

CHAPTER 7



Associational Structures

INTRODUCTION

This chapter continues the examination of the three basic types of structures that define the organization of criminals: entrepreneurial structures, associational structures, and quasi-governmental structures. The previous chapter discussed entrepreneurial structures that link criminals who interact in the commission of one or a number of crimes. Entrepreneurial structures, by definition, are centered on economic activities in a broad sense. They are geared toward attaining financial or other material benefits through market-based crime (e.g., drug dealing) or predatory crime (e.g., burglary). In contrast to illegal *entrepreneurial* structures, this chapter examines *associational* structures, which support illegal economic activities only indirectly, by serving functions of a social nature. For example, associational structures facilitate contacts between criminals; they give status, reinforce deviant values, and provide a forum for the exchange of criminally relevant information (Haller, 1992).

In accordance with the terminology of the previous chapters, *structure* is used as a generic term. The term *associational structure* refers to a wide range of patterns of relations. In contrast, the term *association* as used here pertains more narrowly to organizational entities with a coherent structure and some degree of formalization, especially with regard to the definition of membership.

CASE STUDIES OF ASSOCIATIONS OF CRIMINALS

Before systematically examining the structure and functions of associational structures, case studies of four notorious associations of criminals are presented. These associations have received considerable attention in the debate on organized crime: the Sicilian Mafia (Cosa Nostra), Chinese triads, focusing primarily on Hong Kong-based triads, the criminal fraternity Vory v Zakone (Thieves in Law), which originated in the Soviet Union, and the Hell's Angels, as one manifestation of the phenomenon of so-called outlaw motorcycle gangs. The term

illegal associational structures is intentionally avoided here because outlaw motorcycle gangs are not necessarily illegal organizations per se.

Case Study: The Sicilian Mafia (Cosa Nostra)

The Sicilian Mafia, also known as Cosa Nostra, has been at the center of a fierce academic debate for decades. Scholars have held fundamentally different views about the nature and purpose of the Sicilian Mafia and have disagreed on whether or not it constitutes an organizational entity at all. Some have argued that the Mafia is simply a method in a power play or a cultural trait, a way of life inextricably linked to Sicilian culture (see Hess, 1996, pp. 10–13). This view is no longer tenable, however. Based on the testimony of numerous mafiosi who have become state witnesses, it can now be considered an established fact that the Sicilian Mafia is indeed a coherent organization made up exclusively of men—to the exclusion of women and children—who belong to one of about one hundred local units, so-called families or *cosche* (Paoli, 2003a, p. 5). The Mafia is “a formal, secret association, with rigorous rules of conduct, decision-making bodies, specific functions, plans of action, and clearly defined admissions procedures” (Arlacchi, 1993, p. 6). What is still in dispute is the exact purpose and structure of this secret association and how important the overall organization is compared to the individual families and individual members.

One key aspect that will be discussed further in later chapters (Chapter 8 and Chapter 10) is the role of individual families of the Sicilian Mafia in controlling and regulating illicit and licit economic activities in certain parts of Sicily and beyond. According to one study, an estimated 70 percent of shops in Sicily and 80 percent of all businesses in the city of Palermo pay protection money to the Sicilian Mafia (as cited in Partridge, 2012, p. 345). It is with reference to this quasi-governmental function that Diego Gambetta speaks of the Sicilian Mafia as “a specific economic enterprise, an industry which produces, promotes, and sells private protection” (Gambetta, 1993, p. 1).

In the present context of associational criminal structures, the focus is on the Sicilian Mafia in terms of a “secret society,” a “criminal fraternity” (Paoli, 2003a, p. 87). As such it is said to serve two main functions: (a) protection of its members’ interests—namely, those interests that are linked to illegal activities, through mutual aid and support—and (b) avoidance and resolution of conflicts among its members through a system of rules and procedures (Arlacchi, 1993, p. 8; Lupo, 2009, p. 27).

The origins of the Mafia go back to the 1800s. At that time, a power vacuum existed in Sicily in the wake of the abolition of feudalism and the struggles of the newly formed state of Italy to establish its authority (Paoli, 2003a, p. 179). In the western parts of Sicily, the area of the port city of Palermo where agriculture and commerce prospered, the power vacuum was filled by groups who offered private protection services to landowners, farmers, and merchants (Catanzaro, 1992; Gambetta, 1993). A number of these groups came to share the same freemasonic rituals and oaths. Why these groups took cues from freemasons and arrived at a standardized form of organization is not clear. Salvatore

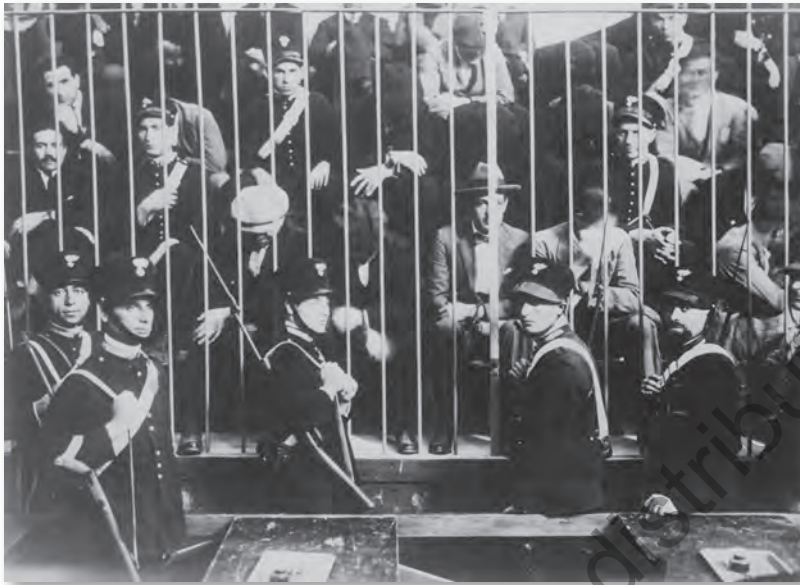


Image 7.1 Suspected Mafiosi stand trial in Palermo, Sicily, in 1928, the year that marked the conclusion of a massive campaign of suppression launched in 1925 by the fascist Italian government. Thousands were rounded up and sent to prison under suspicion of being connected to the Mafia. The campaign directed by prefect Cesare Mori is believed to also have prompted several Mafiosi to leave Italy, mostly for the United States (Lupo, 2009, p. 174; Varese, 2011, p. 105).

Photo: Bettmann/Corbis

Lupo suggests that this process is an outgrowth of a “far broader phenomenon of popular associationism” and reflects the popularity of freemasonry in Sicily during the second half of the 19th Century. Lupo also assumes that the standardization was facilitated by members of different groups being confined together, particularly in Palermo’s Ucciardone prison (Lupo, 2009, p. 49; see also Paoli, 2003a, pp. 40, 101–104). It seems that the sharing of initiation rituals, codes of behavior, and a sense of quasi-religious unity facilitated the mutual recognition of potentially competing groups (see Gambetta, 1993, p. 154).

The external boundaries of Cosa Nostra are clearly defined through formalized membership. Before novices are formally inducted into Cosa Nostra, more specifically a particular Cosa Nostra family, they go through a period of observation and training by older members to assure that they adhere to the Mafia “subuniverse of meaning” (Paoli, 2003a, p. 91). They also have to commit a murder or other violent act to demonstrate their strength and courage (Paoli, 2003a, p. 74).

The initiation ceremony, in which the novice is introduced to the members of the family and is advised of a set of conduct rules, culminates in the swearing of

a solemn oath. The index finger of the candidate's right hand is cut or pricked so that blood drips on the image of a saint, usually Our Lady of the Annunciation. The image of the saint is then set on fire in the hand of the candidate who has to declare: "I burn you as a paper, I adore you as a saint; as this paper burns, so my flesh must burn if I betray the Cosa Nostra" (as cited in Paoli, 2003a, p. 68; see also Gambetta, 1993, pp. 146, 268).

According to Letizia Paoli (2003, p. 5) the Sicilian Mafia counts "at least thirty-five hundred full members." They come from all layers of society, including doctors, lawyers, and priests, with the notable exception of judges and police officers, although the majority of mafiosi are said to be businessmen (Arlacchi, 1993, pp. 38–39).

