

Perspectives on 'Organised Crime': An Overview

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General Introduction

It has become commonplace to observe that the term 'organised crime' is frequently used but difficult to define. It is generally applied to describe a group of people who act together on a long-term basis to commit crimes for gain though, as A. K. Cohen (1977) observed, it is important to separate out the distinction between structures of *association* and structures of *activity*. Maltz (1976) proposed that 'organised crime' was identifiable by means of a list of distinguishing features, of which four were considered essential characteristics: violence, corruption, continuity, and variety in types of crime engaged in. However, smart people who avoid using violence and trade very competently and profitably in only one product – for example, ecstasy or cannabis production – thus cannot be described as organised criminals, which would doubtless please them if they thereby received less police attention and/or lighter sentences. Neither could professional full-time fraudsters (as discussed in the later article) be 'organised criminals'. In other words, one could sustain some distinction between people who make affluent livelihoods from crime – professional criminals – and those who do so according to Maltzist criteria – organised criminals. But it is far from certain whether this would satisfy what I regard as the true *social* definition of 'organised criminals': a set of people whom the police and other agencies of the State, regard or wish us to regard as 'really dangerous' to its essential integrity. The notion of organised crime as a *continuing criminal enterprise* is embodied in the popularly accepted (in Europe) definition employed by the German Federal police, the *BundesKriminalAmt*:

Organised crime is the planned violation of the law for profit or to acquire power, which offences are each, or together, of a major significance, and are carried out by more than two participants who co-operate within a division of labour for a long or undetermined time span using

- a. commercial or commercial-like structures, or
- b. violence or other means of intimidation, or
- c. influence on politics, media, public administration, justice and the legitimate economy.

This BKA definition provides a baseline to determine whether a criminal group ranks as 'organised crime'. Of course, there are shortcomings. The

'definition' does not delineate what counts as 'major importance', nor does it differentiate between various categories of organised crime. 'Organised crime' can mean anything from major Italian syndicates to three very menacing burglars and a window cleaning business who differentiate by having one as look-out, another as burglar and a third as money-launderer, and who sue every newspaper who suggests that their business is disreputable! Irony apart, this illustrates the difficulty that one has in defining the concept in a rigorous way, and the more sophisticated – who are well represented in this issue of the Journal – have shifted towards the term 'enterprise crime', even though (or because) this shifts the focus away from the Red Menace or other alien groups (see Rawlinson and Van Duyn, this issue).

But whatever the conceptual disadvantages – which did not occupy the UK Home Affairs Committee (1995) long, though the more prudent parliamentary draughtspeople preferred the perhaps even more flexible term 'serious crime' when drafting the Security Service Bill 1996 – one must appreciate that the term 'organised crime' has an emotional kick which makes it easier to get resources and powers, and sociologists of crime control ought to study this labelling process in its own right. Thus, the 'threat of organised crime' and 'the invasion of the Russian Mafia' were used to persuade British politicians and others to set up the National Criminal Intelligence Service and the National Crime Squad, described by the media (but denied by the Home Secretary) as being a 'British FBI', assisted by the Security Services (MI5) and the Secret Intelligence Services (MI6), which seek a social defence role after the collapse of the Soviet Union: the latter was publicly praised by the UK Foreign Secretary in April 1998 for its contribution to the fight against organised crime (though, not surprisingly, no details were released). In the wider European arena, there has been a flurry of activity in the European Union and the Council of Europe, accelerating since the 1996 EU Dublin Summit (itself stimulated by the Irish government's response to the high-profile contract killing of crime journalist Veronica Guerin), with high-level multi-disciplinary groups seeking areas of co-operation, implementing a High-Level Action Plan and finally getting Europol off the ground by 1999. Both the EU and the Council of Europe have extended their activities into EU applicant countries and others, training them in anti-laundering implementation and ensuring that legislation and some machinery for putting it into effect is in place before accession to the EU. Under EU review as I write are measures to criminalise membership of criminal organisations – influenced by the Italian legislation but harder to apply in less regimented settings – and tough action against criminal offshore finance centres. In the still wider international arena, the Financial Action Task Force (started only in 1989 by the G-7 – now G-8, including Russia – élite industrial countries) and the UN have vied for activism and prestige in anti-laundering and crime prevention, especially in the drugs issue but later on all-crime anti-laundering measures, as the boundaries between proceeds of different types of crime become increasingly blurred. The arrival in the top UN Drug Control and Crime Prevention post of Pino Arlacchi, a sociologist-turned-politician Mafia expert, placed organised crime at the top of the 1998 UN criminological

agenda, with a rapidly devised draft UN Convention on the subject. This great political confluence has led to international pressure to harmonise the fight against organised crime, even if people do not always have a clear understanding of what 'it' is.

