citizenship of Forlì through research and dissemination activities in many topics about legality. One of them has been the confiscated goods in Forlì. The research has been the opportunity for a first public debate in the town about the presence of confiscated goods and their new use for social and common purposes. In this context started the collaboration with the social cooperatives and the Municipality in order to improve and foster the project, for fund raising activities and in order to develop the educational part of the project for the following years. Starting from a proposal of a group of students who organized a multi disciplinary seminary about mafias at the Forlì Campus the project of the Observatory was born and now it is ready for a new scaling up.

interested individuals. (6) The target is to transform a shame and a drain on the social and economic tissue into an opportunity for growth and future opportunity. The possibility of combining the land use with an educational component directed at legality and critical consumption is an innovative and sustainable solution that can be scaled up in other contexts with similar situations and problems at a national and international levels. (8) The collaboration with the University of Bologna through the Observatory of Legality is also another specific and innovative item of the Forlì case. (7) The project, finally, is highly innovative for its use of a confiscated asset and transforming it from a form of violence as it was under the mafia into a form of common pool resource and hence asset based strategy for a better human development.

The project aims to reach economic sustainability for the cultivated land through the revenues generated via product sales. A market analysis has been done in the local market and vegetables have been identified as the most demanded items for local chains of organic and third sector shops and restaurants. As mentioned above, the people involved in the production are mentally-challenged and the production is organic. Finally, the educational part will start in 2015, thanks to a renovation grant co-funded by the Emilia-Romagna Region and the Municipality of Forlì. It's business model is focused on offering schools and groups of people willing to visit the confiscated goods: (1) programs on how to cultivate an urban garden in an organic way and (2) courses on legality, active citizenship, critical consumption and ethical finance. Further studies should be done on how a business model could be abstracted from this and other successful cases of confiscated assets in order to construct a framework for replication and scaling up efforts. Specific attention should also be paid in further studies on the predicted social impact, analyzing the process from input to impact, so that these assets can be better managed for impact. As mentioned earlier, the risk of mismanagement poses a higher risk, as opportunity costs are higher. Further studies should focus on an analysis of the social impact generated from confiscated assets managed by third sector organizations, comparing them before and after confiscation, in order to discover the impact generated and possible changes that could be made in the value creation process.

7. Conclusions

The analyzed case is a positive example of how a local community can respond to a problem as big as the presence of mafias in non-traditional areas, quite similar to other parts of Northern Italy and Europe. The State's efforts against the mafias are now producing a high number of confiscated goods and enterprises around Italy. Good management of these assets is now crucial in order to support the activity of the State and also to use these big resources for producing wealth and opportunities for the local communities. The challenge is both concrete and symbolic: confiscated lands, assets and confiscated enterprises must be better used than when they were owned by mafiosi. When this outcome is achieved the positive consequences are very effective; likewise, should the opposite occur, the consequences are equally negative and become relevant.

The scale of the problem is considerable as the values of the assets are so high that pivotal experiences⁴⁴ need to be expanded, replicated and innovated at the local and international level in order to be effective in re-using the confiscated assets. The positive re-use of confiscated assets for social or institutional purposes is a strategic issue for a State and a society that want to promote social and economic development.

⁴⁴ Libera Terra in Sicilia, Calabria, Apulia, Campania and Lazio is the main hub, followed by Consorzio Goel in Calabria and Lombardia and other local experiences that have come about in the last 10 years. These organizations have demonstrated a good balance in economic and social terms and should be scaled up through other social and innovative enterprises.

The experience of Forlì is a positive case of innovative partnership among the local municipality, social enterprises and cooperatives, other third sector actors and the University. The project after the first year is now ready to grow and also to be scaled up in other contexts similar to the one found in Forlì, a non traditional area of mafia presence

From a theoretical point of view, civil society is an opposite of mafia. We could add that third sector and social enterprises in the process of reuse of confiscated assets are creating new links and models of fair and sustainable economy. An active citizenship based also on entrepreneurship attitude is very effective in change making. A co-responsibility approach could lead to a innovative and necessary forms of partnerships for reusing assets. States, third sector, local Municipalities alone are not able to reach the goal. A confiscated good could be a hole in an economic and social network, but it can be also the opportunity for the building of a new paradigm. Social entrepreneurship can be a very effective tool and approach for rebuilding local markets in environments with high levels of corruption and crime. Social entrepreneurship is a crucial capability for change making, for promoting positive cultural, social and economic approaches and transforming illegal economy in fair and successful sustainable enterprises.

For these reasons we think that a deeper analysis is needed regarding the most effective and innovative strategies that States, civil societies and social enterprises can implement to tackle the economic and social power of mafias through the effective, sustainable and symbolic re-use of confiscated assets. In order to facilitate the transition from stolen to re-given and regenerated goods and to show how an asset formerly owned by the mafias can be more effective after confiscation, we need to augment the scale of these kind of activities, to show in economic and social terms what society gains when asset ownership changes hands from the mafias to the community, and why it is a desirable outcome for any territory. For all these reasons we think that the positive experience of Forlì underlines the need for further research in the estimation, re-use, impact and management of confiscated goods.

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