The Mafia initiation is a "rite of passage," a "symbolic representation of death and resurrection" (Paoli, 2003a, p. 67). It creates a sense of belonging to an elite community of "men of honor," and it establishes ritual kinship ties that promote trust and entail obligations of correctness and solidarity vis-à-vis the other members. These ties provide the basis for collaboration between members on a wide range of endeavors, even between members from different families who have never met before (Paoli, 2003a, pp. 81, 89, 150). This does not mean, however, that the relationships between Mafia members have always been harmonious. On the contrary, growing tensions between mafiosi adhering to traditional values of humility and honor and mafiosi engaging in the profitable drug trade have been blamed for violent internal conflicts and widespread distrust within the Sicilian Mafia (Catanzaro, 1992, p. 107; Paoli, 2003a, p. 93).

The basic unit of the Cosa Nostra is the family or *cosca*, which may range in size from a handful to more than a hundred members (Gambetta, 1993, p. 111–112). Each family is headed by a *capo* (boss), also known as *rappresentante*, who is normally elected by the members on a yearly basis (Gambetta, 1993, p. 111; Paoli, 2003a, p. 42), even though in a number of cases individual men of honor have come to power through violence (Paoli, 2003a, p. 43). To counterbalance the authority of the *capo*, families have one or more elected *consiglieri* (counselors) who participate in important decisions (Arlacchi, 1993, pp. 34–35; Paoli, 2003a, p. 40). In larger families, members are organized in subunits under so-called *capidecina* (Arlacchi, 1993, p. 33; Gambetta, 1993, p. 111).

The head of a family and the *capidecina* constitute a hierarchical structure subjecting individual members to strict obedience (Paoli, 2003a, p. 83). However, the exercise of power is constrained by tradition and the need to legitimize decisions. As Letizia Paoli argues: "Even in areas that are left to his discretion, the leader is supposed to rule in the interest of all members and is largely dependent on their willingness to comply with his orders, since he has no means to enforce them" (Paoli, 2003a, p. 44). A different picture emerges in cases where individuals have assumed control over a family by means of violence and can rely on an "administrative staff" of loyal followers to impose their will (Paoli, 2003a, p. 45).

Initially, beginning in the mid-1800s, Cosa Nostra constituted an organizational entity through standardized rituals and the mutual recognition of individual families and of the status of their members as men of honor. Tattoos and other signs of recognition such as ritual sentences and gestures were used for

some time to identify each other but have since been replaced by the strict rule that members must be introduced by a third member who knows the status of both (Gambetta, 1993, p. 123; Paoli, 2003a, p. 113).

It was not until the mid-1900s that efforts were made to create an overarching organizational structure in the form of coordinating bodies on the provincial level and beyond. These bodies, called *commissione* or *cupola*, were established to regulate conflicts between families and also within families. For example, members have not been allowed to kill another member without approval by the respective provincial commission (Gambetta, 1993, p. 113; Paoli, 2003a, p. 128). The *commissione*, to protect common interests, also imposed prohibitions on certain illegal activities, namely, kidnapping for ransom (Lupo, 2009, p. 238), and it has restricted the killing of representatives of legitimate society, such as politicians and judges (Paoli, 2003a, pp. 53–54).

Mafia groups are not economic enterprises aimed at the maximization of profits. Profit-making activities are not systematically planned or coordinated by each *cosca* or by the Cosa Nostra as a whole, although, illicit activities are sometimes run by the heads of single families and the profits divided more or less equally between the affiliates (Paoli, 2003a, p. 144). The only illegal activity run by a Mafia family as a whole is extortion, respectively the provision of protection, within the territory under its control (Gambetta, 1993, p. 227; Paoli, 2003a, p. 170). In this respect, Mafia families function as neither an illegal enterprise nor as an associational structure but as a quasi-governmental entity, as will be discussed in Chapter 8.

Case Study: The Hong Kong Triads

Triads are fraternal organizations originating in China. They are most prevalent in Hong Kong and Taiwan but are believed to also have established a presence within overseas Chinese communities and, more recently, in mainland China (Chu, 2000, p. 13; Lo, 2010, p. 857). The term *triad* is an English designation referring to the symbol of the triad societies, a triangle representing the union of heaven, earth, and man (Ip, 1999, p. 3).

The origins of the triads are traced back to a secret society called Hung Mun or Tiandihui (Heaven and Earth Society), which is shrouded in mystery. According to a widely held assumption, the Hung Mun dates back to the time following the Manchurian conquest of China in the mid-1600s and was formed to overthrow the Manchurians and to reestablish the ancient Ming Dynasty (Kwok & Lo, 2013, p. 74). Another view holds that the Hung Mun was a mutual-aid society created in 1761 or 1762 “to resolve the conflict among various migratory dialect groups in the southern regions of Fujian province in mid-eighteenth century China” (Chu, 2000, p. 3). The primary purpose of the Hung Mun or Tiandihui, Chu (2000, p. 12) explains, “was to form pseudo-familial networks among unacquainted people through the rituals of sworn brotherhood for mutual protection.” Various means of recognition, such as passwords, poems, signs, and secret gestures, allowed members to identify each other. This organization, according to Chu, was involved in various crimes early on, especially “the selling of private protection to those who needed to travel

frequently,” and it was declared illegal in 1786 (Chu, 2000, p. 12). Since then, numerous triad societies have been formed in the tradition of the Hung Mun. Their original purpose may not necessarily have been criminal, but it is commonly believed that over the past decades crime has become central to their existence (Chu, 2000, pp. 11, 20; Kwok & Lo, 2013, p. 74). The 14K triad, for example, was originally a pro-Nationalist organization formed in Guangdong province in the mid-1940s. After the Communist Party assumed power, 14K members escaped to Hong Kong, where they regrouped to protect each other against triad extortion and eventually emerged as a notorious triad society themselves (Chu, 2000, p. 134).

Triad members consider themselves “part of the universal triad brotherhood,” and members of different triad societies socialize and collaborate with each other and feel an obligation for mutual protection (Chu, 2000, pp. 19, 36, 137; see also Ip, 1999, p. 5; Lo, 2010, p. 852). Triad societies are supposed to respect each other’s spheres of influence (Chu, 2000, p. 38). Since the 1990s, however, competition over territory as well as internal conflicts have increased (Chu, 2000, p. 30; Lo, 2010, p. 852).

There are 50 known triad societies in Hong Kong, of which 15 to 20 “regularly come to the attention of the police by their involvement in crime,” including the 14K (Chu, 2000, pp. 135–136; Ip, 1999, p. 3). The largest, most influential and most cohesive triad society, however, is said to be Sun Yee On, with tens of thousands of members, while others may have only about 100 members (Chu, 2000, p. 136; Lo, 2010, p. 855).

The structure of triad societies varies. In essence they are rather loose combinations of individual gangs. Some triads “may exist in name only because their triad gangs cooperate only on an ad hoc basis” (Chu, 2000, p. 29). Most triad societies have a “central committee” composed of influential and senior members that elect a chairperson and treasurer at an annual or biannual meeting (Chu, 2000, p. 27; Ip, 1999, p. 3). In the case of the Sun Yee On, the leading members reportedly come from the same family (Chu, 2000, p. 137). The central committee’s power is limited. It controls promotions, supervises internal discipline, and settles internal and external disputes. But triad leaders “are not likely to dictate to their members in which criminal activities they should get involved,” and apart from payments on special occasions, such as initiation ceremonies, promotions, and the Chinese New Year, they do not generally receive any shares of the profits from the members’ activities (Chu, 2000, p. 27; see also Ip, 1999, p. 4; Kwok & Lo, 2013, p. 85).

In contrast, the gangs that belong to a given triad society are hierarchically structured organizational units. The gangs are often territorially based. They are headed by a boss and may comprise a group of fifteen or twenty core members who in turn may have street gangs and youth gangs at their disposal (Chu, 2000, pp. 28–29). It is at the level of these street gangs and youth gangs that triads most often come to the attention of the police (Ip, 1999, p. 5).

Triad members are divided into mainly three rank categories: office bearer (426 or *red pole*), ordinary member (49), and affiliated member (*hanging the blue lantern*) (Chu, 2000, p. 39; Kwok & Lo, 2013, p. 75). Affiliated members are verbally accepted to join a triad without going through the formal initiation ceremony. Allegiance may have been shown by having paid a *red packet* (sum

of money) or having verbally pledged loyalty to a triad member (Kwok & Lo, 2013, p. 82). Full membership depends on the passing of an initiation ritual. Recruits have to be sponsored by a triad official, and names of prospective recruits have to be submitted to the society for approval (Chu, 2000, p. 31). A typical ceremony is described by Chu as follows:

The recruit, accompanied by his sponsor, is first informed of the history of the triads and reminded that his initiation must be completely voluntary. He takes an oath before an altar which is decorated to represent the mythical triad capital of Muk Yeung. He is then warned of the fate of traitors, swears loyalty to his brothers which may include drinking a mixture of his own blood and that of other initiates, and pays a symbolic sum of lucky money as a form of joining fee. At the end of the ceremony the recruit is taught some recognition signals and triad poems so that he can recognise fellow members. (Chu, 2000, p. 33)

The obligations of loyalty and secrecy as well as mutual aid are core elements of the triad code of conduct (Chu, 2000, pp. 3, 19). In this respect, triads are similar to other illegal associations. One element that sets them apart is their apparent openness to female members. While triads are predominantly male organizations, there are a small number of women who are full (49) triad members (Chu, 2000, p. 139; T. Wing Lo, personal communication, 2 February 2013). Since the 1990s, triads have also expanded their membership to nonethnic Chinese to recruit locally born Indian and Pakistani youth as junior members (Chu, 2000, p. 137).