However, the nature of 'organised crime' remains deeply contested terrain, at least in academic circles and in those countries who are more worried about loss of independence and civil liberties than they are about subservience to organised crime. The role of intelligence agencies – regarding which the CIA is the best documented – in covert military operations overseas, especially in support of anti-communist military regimes or guerilla movements, makes 'State-Organised Crime' often a more appropriate term¹. By contrast, the term 'organised crime' tends to focus us downwards towards the threat posed by some (usually alien) group of low-lives, and one can see this in the work of the journalist Claire Sterling (1991, 1994), who appeared merely to reflect the ideological perspectives of US enforcement agencies. However, a note of caution. To explain the bureaucratic and ideological *functions* of the term 'organised crime' does not by itself demonstrate that the term is inappropriate, nor does it 'prove' that there are no long-term groups of criminals who commit serious offences or even begin to constitute the State. The epistemological difficulties are what sort of evidence one uses to account for the structuring of criminal behaviour; the range of criminal behaviours that come under the umbrella of any group of criminals; how far up the political chain one reaches in one's delineation of who are organised criminals (in Colombia and Mexico, for example); and how valid is the 'evidence' upon which one relies².

The Nature of Organised Crime and 'its' Markets

In north-western Europe, organised crime as a criminal economy is essentially a *cross-border* crime-trade (Van Duyne 1993, 1996). Despite the impact of modern horticulture on growing cannabis in the inclement weather of the UK, or of synthesising drugs – making importation from outside Europe or even the UK unnecessary – some element of cross-border trade is inevitable, even if it is only the importation of seeds and precursor chemicals and, perhaps, as a stage in the laundering of proceeds of crime.

The Italian (or rather, American-Italian) model has embedded itself in popular culture, mediated through Hollywood. Yet rather than being line-managerial, along the Cressey (1969)/Godfather model, most social scientists regard organised crime as less total in its ambit and as part of patron/client relationships. Thus, because of their reputation for violence and discipline, *Mafiosi* and other 'gangsters' play a key role in criminal dispute-settlement in the US and Italy. Indeed, Reuter (1983 and subsequently) has suggested that the principal function of the Mafia is in contract enforcement, and that one should separate out the people and groups involved in the commission of crime from those involved in dispute settlement (for which role high information is required). Similarly Gambetta (1994), in his book on the Sicilian Mafia, has suggested that the role of Mafia comes into play because of the absence of trust in underworld relationships.

Nowadays, there is hardly an Italian name in the FBI 'most wanted' list of targets. Cuban refugees, Colombians and, increasingly, Mexicans have come to dominate the distribution of narcotics in the Southern states, and other ethnic groups – Puerto-Rican, Japanese, and Chinese (particularly Fukinese) – as well as white motor-cycle gangs, also are involved in organised crime in the US. In the future, such groups will make less use than previously of Italian/ American Mafia dispute resolution services. Street-level criminals are normally independent of major crime syndicates. As Block and Chambliss (1981) suggest, rather than being viewed as an alien group of outsiders coming in and perverting society, organised crime in America is best viewed as a set of shifting coalitions between groups of gangsters, business people, politicians, and union leaders, normally local or regional in scope. Many of these people have legitimate jobs and sources of income. Similar observations would apply in some Third World countries such as Mexico (*Geopolitical Drug Dispatch*, May 1998), where a small élite dominate the economy and political system and share favours out among themselves. Similarly, the privatisation of the economy has extended their opportunities in many former Communist countries, as well as providing easy avenues for money-laundering where the authorities are not too inquisitive about the source of the funds.