Triad membership, according to Ip, is “a lubricant which facilitates personal contacts and co-operation between different triad groups or individuals” (Ip, 1999, p. 4) and it gives individuals a level of security non-member criminals do not possess (Chu, 2000, p. 93). Triad members are involved in a wide range of activities individually or jointly with members and non-members (Lo, 2010, p. 852). They are most prominent in the illegal provision of protection services, extortion, and certain aspects of the prostitution business (Chu, 2000), while in other areas of crime, such as drug trafficking and human smuggling, their role appears to be limited (Ip, 1999; Zhang & Chin, 2002).

Case Study: Vory v Zakone (Thieves in Law)

The Vory v Zakone are a secret criminal fraternity originating in the prison system of the Soviet Union. “*Vory v zakone*” is Russian for “thieves in law” where *vory* is the singular and *vory* the plural form. *Vory v zakone* has also been translated more loosely as “thieves professing the code” (Serio & Razinkin, 1995) or “thieves-with-a-code-of-honor” (Varese, 2001, p. 8).

The *vory* see themselves as the elite of the underworld, the highest caste in the hierarchy of professional criminals (Gilinskiy & Kostjukovsky, 2004, p. 193; Serio, 2008, p. 157). The role of a *vory* is to provide patronage to lower-level criminals, to arbitrate disputes and to manage a communal fund (*obshchak*). The

obshchak is maintained through contributions from the *vory* themselves and the criminals under their influence and is used to bribe prison officials, support members, and to finance criminal activities (Serio, 2008, p. 160; Volkov, 2002, p. 58)

The cultural roots of the *Vory v Zakone* have been traced back to organizations of thieves in Tsarist Russia and the traditional Russian village community, stressing solidarity, a sense of equality, and defiance for state authority (Cheloukhine, 2008; Sobolev, Rushchenko, & Volobuev, 2002, pp. 37, 40). Some influence is also attributed to political dissidents who were sent to prison camps in large numbers during Soviet times (Serio, 2008, pp. 151–152).

There may have been thousands of *vory* in the Soviet prison system in the 1930s, before their numbers were decimated by mass executions in the late 1930s, by World War II, and by internecine war in the 1940s and 1950s, which had purposefully been fueled by the Soviet prison authorities (Gilinskiy & Kostjukovsky, 2004, pp. 195–197).

In 1989, shortly before the demise of the Soviet Union, authorities placed the approximate number of *vory* at 512, of which 240 were incarcerated. In 2005, an estimated 200 *vory* were based in Russia (Serio, 2008, p. 168). The total number of members is likely to be significantly higher, given that the organization extends beyond the borders of Russia (Pullat, 2009; Siegel, 2012, p. 40). It is also noteworthy that the *Vory v Zakone* is an ethnically diverse association, reflecting the ethnic diversity of the Soviet Union. According to data from the mid-1990s, 33.1 percent of members are Russians, 31.6 percent Georgians, 8.2 percent Armenians, 5.2 percent Azerbaijanis, with Uzbeks, Ukrainians, Kazakhs, Abkhazi, and other ethnic groups accounting for the remaining 21.9 percent (Serio & Razinkin, 1995, p. 100).

Traditionally, new members were only admitted after a lengthy selection process and based on the recommendation of two or three other *vory*, confirming that the novice strictly adhered to the *vory* code. Similar to the initiation rites of *Cosa Nostra*, the induction into the *Vory v Zakone* takes place as part of a ceremony during which the novice has to swear an oath before his peers, promising never to cooperate with the authorities (Serio, 2008, p. 165).



Image 7.2 Vyacheslav Ivankov (1940–2009), a.k.a. Yaponchik (little Japanese), was a famous thief in law who served time in the Soviet Union and the United States. His status as a *vory* is discernible from the tattoos on his shoulders.

Photo: http://news.bbc.co.uk/2/hi/special_report/1998/03/98/russian_mafia/70485.stm

The code of the *vory* is more rigid and encompasses more aspects of life than the rules spelled out to new members of Cosa Nostra. The *vory* code is also more reflective of the situation within prison and places high value on defying the prison administration. According to an English translation provided by Joseph Serio (2008, pp. 155–156; see also Serio & Razinkin, 1995, pp. 96–97; Cheloukhine, 2012, p. 112; Gilinskiy & Kostjukovsky, 2004, pp. 193–194) the *vory* code contains the following rules:

1. A thief must turn his back on his family—mother, father, brothers, and sisters. The criminal community is family.
2. It is forbidden to have a family—wife, children.
3. It is forbidden to work. A thief must live off the fruits of criminal activity only.
4. A thief must give moral and material assistance to other thieves using the *obshchak* (money fund).
5. A thief must give information about accomplices and their whereabouts (e.g., locations of hideouts) only in the strictest confidentiality.
6. If a thief is under investigation, a petty thief must take responsibility upon himself to give the suspected thief time to flee.
7. When a conflict arises in a criminal group or among thieves, there must be a meeting (*skhodka*) to resolve the issue.
8. When necessary, a thief must attend a meeting (*skhodka*) to judge another thief if his conduct or behavior comes into question.
9. Punishment for a thief decided by the meeting must be carried out.
10. A thief must be proficient in criminals' jargon (*fenia, blatnaya muzyka*).
11. A thief must not enter a card game if he does not have the money to pay.
12. A thief must teach his craft to novice thieves.
13. A thief should keep a gofer (*shestiorka*) under his influence.
14. A thief must not lose his sense when drinking alcohol.
15. A thief must not in any way become involved with the authorities. A thief must not participate in social activities. A thief must not join social organizations.
16. A thief must not take up weapons from the hands of state authority. A thief must not serve in the army.
17. A thief must fulfill all promises made to other thieves.

While the *vory* see themselves as the underworld elite, the internal structure of the *Vory v Zakone*, unlike Cosa Nostra, is nonhierarchical. *Vory* regard themselves as equals, although older members reportedly wield greater moral authority (Serio, 2008, p. 165; Varese, 2001, p. 157).

As a reflection of the embeddedness in a larger prison subculture, tattoos play an important role in signaling the status of a *vor v zakone*. Tattoos in general have been used by inmates of Soviet and Russian prisons to document their personal history and status. In the same way, *vory* are recognizable by distinct tattoos that are not tolerated on nonmembers (Cheloukhine & Haberfeld, 2012, p. 33; Schmelz, 2010, p. 108).

In the post-Soviet era, *vory* have less of a prison background. Long incarceration is no longer a precondition for being inducted into the fraternity. Many young criminals are simply buying membership, whereas in other instances the title *vor v zakone* is bestowed on deserving criminals, and obtaining the title signals a promotion within the underworld (Varese, 2001, p. 175).

From this description follows that *vory v zakone* do not have a power base of their own. In fact, the *vory* code of conduct, unlike mafia culture in Sicily, does not particularly emphasize the use of violence. Rather, the *vory*'s position of power seems to depend on their individual role within criminal gangs and on the high reputation they enjoy in criminal circles (Volkov, 2002, pp. 57, 75–76). From this also follows that the *Vory v Zakone* as an organization are not “organizing” criminal activities. Each *vor* is free, within the limits established by the *vory* code, to engage in criminal activities with other *vory* and with non-thieves (Gilinskiy & Kostjukovsky, 2004, p. 195). The most influential position ascribed to *vory* is the “supreme council” of the Solntsevskaya organization. The Solntsevskaya emerged from a gang that engaged in protection racketeering



Image 7.3 The estimated 2,000 members of the Hell's Angels are easily recognizable to outsiders. They are organized in about 100 charters, most of them in North America and Europe. Pictured are members from different chapters who are attending a funeral in Germany in August 2013.