Among advanced industrial nations, the closest similarities to this 'political coalition' organisational model occur in Australia, where extensive narcotics, cargo theft, and labour racketeering rings have been discovered, and in Japan, where gangs such as Yakuza specialise in vice and extortion, including extortion on the part of separate groups of Sokaiya, by threatening embarrassment to large corporations at their Annual General Meetings. Both of these illustrations, however, also suggest that the coalition – in which campaign funds also play an important role – is not entirely by consent: business people would rather not pay the blackmail if they felt they had any realistic alternative. In Britain, by contrast, organised crime groups have not developed in this way, partly because of a more conservative social and political system (see Hobbs, this issue) but principally because the supply and consumption of alcohol, the opiates, gambling, and prostitution remain legal but partly regulated. This reduces the profitability of supplying them criminally. A host of ethnic groups (though see Stelfox's sceptical comments) are important in the supply of drugs to and via Britain. But except for narcotics importers and wholesalers, cargo thieves who work at airports, and local vice, protection, and pornography syndicates, British organised criminals tend to be relatively short-term groups drawn together for specific projects such as fraud and armed robbery, from a pool of long-term professional criminals on a within-force or regional basis (see McIntosh (1975) and Mack and Kerner (1975), for some early discussions along these lines).

Instead of such uncreative comparisons with the US, it may be better to look at organised crime in Europe from its own set of economic and social landscapes in which organised crime *trade* takes place. As Van Duyne (1996) observes, Europe has a large diversity of economies, extensive economic regulations, many loosely controlled borders to cross, and relatively small

jurisdictions. This means that the largest illegal profits for European crime-entrepreneurs are to be gained in the drug market and in the area of organised business crime. If the normal (licit) business nucleus in Southern Italy, Turkey or Pakistan is the (extended) family (Ianni and Reuss-Ianni 1972), in Northern Europe such socio-economic family units are much rarer and social bonds more restricted, for example to people bound by loyalties of place (Hobbs, this issue), though the very fracturing of the social fabric that has led to so much concern about social exclusion also paradoxically may inhibit *criminal* solidarity. The exceptions are the crime-enterprises of minorities in Europe whose businesses are family matters, which should not be equated with impersonal 'syndicates' (Ianni 1974).

No profits can be made if potential customers are not aware of the existence of the unlawful service, and this generally means that in the long run, the police will come to know about it too. To ensure freedom from the law, the criminals must therefore subvert the police and/ or the courts, and this is a major reason for concern about the impact of organised crime. (Though in reality, it is a side-effect of the prohibition of goods and services in popular demand.) In the Italian case – though it is always difficult to know who controls whom – there are grounds for supposing that the State itself has in some sense been in league with organised crime groups: as the trial of former Prime Minister Giulio Andreotti for Mafia offences, the jailing (*in absentia*) of former PM Bettino Craxi for similar offences, and the conviction of recent PM Silvio Berlusconi for tax evasion and bribery might suggest. But arguably, whatever the patron-client relationships and the peculiar Italian 'professional politicians' that permeate Italian society (della Porta and Pizzorno 1996), few of these things could be done without the active complicity of US foreign policy, which consistently has been more concerned about defeating communism than about organised crime. It seems entirely plausible that without the collapse of Communism, the US would have continued to support the traditional Christian Democrat/ Mafia coalition in Italy, and the *tangentopoli* scandal might never have developed in the way that it did (see Nelken 1996; della Porta and Pizzorno 1996).

Organised Crime in Britain

Perceptive *Guardian* crime correspondent Duncan Campbell (1990, p. 1) starts one of his books on the changing face of professional crime by pointing to the shift in 25 years of two of the Great Train Robbers 'from teams of organised criminals in overalls grabbing large bundles of Bank of England notes to quiet, besuited drug-dealers selling white powders from Latin America'. However, in principle, this could just as easily be a function of their age: they were simply too old to go around threatening people with shotguns. According to Campbell, the age of the gangster/ family firm was replaced by the age of the robber, as cash in transit became the strange object of desire, and, allegedly with some assistance from the Metropolitan Police, robbers were relatively free from arrest. However, the advent of supergrasses and reduction in corruption ended this in the early 1970s. As the Age of the Robber ended, the Age of the Dealer began. Yet though there

is much in this as a general trend, we should not be seduced by this periodisation. There were twice as many robberies in the mid-1990s as in the mid-1980s, and considerably more than during the Age of the Robber. Although one might expect that the Age of the Fraudster represents the apotheosis of British organised crime, representing high profits and relatively low police interest and sentences, there appear to be cultural and skill barriers to entry into many areas of fraud (see Levi, this issue) which have stopped this transformation. Several armed robbers turned to long-firm (bankruptcy) frauds, credit card fraud, social security fraud, and even to fraud against the European Union – either alongside or subsequent to drug dealing – but this move into the moderately upmarket areas of fraud has hardly dented those other types of crime.