Photo: ASSOCIATED PRESS/Thomas Frey/picture-alliance/dpa

in the Solntsevo neighborhood on the outskirts of Moscow during the 1980s. By the 1990s it was described as “Russia’s most powerful and most international organised criminal grouping” (Galeotti, 2004, p. 63). While much about its structure is shrouded in mystery, it is believed to serve as an umbrella organization for a number of semiautonomous or independent groups that are licensed to use the name Solntsevskaya (Serio, 2008, pp. 216–217; Varese, 2011, pp. 66–68). Members of the group are said to be active in over 30 countries, including the United States and China (Galeotti, 2004, p. 68). The organization is allegedly overseen by a group of *vory v zakone*, who regularly meet in different parts of the world (Varese, 2001, p. 171; Varese, 2011, p. 67).

Case Study: Hell’s Angels

The Hell’s Angels are the prototypical outlaw motorcycle gang (OMG). Originating in California in the late 1940s, they now have branches (chapters, charters) virtually all over the world, including North and South America, South Africa, Europe, Turkey, Thailand, Australia and New Zealand (<http://www.hells-angels.com/?HA=charters>).

The term outlaw initially had no criminal connotation and referred to motorcycle clubs who were not part of the American Motorcyclists’ Association (Veno, 2009, p. 21). Since the 1970s, outlaw motorcycle gangs are increasingly depicted by law enforcement agencies and in the media as a manifestation of organized crime (California Bureau of Organized Crime and Criminal Intelligence, 1979; Hill, 1980; U.S. Senate, 1983). Apart from the Hell’s Angels, this includes a number of other internationally dispersed clubs, including the Bandidos, Mongols, Outlaws, and Pagans, which are part of a larger outlaw biker subculture (Barker, 2007; Quinn & Koch, 2003).

Clubs like the Hell’s Angels occupy much of their members’ social life, through regular meetings and events centered on motorcycling. Beyond shared leisure time activities, the Hell’s Angels see themselves as “a very select brotherhood of men who will fight and die for each other, no matter what the cause” (Barger, 2001, p. 67). The mutual support extends from barroom brawls to disputes over drug deals and from posting bail to helping fugitive members (Barger, 2001; Marsden & Sher, 2007; Veno, 2009).

The first Hell’s Angels motorcycle club had been formed in San Bernardino, California, in 1948. Other clubs using the same name sprang up in the following years, including one created in Oakland in 1957. A year later, Ralph “Sonny” Barger became president of the Oakland club. Barger is credited with changing the Hell’s Angels from a loose assortment of independent clubs into a more coherent organization with strict rules under which new chapters would be permitted to join (Barker, 2007, p. 36). In 1966 the Hell’s Angels Motorcycle Corporation was incorporated, which owns the rights to the club symbol (death head with wings) and has registered the name “Hell’s Angels” as a trademark. The corporation licenses symbol and name to the individual chapters (Barger, 2001, pp. 36–37; Veno, 2009, p. 58).

It is not clear how many charters and how many individual members the Hell’s Angels have. Exact figures are not published. According to one estimate,

there are 2,000 Hell's Angels organized in about 100 chapters, compared to 900 individual members of the Outlaws and 500 Pagans. The number given for individual Bandidos members ranges from 900 to 3,850 because of the "volatility of the club" (Veno, 2009, pp. 56, 58).

The membership of the Hell's Angels is limited to men 21 years and older, predominantly with a lower-class social background (Barker, 2007, pp. 46, 55–56). However, members from the middle class, including an airline pilot and a stockbroker, have also been reported (Marsden & Sher, 2007, p. 153). Likewise, while traditionally Hell's Angels have been perceived as being ethnically homogeneous to the exclusion of non-whites, reportedly leading Hell's Angels in New Zealand are Maori, and several chapters in Europe have accepted members of sub-Saharan African descent (Veno, 2009, pp. 116–117).

Before someone becomes a Hell's Angel, he has to go through an extensive trial period, which may extend over several years and which comprises two distinct phases, the phase of being a so-called hang-around and the phase of being a probationary member or prospect. In the phase of hang-around, the club members have a chance to get to know and thoroughly check the background of a person interested in joining the club. As a prospect the novice has to demonstrate his loyalty to the club. He is bound by the same rules as full-members and is integrated into the club activities as a "gopher" for the club (Barger, 2001, pp. 42, 44; Barker, 2007, pp. 66–68). The initiation is marked by handing over the "colors," a vest with the club insignia on the back, including a patch of the club symbol and the so-called top and bottom rockers, patches indicating the club (*Hells Angels* without the hyphen) and the location of the chapter (Barker, 2007, pp. 71–72). The colors as well as tattoos that only members are allowed to have, make a member of the Hell's Angels immediately visible to outsiders (Barker, 2007, p. 93; Marsden & Sher, 2007, p. 289). The claim that new members are obliged to kill someone (Lavigne, 1989, p. 72) appears to be a myth (Marsden & Sher, 2007, p. 6). However, most members of the Hell's Angels, just like the members of other outlaw motorcycle clubs, seem to engage in criminal activities of some kind or other, and one purpose of the extensive trial phase is apparently to prevent police informants and undercover agents from infiltrating the club (Barker, 2007, p. 123; Marsden & Sher, 2007, p. 196). A study in Sweden, for example, found that of 100 members of the Hell's Angels and Bandidos in that country, 75 had been formally charged with a criminal offence and nine more were suspected of crimes "on good grounds" (Sundberg, 1999, p. 51).

The members of the Hell's Angels are bound by rules that have not been made public in their entirety and may differ among chapters (Detroit, 2012, p. 223; Lavigne, 1989, p. 82). There is a strong emphasis on participation in club activities, on not harming other members, on providing mutual aid, and on refraining from actions that may harm or bring disgrace to the club. For example, Hell's Angels must regularly attend club meetings and, similar to the rules of Cosa Nostra, Hell's Angels must not get involved with another member's wife or girlfriend (Barger, 2001, pp. 42–45).

Membership pertains to the chapter in the area where the member lives. The exception to this rule is constituted by the so-called Nomad chapters, which are not restricted to a specific geographical location (Marsden & Sher, 2007, p. 3).

Each chapter has a hierarchical structure with distinct leadership positions, comprising a president and vice-president, a treasurer, and a sergeant-at-arms, who is responsible for maintaining order during club meetings. Another position with relevance only for club trips and outings is the road captain, who is responsible for the logistics and security during these events (Barker, 2007, p. 90).

Above the individual chapters there is no permanent overarching structure. Unlike other outlaw motorcycle gangs the Hell's Angels do not have a president or officers to govern the club as a whole, although Ralph Barger seems to have wielded considerable influence in an informal way (Lavigne, 1989, p. 66). Important decisions are made by chapter presidents collectively or even by the entire membership (Barger, 2001, p. 35; Detrouis, 2012, p. 235; Lavigne, 1989, pp. 67–68)

A continuing controversy surrounds the question to what extent the Hell's Angels are an association of criminals and to what extent they constitute a criminal organization directly involved in illegal activities (Barker, 2007, p. 12). Some argue that there is a continuum and that certain Hell's Angels chapters "operate as gangs oriented toward criminal profit rather than motorcycle clubs" (Barker & Human, 2009, p. 178). This would imply that the chapters as organizational entities, through their formal structure, carry out profit-oriented crime. However, it seems that the Hell's Angels, in an effort to protect their organization from law enforcement intervention, try to separate club activities and illegal activities. This means that members engage in criminal activities individually or jointly outside of the organizational structure of the Hell's Angels. At the same time, they profit from the protection and mutual support they enjoy as members, and in turn, they share their profits with the organization (Abadinsky, 2013, p. 231; Barker, 2007, p. 90; Quinn & Koch, 2003; see also Morselli, 2009a).

Some observers see a trend in that the Hell's Angels are progressing from a motorcycle club to an organization centered on criminal activity and that the ability to generate proceeds from criminal activity is becoming more important for admission into the club than adherence to the outlaw biker subculture (Detrouis, 2012; Veno, 2009, pp. 246–247). It is from this angle that the violence between outlaw motorcycle gangs, such as the Scandinavian "biker war" between Hell's Angels and Bandidos during the 1990s, has been interpreted as a struggle for dominance in the illegal drugs market (Barker, 2007, p. 10). However, the violent confrontations seem to have largely been confined to the realm of the outlaw biker subculture. These confrontations can be traced back to the conflict between the Hell's Angels and Mongols that started in the 1970s. The Hell's Angels insisted that only they were allowed to wear the bottom rocker "California." The conflict quickly escalated to shootings and car bombings (Marsden & Sher, 2007, pp. 66–67).