The haphazard development of criminological research in different parts of Europe means that our understanding of the way in which criminals organise themselves is very patchy. There is always a tendency to counterpoint North European forms of criminal organisation against the ‘crime corporation’ – like structures supposedly existing in North America and Southern Italy. British and German work from the 1970s was obsessed by distancing North European crime from American organised crime (Mack and Kerner 1975), implying that if crime is not syndicated (and supported by widespread police corruption), it cannot be ‘organised’. McIntosh (1975) more usefully distinguishes methods of organising crime in terms of the technological and policing barriers the particular crime confronts: where prevention precautions are high, organisation shifts from routinised *craft* groups – pickpockets, and even safecrackers – to looser, perhaps even one-off, alliances between *project* criminals.

My interview-based study of bankruptcy fraudsters found substantial variations in the organisation of that form of crime during the 1960s and 1970s, but since the 16th century, fraudsters in particular have found cross-border crime attractive because it creates problems of legal jurisdiction, investigative cost, and practical interest by police, prosecutors, and even creditors themselves (Levi 1981). European Union harmonisation does not itself make any difference to this, except: (i) in providing new pretexts or ‘story-lines’ for fraudsters to use to get credit or investment, and (ii) inasmuch as it changes the structures of control, for example, reducing customs paperwork makes VAT evasion easier, or the UK’s ratification of the European Convention on Mutual Assistance makes co-operation and conviction easier (see Passas and Nelken 1993).

The lack of a research base on patterns of criminal relationships in most European countries – including, regrettably, the UK – means that we have little information about how domestic criminals meet and decide what to do, let alone how and to what effect/ lack of effect Euro-criminals meet. Major offenders do not advertise their services in the media, and apart from common holidays in Spain, marinas, and casinos, such contacts – mediated no doubt by language difficulties which British criminals may experience in more acute form than most – may often be tentative, hedged around with the problem of negotiating trust in an ambience in which betrayal (perhaps by an undercover agent, especially an American or British one) can have

very serious consequence not just for freedom but for retention of proceeds of crime. Most plausible is the notion that Euro-criminals are either crime entrepreneurs who already exploit international trade for the purposes of fraud and/ or smuggling, or money-launderers who put their clients in touch with each other. Beyond that, in the area of serious crime for gain, there is only speculation or the 'annual reports' compiled for the EU and the Council of Europe, largely on the basis of official police and intelligence sources. More recently, Ruggiero (1996) has argued that both corporate and organised crime can be understood as variations on the same theme.

The Control of Organised Crime in the UK

There are two dimensions of shifts in approach to the control of organised crime in the UK. The first is substantive legislation, relating especially to money-laundering and proceeds of crime legislation (see Gold and Levi 1994; Levi and Osofsky 1995). Essentially, the unpopularity of bankers and of drugs traffickers has enabled the State to regulate certain areas of activity that otherwise might have been very difficult, and in this sense, the demonology of 'organised crime' has been very 'useful'. The second includes: (i) the more commonly understood area of 'policing powers', including the powers not only of the police but also of the security services and corporate crime investigation bodies such as the Department of Trade and Industry and the Serious Fraud Office; and (ii) the real resources devoted to controlling 'organised crime'. There is no space to discuss these in detail here, but despite some inhibiting effect from the European Court of Human Rights, the exchange of intelligence internationally and the depth of proactive surveillance – with the UK at the permissive extreme and Germany, because of its federal structure and data protection laws, at the other – have transformed the potential for intelligence-led policing (and disruption) of organised crime activity. However, apart from questions of demand for illegal goods and services, one factor acting as a brake upon this Panopticon is limited resources. National squads have to compete with a decentralised policing system which, at least in this respect, is well motivated and organised to resist the substantial 'top slicing' of their budgets to make room for measures against 'organised crime' about whose existence, rightly or wrongly, many senior police officers are deeply sceptical (see Stelfox, this issue, for a moderately sceptical view). The historic tension between the local and the central has bedevilled policing since its inception in England and Wales. During the 19th century, for example, it was commonplace for the resistance of the towns and boroughs to the establishment of modern police forces to be viewed by the Home Office as benighted parochialism, if not corruption. Many senior officers in police forces enjoy their feelings of autonomy from centralised control (and their prestige as chief officers of their 'patch'), and, whatever the merely ceremonial aspects may be of *local* police accountability in the 1990s, these interests promote resistance towards the concept of a 'British FBI' (usually displaying ignorance of that organisation's limited role even in the US Federal system, let alone State and local police forces), and *a fortiori* – given tabloid press Europhobia – a

continental European force on French lines. It should not be forgotten that the 'bad example' of French centralisation under Napoleon was used as an argument against establishing a national or even local police force in England and Wales during the early and mid-19th centuries.

One of the consequences of this is that, though not quite to the same degree as in the 19th century, centralisers of the police have to approach their task with caution, addressing questions of ideology as well as of technical efficiency. Thus, although there has been frequent comment by detectives I have interviewed in the Metropolitan and other forces over the past 20 years to the effect that it is madness not to have a national force (particularly, as in fraud, when even routine investigations take them all over the country), this found few overt echoes at senior officer level. With the birth of 'organised crime' as a social problem, the time for such moves seemed propitious, and a crucial propellant was the report of the Home Affairs Committee (1995) on *Organised Crime*³. Cynics may suggest that the proposers of a national force (and the Security Services, who arguably may need such an entity with whom to work) have simply invented the problem, but there is a difference between opportunism and invention. One could characterise much of the debate about how much organised crime there is 'in' the UK – and this is a conceptually important issue, for 'affecting the UK' might be a better way of looking at it – as being between 'believers' who see a risk (whether short or long term) and want to prepare our system to meet it and the 'unbelievers', who see simply a plot to undermine their local or regional autonomy by a Southern English clique of the National Criminal Intelligence Service (NCIS), City of London Commissioner and Metropolitan Police Assistant Commissioner (Special Operations), plus the Security Services. Thus, by analogy with the functional effects of Cressey (1969) in the US, the construction of 'the nature of the problem' is crucial to what one does about it. Though contrariwise, as with serial killings and rapes, the mode of organising knowledge has a key effect on whether one actually picks up patterns that 'objectively are there'.

The former Home Secretary Michael Howard observed (lunchtime BBC News, 2 July 1996):

Organised Crime is a multi-million pound industry. The new National Crime Squad will be targeting drugs traffickers and other serious professional criminals who threaten the integrity of our financial system by fraud and money-laundering. We are not establishing a British equivalent of the FBI. There will be no federal crimes. Second, no direct recruitment: police officers will continue to be seconded from their local police forces. All crimes will still be reported locally. Tripartite accountability arrangements will remain.

The Liberal Democrats had great reservations about the proposals, and Labour, at least in opposition, wanted the same accountability authority for both NCIS and NCS, while agreeing that everything possible should be done about the menace of organised crime. So the future remains uncertain. It depends partly upon what resources the Security Services and the Secret Intelligence Service actually have available for this task (and how many 'problems' are caused in other areas, such as Northern Ireland), and how far any

beefing up of the value of NCIS can achieve legitimacy in the eyes of operational police officers, in the internecine quarrels that are as prevalent among anti-organised crime agencies as they are elsewhere in the criminal justice system and academia. To this extent, the fears of many on the liberal left about the totalitarian dangers posed by the Organised Crime-fighting State are misconceived. On the other hand, these fights among organised crime-fighters over 'rep' and 'turf' constitute a cost in terms of effectiveness for those who believe that the real enemy is the mixed set of crime entrepreneurs who are sometimes collected up under the label of 'organised crime'.