VARIATIONS ACROSS ILLEGAL ASSOCIATIONAL STRUCTURES

There are various other associational structures that could be presented here in detail. Apart from the Sicilian Mafia, there are a number of other mafia-type associations in Italy that include the Calabrian 'Ndrangheta, the Camorra in

Naples, and the Sacra Corona Unita in Apulia, and there is the Italian American Cosa Nostra in the United States and Canada. Criminal fraternities with some similarities to Italian mafia-type organizations and Chinese triads also exist in Japan in the form of yakuza organizations, such as the Yamaguchi-gumi (Hill, 2003). The Vory v Zakone share their origins in prison with the various so-called prison gangs in the United States, such as the Mexican Mafia and La Nuestra Familia, which are likewise fraternal associations of criminals (Koehler, 2000; Skarbek, 2014). The Hell's Angels belong to a larger category of outlaw motorcycle gangs, which also includes, as indicated, other internationally dispersed clubs, such as the Bandidos, Outlaws, and Mongols, and numerous other outlaw biker clubs with only regional or local significance (Barker, 2007). Prison gangs and outlaw motorcycle gangs share some similarities, namely, their expressive nature, with so-called criminal street gangs (Decker, Bynum, & Weisel, 1998), some of which have attained an international presence, such as the Mara Salvatrucha, also known as MS 13 (Cruz, 2010).

Although associational structures share similar core functions (see below), they vary across some key dimensions. Some, like the various Italian mafia-type associations, have always been criminal in nature. Others have a noncriminal origin, such as those Chinese triads, namely 14K, which began as political organizations. Yet others, namely, outlaw motorcycle gangs, have been formed as legal associations and have retained this status while also developing features of criminal associations.

Significant variations likewise exist with regard to the vertical and horizontal differentiation and the degree of formalization of associational structures. Mafia-type organizations, prison gangs, as well as biker gangs and street gangs have in common that usually their boundaries are clearly defined by formal membership, which entails



Image 7.4 Cosa Nostra boss Joseph Bonanno (1905–2002) explained in his 1983 autobiography what membership in a Mafia family entails: “Obviously, obedience to one’s superiors was one of the duties of a Family member. Silence was another cardinal duty. One had to learn to keep a secret and not betray one’s friends. Also, for young men especially, one had to learn to curb one’s desire toward the wives and women relatives of friends. Becoming a Family member, therefore, made one strictly accountable for one’s actions, and it also required that one be ready, if necessary, to bear arms to protect the Family’s interests” (Bonanno, 1983, p. 77).

Photo: Bettmann/Corbis

some form of initiation rites and, in some cases, visible symbols, such as distinct clothing (e.g., the patches of biker gangs) or tattoos. Other associational structures that provide a sense of belonging, cohesion, and a code of conduct for criminals have less formally defined boundaries. These include family clans, friendship networks, and also entire deviant subcultures (see, e.g., Brymer, 1991; Huisman & Jansen, 2012).

Some associational structures have multilevel hierarchies, such as the Sicilian Mafia with its ranks of member, *capodecina* and *capo*. Some have fairly elaborated horizontal divisions of tasks, such as outlaw motorcycle gangs with their positions of president, treasurer, sergeant-at-arms, and road captain. An institutionalized division of labor of this kind, it should be noted, does not typically exist in mafia-type associations, where arguably the only standard horizontal role differentiation can be found at the top of the hierarchy, between *capo* and *consigliere*.

THE CORE FUNCTIONS OF ASSOCIATIONAL STRUCTURES

Criminals benefit from belonging to an associational structure in essentially four different ways. Associational structures (a) create and reinforce social bonds, they (b) facilitate communication, they (c) promote mutual aid, and they (d) establish and enforce codes of conduct among their members.

Bonding

Associational structures, by definition, are patterns of social relations that connect individuals, in our case criminals, over extended periods of time. They instill a sense of belonging resting either positively on shared characteristics, interests, or values or negatively on the opposition to something or on a combination of the two. The latter is probably true—for example, for outlaw motorcycle gangs who defy mainstream society and at the same time adhere to a certain notion of brotherhood and a hedonistic lifestyle centered on motorcycling (Quinn & Koch, 2003).

Sense of Belonging

Internally, associational structures establish bonds or they reinforce preexisting bonds between their members. Mafia-type associations such as the Sicilian and American Cosa Nostra and especially the Calabrian 'Ndrangheta show significant overlap with blood families, yet the obligations from the ritual bonds they create go above and beyond kinship ties (Cressey, 1969, p. 152; Paoli, 2003a, pp. 30–31). Externally, associational structures imply a distinction between members and nonmembers, suggesting that members possess certain qualities which nonmembers lack. In other words, belonging to an associational structure tends to convey some degree of exclusivity. This may be the case even where a formal sense of membership is absent—for example, where criminals belong to friendship networks or where individual criminals group themselves around a charismatic

underworld figure. But the notion of exclusivity is especially salient in the case of associations with formal membership, such as the Sicilian Mafia, Vory v Zakone, and Hell's Angels, which at least by their own standards, are highly selective in their recruitment and admit new members only after an extended period of testing and schooling. Accordingly, all three associations portray themselves as elites in their respective sphere. Being accepted into such an association means a personal achievement for the individual member and may translate into an enhanced social status within a criminal subculture or a larger subsection of society (Haller, 1992, p. 2; Lombardo, 1994, p. 300; Paoli, 2003a, p. 152).

The sense of belonging that comes with membership is amplified by initiation ceremonies and by secrecy, which are defining characteristics of secret societies including, first and foremost, the Italian mafia-type organizations and the Chinese triads. The rite of initiation and the shared secret of the inner workings of the association demarcate a world separate from and in opposition to the larger society (Paoli, 2003a, p. 18; Simmel, 1950, p. 359). At the same time, relationships within this separate world are modeled after structures from the larger society—namely, kinship ties. Criminal associations typically frame the relationships among members in quasi-familial terms as those between brothers, between younger brother and older brother, between nephew and uncle, or between son and father (Chu, 2000, p. 19; Hill, 2003, pp. 67–68). The underlying rationale appears to be that these artificial or ritual kinship ties create the most cohesive bonds possible and that as a result, members can rely on and trust each other, even though they may not know each other personally (Cressey, 1969, p. 159). This means that becoming a member of a criminal association can be expected to lead to a sudden increase in the number of criminally exploitable ties (Morselli, 2003).

Promotion of Trust

Associational structures promote bonds of trust in a variety of ways. Assuming that associational structures are characterized by a relatively high level of homogeneity, solidarity and trust may emerge from a sense of likeness (Paoli, 2003a, p. 52). The continuous interaction between criminals within associational structures can also be expected to generate trust, namely, through the formation of affectionate bonds and a growing sense of predictability of the others' behavior. Members of criminal associations such as mafia-type organizations typically spend considerable time socializing with other members (Arlacchi, 1993, p. 146; Ulrich, 2005, p. 78). The same is true for informal friendship networks of criminals such as those described by Adler (1985), with regard to drug traffickers, and by Ianni (1974), with regard to a variety of neighborhood-based networks of illegal entrepreneurs.

To the extent associational structures select members according to their worth as criminals, trust can be based on the rational expectation that these individuals have proven their reliability and trustworthiness. This expectation may not only be shared among members but also by outsiders. In these instances, trust is based on the assumption that the members of a particular associational structure can generally be trusted (Skarbek, 2014, p. 77; von Lampe & Johansen, 2004b, p. 170).

Linked to their role in facilitating communication between criminals (see below), associational structures can also play an important role in spreading information about the trustworthiness of individual criminals. Desroches (2005, pp. 127–131), for example, reports on how drug dealers exchange information about potential customers and business partners through what he calls “information networks” that connect members of the drug scene. Another example is provided in the memoirs of London underworld figure Ron Kray. He once met with a member of the New York Cosa Nostra to discuss joint ventures. Before the negotiations could start, the New York mafioso called the boss of the Philadelphia branch of Cosa Nostra, who was known to be familiar with the London underworld, to verify that Kray was indeed the kind of gangster he claimed to be (Kray & Kray, 1989, p. 50).

Communication

An associational structure can provide a forum for the relatively safe communication between criminals to the extent that members can have confidence in the reticence of the other members. This is a matter of mutual trust and of the adherence to and enforcement of a code of conduct that emphasizes secrecy (see below). By facilitating communication, associational structures play an important role in two respects. First, they support the illegal entrepreneurial activities of their members, and second, they contribute to the strengthening of a criminal ideology (see Quinn & Koch, 2003, pp. 287–288).

Members of associational structures can be said to possess privileged communication channels for sharing information relevant for the successful commission of crimes. This includes, as indicated, information about potential co-offenders but also information about, for example, opportunities for crime, know-how for carrying out criminal endeavors, and information on how to elude law enforcement. Chapter 5 provided an example with the groups of pedophiles who regularly meet behind closed doors to share their experiences gained from approaching and abusing children.

The communication between criminals within associational structures will also strengthen, directly or indirectly, a positive self-image and an ideology that justifies or even glorifies criminal activities and a life-style of crime. This is what investigative Journalist Manfred Karremann (2007) observed in his investigation of pedophile networks. The promotion of a deviant ideology can be assumed to neutralize feelings of guilt (Sykes & Matza, 1957) and, along with peer pressure and pressure exerted in hierarchically organized associations of criminals, the promotion of deviant norms and values will tend to increase the willingness of individuals to commit crimes, be they on behalf of the criminal association, for example, meting out punishment, or for personal profit (see Quinn & Koch, 2003, pp. 287–288).

Mutual Aid and Mutual Protection

By virtue of the bonds they create and foster and of the rules they establish and enforce, associational structures tend to promote solidarity and mutual aid

among their members. In the case of mafia-type associations, according to Letizia Paoli, who draws on sociologist Max Weber and anthropologist Marshall Sahlins, the initiation ceremony marks a “status contract” and a “contract of fraternization” that subject members to a “regime of generalized reciprocity.” Members are obliged to help other members “with no expectation of short-term rewards” (Paoli, 2003a, p. 17). In less formalized structures similar expectations may exist, although they may not be as extensive.

Various forms of mutual aid and support can be observed among members of associational structures of criminals, and criminals can benefit from this aid and support in different contexts. This does not mean, however, that belonging to an associational structure translates into an obligation to participate in or support particular criminal endeavors. Associational structures, it seems, merely provide a framework for the voluntary formation of entrepreneurial structures. Members of associational structures, even mafia-type associations, are generally free in their choice of co-offenders: “They are in no way obliged to select their partners from within the mafia community” (Paoli, 2003a, p. 5; see also Chu, 2000, p. 87).

Mutual aid and solidarity primarily come into play in the protection against law enforcement and against other criminals (Paoli, 2003a, p. 81). Protection against law enforcement can take on different forms. This includes, for example, the corruption of law enforcement officials, the intimidation of witnesses, support for fugitive and incarcerated criminals and their families, and financial aid to cover legal costs. Aid may be provided directly by one individual criminal to another or in an organized way where the associational structure constitutes a framework for the pooling of resources. It needs to be stressed that not all criminal associations actually provide these services. For example, in the case of the American Cosa Nostra, a study found that “there is little evidence that spouses and families of organized crime members or associates are taken care of in any systematic way if husbands are imprisoned” (Edelhertz & Overcast, 1993, p. 135). At the same time, mutual support does not require a formal organization. Informal networks, such as friendship groups or entire underworld milieus, may serve a similar function by raising funds on an ad hoc basis (Fordham, 1972, p. 115; Kerner, 1973, p. 214).

In some cases, financial aid is institutionalized in the form of a communal fund to which members and sometimes also nonmembers have to contribute—for example, through entry fees and regular membership dues or on special occasions. The example of the Vory v Zakone has already been presented where a communal fund, the *obshtchak*, is a central element of the organization. Other criminal associations have likewise created centralized funds. This includes the ‘Ndrangheta and the Catania family of the Sicilian Mafia, and historically, other Sicilian Mafia families and certain families of the American Cosa Nostra (Paoli, 2003a, pp. 48, 86; Anderson, 1979, p. 35). Also worth mentioning in this respect are outlaw motorcycle clubs and the German Ringvereine of the 1890s through 1930s. The Ringvereine were explicitly created as mutual aid societies of ex-convicts and eventually transformed into criminal associations (Hartmann & von Lampe, 2008). Commonly, it seems, centralized funds serve to provide aid on a case-by-case basis to individual members in need. In some instances, however, centralized funds are a means for continuously redistributing income

among members to the point that members receive regular salaries, which reportedly is true for most 'Ndrangheta families and some larger groups of the Sicilian Mafia (Paoli, 2003a, p. 85).

There are also cases where the corruption of public officials is a centralized function of a criminal association, for example, in the Cosa Nostra family of Philadelphia in the 1960s and 1970s (Anderson, 1979, p. 37; see also Paoli, 2003a, p. 86). In other Cosa Nostra families, any individual member with contacts to corrupt officials is expected to use this influence on behalf of other members (Cressey, 1969, p. 251; see also Iannuzzi, 1995, pp. 229–313).

Apart from support in coping with the threats and consequences of law enforcement, criminals who are part of an associational structure may receive aid in conflicts with other criminals. As has been pointed out before, criminals are vulnerable because they have no recourse to the protection provided by the legal system (see Chapter 5). By forming and joining associational structures, criminals can achieve strength in numbers in confrontations with predatory criminals as well as with disloyal partners in illegal business dealings.

Former mafia boss Joseph Bonanno, in his memoirs, gives an illustrative example of the principle that an attack against one is regarded as an attack against all. This example involves the family of another boss of the New York Cosa Nostra, Joe Profaci:

I remember an instance when robbers broke into the house of Joe Profaci's nephew and stole a safe containing jewelry and money. Profaci's men found out that the thieves, although Italian, were not associated in any way with the Families. An attempt was made to negotiate with the thieves for the return of the valuables. However, intermediaries reported that the robbers scoffed at the gesture and held themselves independent from the sanctions of our world. Thereafter, the identity of the thieves was passed on to all the Families in New York. It was each member's responsibility to take action if he spotted any of them. No incentive, monetary or otherwise, was offered to bring the thieves to justice. Justice was done. (Bonanno, 1983, p. 155)

Finally, mutual aid may extend to the private sphere. For example, members of outlaw motorcycle clubs are said to feel obliged to assist each other in conflicts irrespective of their nature and of who is at fault, starting with the most mundane barroom brawls (Barger, 2001, pp. 39–40; Queen, 2006, p. 195).

Codes of Conduct

The behavior of the members of illegal associational structures is guided by certain rules that, according to Letizia Paoli (2003, p. 120), may “constitute a separate legal order.” The setting of rules and the enforcement of rules, generally speaking, increase the predictability of individual behavior, thereby reducing the complexity that criminals face in interacting with other criminals (Haller, 1992). Some of the rules, which may be written or unwritten, are specific to a particular associational structure or subcultural context; some are widely shared and

represent something of a universal code of conduct for individuals associating under conditions of illegality. Various authors have pointed out how similar the rules are that govern, for example, the Sicilian Mafia, Chinese triads, and Japanese yakuza groups but also underground movements like the French Resistance during World War II (Chu, 2000, p. 3; Cressey, 1969, p. 171; Hill, 2003, p. 73). All of these groups, according to Donald Cressey (1969, p. 171), “stress (1) extreme loyalty to the organization and its governing elite, (2) honesty in relationships with members, (3) secrecy regarding the organization’s structure and activities, and (4) honorable behavior which sets members off as morally superior to those outsiders who would govern them.” These concerns protect, first of all, the existence of the associational structure as such, and where a hierarchical structure exists, they protect in particular the interests of the leadership. Directly or indirectly, however, rules also benefit the individual members and respond to the needs and interests that motivate individuals to become a part of an associational structure in the first place.

General Conduct Rules

The main purpose of some rules, it seems, is to define the associational structure as a separate entity with distinct qualities. The Vory v Zakone, the ‘Ndrangheta, and also some of the German Ringvereine forbade members to earn their income from legal employment (Hartmann & von Lampe, 2008, p. 112; Paoli, 2003a, p. 125; Serio, 2008, p. 152), which perhaps is the most extreme way of establishing and safeguarding the character of an association of criminals. Similarly, for members of illegal associational structures, it is usually forbidden to seek assistance from the government, especially in matters of security and justice. For example, in the Sicilian Mafia, according to turncoat Salvatore Contorno, “it is a fundamental rule for every man of honor never to report a theft or crime to the police” (as cited in Gambetta, 1993, p. 119; see also Paoli, 2003a, p. 109).

Numerous rules stipulate how members should behave in order to be honorable, and by implication, how they should strengthen and uphold the reputation of the associational structure they belong to (Decker et al., 1998, p. 408; Gambetta, 1993, p. 120). Some of these general conduct rules are context specific. In the case of Italian mafia-type associations, rules are closely linked to conservative norms and values centered on masculine honor and sexuality and family morality (Travaglino, Abrams, Randsley de Moura, & Russo, 2014). Mafiosi are expected “to lead an irreproachable family life” (Gambetta, 1993, p. 120; see also Paoli, 2003a, p. 74). Mafiosi are also required to “live an outwardly modest life” (Cressey, 1969, p. 216) and are supposed to “conceal their own importance, and to minimize any signs of their power” (Paoli, 2003a, p. 111). In the case of outlaw motorcycle gangs, fundamentally different general conduct rules apply that emphasize promiscuity and aggressive machoism as well as the obligation to ride a motorcycle regularly (Barker, 2007; Quinn & Koch, 2003).