In this issue, we have not sought to represent a full range of European scholarship upon these important themes. This is in any event limited by capacity. Rather, concentrating primarily though not exclusively (see Rawlinson, Van Duyne) on Britain, and deliberately under-representing the organisation and control of illegal drugs markets – which tends to dominate debates about organised crime – we have sought to demonstrate the social and analytical complexity of the organisation of crime and of responses to it. Gradually (and see Sutton 1998, for a valuable analysis of this in relation to stolen property markets), criminologists have begun to see 'the causes of crime' as including an analysis of how crime is organised socially and technically. This fuses the neglected traditions of gang/ subculture theory with situational opportunity theory, especially in its improved recent formulations (Clarke 1997; Clarke and Homel 1997) in showing how the forms of crime are shaped by the motivational and cultural environments in which they occur, which facilitate and/ or inhibit the development of highly organised crime, whether or not accompanied by offender versatility. To understand how this is possible, we need to examine crime as a business process, requiring funding, technical skills, distribution mechanisms, and money-handling facilities. The larger the criminal business, the more likely all these elements will be required, with the special business problem that what they are doing is illegal and, if caught and convicted, they – and their bankers or lawyers – could all go to jail for very long times as 'organised criminals'. In this issue, we have not sought to elaborate the world system of off-shore finance centres, of legal professional privilege and customer confidentiality that underlies some of the laundering transactions that (despite Van Duyne's appropriate sceptical caution) do exist for some offences and offenders. But this way of thinking about the underlying sub-structure of crime is important in framing the articles that follow. In short, we are not arguing that no-one forms international groupings that commit very serious social harms: though not all of them are labelled 'organised criminals' (Ruggiero 1996), there obviously are such groups and networks. However, for all but those who simply want to develop a moral panic to get more powers and resources, what is important (for crime control as well as academia) is to appreciate the subtlety, complexity and depth of field of the organisation of crime.

The Articles in this Issue

The issue comprises a variety of methodological styles, from media/ political analysis through ethnography, more conventional interviews and survey

research, and is broken up in the following way. We start with what might be termed essays on the politics of organised crime: Rawlinson provides a critical account of how the 'Russian Mafia' myth was developed and juxtaposes this with what is reasonably known about the (dis)organisation of crime in Russia; Van Duyne demystifies the usage of the term 'money-laundering' and goes on to discuss more pragmatically how laundering occurs in different sectors of the economy in the context of his research on serious crime in the Netherlands; and Norman examines the part played by financial investigation in dealing with 'terrorist groups' in Northern Ireland, by preventing and disrupting activities. The next grouping is focused more closely on the organisation of crime, though the policing of crime is always implicit in how this organisation develops: Stelfox reviews the evidence collected by himself and other members of the Phillips Committee for the Association of Chief Police Officers on organised crime in Britain, and relates this to recent strategies for policing in the UK, pointing out the unintended neglect that the national squad focus on élite 'target criminals' will cause for major local and regional criminals; Hobbs, in a more ethnographic way, examines the interaction of the local and the global dimensions of crime through the lens of the criminal careers of some serious British 'villains' (without making claims for the representativeness of this selection); and I conclude with a study of the organisation of plastic – primarily credit card – fraud in the UK, making comparisons with the few studies conducted elsewhere in the world (primarily in Canada). The objective is to step back from the sometimes overblown and over-homogenised imagery of 'organised crime' and to unpack its local, regional and international variations. If the consequence is that we will then appreciate how modest is our organised knowledge about some of these phenomena, then provided that this does not paralyse all social action, our efforts will have been justified.

Notes

- 1 In mid-1998, the trial of senior politicians from the Gonzalez government and senior Civil Guard officials into atrocities committed as part of the 'war' against the Basque ETA revealed extensive money-laundering in support of the assassinations of those believed to be ETA supporters. This meets all of the BKA definition of organised crime, though its adherents doubtless thought that they were doing it *for* the legitimate State. See also the contribution by Norman in this issue of the Journal.
- 2 Without descending too far into post-modernism, it is obvious that what counts as evidence depends partly on what one wishes to believe.
- 3 Readers might like to note that unlike the US, for example, British Parliamentary Select Committees have very little independent research backing, no equivalent of Senate Counsel, and invite evidence, which they can cross-examine orally if they wish. I and Barrie Irving, the Director of the Police Foundation, were the only academic *researchers* who gave evidence to the Committee.

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