There are other rules designed to ensure the continued existence especially of criminal associations. These rules pertain to the continuous participation of members in the activities of the association—for example, by paying regular

membership dues and attending regular meetings (Barger, 2001, p. 42; Hartmann & von Lampe, 2008, p. 117).

Code of Silence

Central to the sets of rules governing associational structures are norms intended to enhance security and to reduce the threat of outside interference, namely, from law enforcement. First and foremost, members are bound by rules of secrecy. A code of silence generally prohibits the sharing of information with outsiders. However, there are some significant variations. In one extreme, it is forbidden to acknowledge the very existence of the associational structure—for example, in the case of the Sicilian Mafia (Gambetta, 1993, p. 121; Paoli, 2003a, p. 108). In the other extreme, for example, in the case of officially chartered organizations such as outlaw motorcycle gangs and, historically, the German Ringvereine, their existence and also the identity of their membership is public knowledge and merely the inner workings of the association must be kept secret (Barker, 2007, p. 19; Hartmann & von Lampe, 2008, p. 118).

The code of silence overlaps with the prohibition of cooperation with the authorities. Criminals must not inform on other criminals. Journalistic accounts sometimes give the impression that this is something specific to the Sicilian and American Mafia and their code of omertà. Omertà is a concept that is linked to “the idea of a true man” in Sicilian culture. A man is supposed to protect his honor, his property, and his family through his own efforts (Hess, 1996, p. 109). In this respect, it is indeed somewhat specific to the Mafia. However, understood in a narrow sense, essentially prescribing silence and non-cooperation with the government (Paoli, 2003a, p. 109), it is a principle that is widely propagated in criminal circles, including underworld milieus and inside prisons and more broadly in marginalized segments of society (Albini, 1971, pp. 267–269; Cressey, 1969, p. 176; Ianni, 1974, pp. 306–307; Sutherland, 1937, p. 10; Taylor, 1984, p. 149). For example, London gangster Ron Kray, in his memoirs, speaks about “that old East End wall of silence, that code of conduct which says you never grass to the law” (Kray & Kray, 1989, p. 98).

Secrecy rules may be flanked by rules of behavior that minimize the risk of disclosing information. In the Sicilian Mafia, for example, members are obliged to exercise “stringent self-control and self-discipline” and must refrain “from getting drunk or using drugs” (Paoli, 2003a, p. 111). Likewise, mafiosi are forbidden to put in writing any information concerning the mafia group (Paoli, 2003a, p. 112). In a similar vein, in some associational structures the commission of certain crimes is prohibited, partly because they are deemed dishonorable, partly because they may attract increased law enforcement attention (Haller, 1992, p. 4). In the case of mafia-type associations, for example, more or less strictly enforced prohibitions have existed against direct involvement in drug trafficking and kidnapping for ransom (Anderson, 1979, p. 37; Haller, 1991, p. 6; Paoli, 2003a, p. 125) and against violence directed at law enforcement officials and ordinary citizens (Lombardo, 2013, p. 164).

The code of silence is a specific expression of a more general obligation of unequivocal loyalty toward the associational structure and its members. Another manifestation of this principle of loyalty is absolute obedience to the



Image 7.5 Members of the Bandidos outlaw motorcycle gang mourn the death of a comrade who had been shot in Sydney, Australia, in 2006. Bandidos rules promote cohesion, trust, and conflict avoidance: “You don’t lie. You don’t steal. This includes OL’ Ladies as well” (Barker, 2007, p. 172).

Photo: ASSOCIATED PRESS/Marius Becker/picture-alliance/dpa/AP Images

leadership in the case of hierarchically structured criminal associations, such as the Sicilian Mafia and Japanese yakuza groups (Cressey, 1969, 168; Hill, 2003, p. 72). A core function of the leadership is to settle disputes among members and to enforce internal discipline; in this context, obedience to the leadership may require using violence against close associates and also submitting oneself to punishment even if it means death (Pistone, 1989).

Obligations Toward Other Members

Apart from the rules that primarily protect associational structures as such, there are also some rules that protect first and foremost the interests of individual members. Two basic rules need to be mentioned here: the obligation toward mutual aid, which has been discussed in some detail already, and the obligation not to bring harm to other members. This latter principle is translated into a number of rules that apply to most if not all associational structures of criminals. A general rule prescribes honesty in dealings with other members. A mafioso, for example, must not lie to another mafioso. “The rule of truth,” Gambetta (1993, p. 122) explains, “is said to be even more important than the notorious rule of silence.”

More specific rules address typical conflict scenarios and are designed to avoid or resolve disputes between members of an associational structure. A member is usually not allowed to physically assault another member (Abadinsky, 2013, p. 59; Hill, 2003, p. 72; Decker et al., 1998, p. 407), or in the case of the Hell's Angels, only according to rules that limit injuries: "Any fights between members will be STRICTLY one onto one, no rings are to be worn, no weapons to be used, no kicking when a guy is down" (as cited in Detroit, 2012, p. 234). Personal property also must be respected (Decker et al., 1998, p. 407). Likewise, a member is not allowed to get involved with the wife or girlfriend of another member (Barker, 2007, p. 48; Chu, 2000, p. 3; Hill, 2003, p. 73; Skarbek, 2014, p. 118). There is also commonly an obligation to respect (and further) the business interests of individual members and not to enter into direct competition with each other (Anderson, 1979, p. 71; Edelhertz & Overcast, 1993, p. 113; Haller, 1991, pp. 6–7; Sutherland, 1937, p. 12).

Persistence and Change of the Code of Conduct

It seems that within most illegal associational structures there are no formalized procedures for establishing and changing rules of behavior. There is usually no separate legislative branch and decisions may be made by the leadership or by the membership as a whole. In many cases, rules are merely implicitly adopted from the surrounding social context, for example, traditional norms from Sicilian culture in the case of the Sicilian Mafia (Paoli, 2003a) or "common sense" underworld rules in the case of street gangs (Decker et al., 1998, p. 407).

Although there seems to be some continuity in the normative system of illegal associational structures, there are numerous cases of the setting of new rules and the altering of existing rules for pragmatic reasons, typically in response to specific events or threats or in order to cope with the changing of broader social conditions. For example, in the Sicilian Mafia the rule forbidding mafiosi to report crimes to the police was altered by the *commissione* in the 1970s, so that cars could be reported stolen. The underlying rationale for this controversial amendment allegedly was the concern that members would otherwise be in danger of being held accountable for crimes committed with the use of the stolen vehicle (Gambetta, 1993, p. 120; Paoli, 2003a, p. 125). The Vory v Zakone softened their prohibition of legitimate work within the prison system in response to increased pressure from the prison administration. New rules that were adopted after fierce debate, permitted *vory* to take on certain tasks "in case of extreme need" (Serio, 2008, p. 153). The Hell's Angels dropped the rule that members may not commit "drug burns," ripping-off drug dealers, because this rule was used by prosecutors to argue that the Hell's Angels were involved in drug dealing (Barger, 2001, pp. 46–47). This kind of flexibility in the normative system is also observable in the enforcement of behavioral codes.

Enforcement of Rules

The rules that guide the behavior within associational structures can be enforced in different ways. In their most developed forms, associational structures—for example, the Sicilian and the American Cosa Nostra, have an

established quasi-judicial system for responding to rule violations with formalized responsibilities and regulations for the adjudication process (Cressey, 1969, pp. 207–211). In less developed associational structures, for example, friendship networks, responses to rule violations are more informal, involving members on an ad hoc basis.

Irrespective of the degree to which the enforcement of rules is institutionalized within an associational structure, four types of norms need to be distinguished with regard to the way in which they are enforced: customs, conventions, norms enforced by reprisal, and laws. Some norms are followed merely out of tradition, and deviations from these customs have no consequences. At the same time, adhering to these norms, “being old school,” may enhance the status of an individual. Some norms, Max Weber (1968, p. 34) has called them “conventions,” are enforced through reactions of disapproval. Then there are norms that are enforced through reprisal by an injured party in accordance with rules that allow for or even mandate revenge. In the Sicilian Mafia as well as in the ‘Ndrangheta, for example, “the punishment for some rule violations is, according to the code of honor, directly entrusted to the aggrieved individuals” (Paoli, 2003a, p. 127; see also Bonanno, 1983, p. 154), although in an effort to reduce internal feuds, these rights and obligations have been limited in recent years (Paolia, 2003, p. 128). Finally, there are norms that are protected by individuals designated to enforce these norms according to a set of procedural rules. In these cases, Weber (1968, p. 34) speaks of “laws.”

The responsibility for the enforcement of rules may fall to various individuals and collectives. In the case of mafia-type associations, for example, depending on the nature and gravity of wrongdoing, individual ranking members, representatives of different branches of the organization, or the commission as an overarching body can be involved (Cressey, 1969, pp. 207–211; Paoli, 2003a, p. 75). In other cases, for example the Vory v Zakone’s *skhodka* (meeting), judicial functions are exercised collectively by the membership (Varese, 2001, p. 157; see also Paolia, 2003, pp. 128–129).

Depending on whether the violated norms primarily protect the associational structure as a whole or the interests of individual members, the internal judicial system can take on the form of criminal justice or civil justice or a combination of both. Criminal justice means that punishment is meted out for a wrongdoing against common interests, while civil justice aims at the resolution of conflicts between two parties of equals. Typical punishments that associational structures use include fines, temporary suspension of membership, expulsion, humiliation, corporal punishment, and death (see, e.g., Paoli, 2003a, pp. 128–129). Typical outcomes of civil justice are orders to desist from an inappropriate action, to financially compensate a victim of wrongdoing, or to show gestures of reconciliation (Cressey, 1969, p. 210; see also Maas, 1997, pp. 172–173).

Rule Breaking and Arbitrary Adjudication

The fact that illegal associational structures are governed by codes of conduct and may even possess an institutionalized system of rule enforcement does not mean that members always adhere to the code of conduct and that the enforcement of rules occurs only in an altruistic way. Such a romanticized view would be misguided.

Rule violations appear to be widespread—for example, in the Sicilian Mafia (see, e.g., Arlacchi, 1993). At the same time, the enforcement of rules often seems to be handled flexibly and selectively. Particularly valuable members may be spared punishment even for severe transgressions (Gambetta, 1993, pp. 120–121). Finally, it should be noted that the internal judicial system, where it is linked to specific individuals, may be abused. Cressey, for example, has argued that the entire code of honor of the Mafia, because it is unwritten, serves as an instrument of power in the hands of the bosses. The code of honor “can be said by the rulers to provide for whatever the rulers want, and to prohibit whatever the rulers do not want” (Cressey, 1969, p. 204).

DELINEATING ASSOCIATIONAL STRUCTURES FROM ENTREPRENEURIAL STRUCTURES AND FROM QUASI-GOVERNMENTAL STRUCTURES

Associational structures do not always appear in pure form. Sometimes there is an overlap with entrepreneurial structures, respectively with quasi-governmental structures, or both. It may be that an associational structure is at the same time an entrepreneurial structure. This would be the case when the members of an associational structure jointly engage in criminal activity. However, this seems to be an exception rather than the rule because it is unlikely that the position occupied by a member in relation to the other members is identical irrespective of whether the group engages in social or in economic activities (see Morselli, 2009a; Tenti & Morselli, 2014). The greatest approximation to an overlap of associational and entrepreneurial structures can perhaps be seen in “corporate street gangs” (Levitt and Venkatesh, 2000; see also Venkatesh, 2008), where features of mutual protection societies coincide with features of drug dealing organizations. For example, those higher in the gang hierarchy may provide lower-level members with drugs (Densley, 2012, 2014). The often made claim, however, that street gangs function as business enterprises, should be met with caution, as this claim may well be a misconception resulting from a failure to distinguish between what members do and what the gang as an organizational entity does. Decker, Bynum, and Weisel (1998), for example, note that in their interview-based study of four street gangs in the United States, there was a great disparity between general statements by gang members “that their gang organizes drug sales (between 63 percent and 80 percent)” and the responses to specific questions that revealed that members sold drugs independently. As Decker et al. (1998, p. 412) explain, “gangs play a role in these sales, largely through contacts that exist within the gang and in cliques or sub-groups of friends in the gang,” and the degree of organization “is primitive at best, and at worst non-existent.” Likewise, James Densley concludes from interviews with members of several street gangs in London, England, that even though drugs are supplied through the internal gang hierarchy, “drug sales are fundamentally an individual or small-group activity, not coordinated by the collective gang. The gang instead provides the reputational and criminogenic resources to sustain the enterprise” (Densley, 2014, p. 533).

What may distinguish the case of street gangs from that of other criminal associations is that street gang members, especially lower-ranking members, are less likely to cooperate with outsiders in profit-making criminal activities given the divisive nature of gang affiliations in gang-dominated areas. It may be for this reason that illegal enterprises appear to be encapsulated within street gangs.

Rather than hybrids of criminal associations and illegal enterprises, it seems more likely to see an overlap between associational and quasi-governmental structures (see Chapter 8). For example, in the case of the Sicilian and the American Cosa Nostra, the internal governance function is extended to nonmembers who operate in the territory controlled by a given Mafia family (Gambetta, 1993). Under these circumstances, associational and quasi-governmental structures merge into one pyramidal edifice. Protection and conflict-resolution services are provided to the respective lower levels, from the mafia boss down, all the way through the senior, mid-level and lower ranks within the mafia hierarchy to protected, that is, connected nonmembers (associates). In the opposite direction, tribute payments are passed upwards through the mafia hierarchy. These payments are often fixed percentages of the illicit income of the respective next lower level. For example, a mafia associate who runs a gambling casino might give a 50 percent share of his profits to the mafia member he is associated with. This mafia member, in turn, will pass on part of this sum, along with a share of the profits from other illicit activities, to the person above him in the mafia hierarchy. This ranking member likewise will share a percentage of the money with his respective superior, and so on, depending on the number of hierarchical levels in a given mafia association (Pistone, 1989, p. 78). The pattern of overlapping associational and quasi-governmental structures is by no means unique to the Cosa Nostra organizations in Italy and the United States. It can also be observed in other criminal associations, for example, Japanese yakuza groups (Hill, 2003, p. 90).

The overlap of mafia-type criminal fraternities and underworld governments should not come as a surprise because the structure of the organization, a hierarchy with centralized authority, is compatible with both functions (associational and quasi governmental). An overlap of different functions may also occur where within an associational structure a parallel structure exists that is more entrepreneurial in nature. For example, in the case of the German Ringvereine, reportedly an inner circle existed parallel to the official executive committee of each club. The inner circle consisted of the most outstanding criminals who directed the illegal side of club business, such as the planning of crimes, the retaliation against delinquent members and outsiders, and the distribution of loot (Hartmann & von Lampe, 2008, p. 118). In any case, the challenge for researchers and crime analysts is to discern the exact nature of the relations that link a given set of criminals and to avoid premature judgments and oversimplifications.

ASSOCIATIONAL STRUCTURES: SUMMARY AND CONCLUSION

This chapter has examined associational structures of criminals. Following the presentation of four case studies (Sicilian Mafia, Hong Kong triads, Vory v Zakone, Hell's Angels), similarities and differences have been discussed across

the broad range of associational structures that can be found in different countries and in different historical periods.

Associational structures have in common that they serve social functions rather than economic or quasi-governmental functions. Associational structures foster bonds of trust between criminals and provide status, and they constitute a forum for relatively safe communication, thereby facilitating the dissemination of crime-relevant information and promoting deviant norms and values. They promote mutual aid and mutual protection against law enforcement and against predatory or competing criminals. Finally, by setting and enforcing conduct rules, they create a fairly predictable social environment for their members.

Associational structures vary with regard to the degree of formalization, the level of secrecy, and the legal status. Some associational structures, such as friendship networks of criminals, have a low degree of formalization, whereas in the other extreme, there are highly formalized organizations, such as mafia-type associations and those organizations with a legal status, such as outlaw motorcycle clubs that, in addition to being highly formalized, are also highly visible to the general public.

Discussion Questions

1. Does it make a difference whether an individual criminal keeps to him- or herself or is part of a criminal association?
2. Does it make a difference whether or not a criminal association uses elaborate initiation ceremonies?
3. Does it make a difference if a criminal association is organized as a secret society, such as a Chinese triad, or as a legally registered organization, where members are publicly recognizable as such through openly worn symbols, such as in the case of an outlaw motorcycle club?

Research Projects

1. Collect information on a street gang and determine to what extent it is an associational structure.
2. Analyze the autobiography of an organized criminal with a view to the importance of associational structures.
3. Analyze a case of white-collar crime with a view to the existence and importance of associational structures of business criminals.

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