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The many shades of grey in urban governance: how illegality shapes urban planning, policy and development

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Abstract

Most research on urban planning, policy and development only considers legal practices and actors, and treats illegal ones as insignificant anomalies, unable to structurally affect the governance of urban space. However, this approach is inadequate for explaining urban governance in contexts (e.g., several countries in the Global South, the former Soviet bloc and Southern Europe) where illegal practices such as corruption and organized crime infiltration are widespread in many public and economic sectors. This paper addresses the role of illegal actors and practices in urban governance in the Italian context, using urban regime theory as the theoretical frame of reference. The research centres on the analysis of two case studies in the city of Rome (the In-between world investigation of a criminal network that had infiltrated the local administration and shaped several urban policies, and the investigation of episodes of corruption related to the project for the new A.S. Roma soccer stadium). It shows the existence of two shades of 'grey urban governance': firstly, the presence of a dark urban regime, centred on a criminal organisation and parallel to the 'regular' one; secondly, the use of corruption as a customary practice with which real estate entrepreneurs influence municipal decisions. Overall, this research contributes to moving away from a rhetoric of 'gentlemanly' urban capitalism and politics, and suggests the need to revise several aspects of urban regime theory – as well as other approaches to urban governance dynamics in general – in order to incorporate the role of illegal actors and practices.

1. Introduction: neglecting the many shades of grey in urban governance

News stories and judicial investigations often report illegal practices such as corruption, patronage or organized crime infiltration in the fields of urban planning, policy and development in many cities across the world. Nonetheless, such illegal practices have seldom been investigated by scholarly research with reference to the *city scale* and to their *specific urban aspects* (Hall, 2013). One of the consequences of such a research gap is that reflections on the illegal have only marginally influenced the analysis of urban politics, so that an 'ideal' view of urban governance through ordinary (i.e., formal) regulation and decision-making still prevails (Le Galès, 2011).

The lack of research on the 'grey side' of urban questions becomes apparent when considering urban regime theory [URT], a political economy conceptualization that explores formal and informal networks of cooperation in city governance among public and private actors committed to influencing policies according to a shared development agenda (Stone, 1989 and 1993). Regardless of how informal the network is, in URT both private and public actors (and their practices) are always within the realm of legality. Indeed, like other theoretical approaches to urban governance, of which urban regimes can be seen as a component (Mossberger, 2009), URT fails to seriously consider the possibility of illegal practices and actors as a structural feature of its theoretical framework.

Considering only the legal side of urban governance can be appropriate when analysing contexts where illegal practices and actors in the public sector and economy are rare. However, it could be argued that such idyllic contexts are the exception rather than the rule. Indeed, in most countries of the 'Global South' and the former Soviet Bloc, illegal practices such as corruption or abuse of office are structural features in the public sphere (Transparency International, 2018). This is also the case in a number of European countries (European Parliament, 2016). Moreover, in several of these countries, including Italy, such illegal practices sometimes take place in a context characterized by a deeply-rooted presence of criminal organizations (Varese, 2011).

Against this backdrop, the paper analyses Rome as a case study to investigate the role of illegal practices and actors in shaping some aspects of urban governance. Two main shades of grey governance emerge. The darker shade is the existence of an illegal urban regime – centred around a criminal organization – parallel to the 'regular' one operating in Rome since the 1990s. The lighter shade of grey is the use of illegal practices (corruption in particular) as customary methods for some real estate entrepreneurs, who are a core component of the regular Roman regime, in order to influence various public decisions. By means of this empirical case, our study highlights the need to take into account the potential role of illegal practices and actors and to rethink some aspects of theories of urban governance accordingly. In doing so, it aims to engender a discussion that contributes primarily to the international debate on URT – and also, more generally, on urban governance dynamics.

The research reported was based on the analysis of the official court documents (e.g., court records, sentences and motivations) of two investigations, along with related public documents (e.g., planning documents, city council minutes, policy reports) and press releases. In this regard, it needs to be stressed that the hidden and potentially dangerous nature of the illegal practices analysed, as well as the contingent situation in

which the involved actors found themselves (defendants were in jail or still under trial, while prosecutors could not disclose information), prevented an investigation based on harvesting primary qualitative data, such as interviews. Moreover, the breadth and depth of official court documents would have made collecting primary qualitative data mostly redundant, as it would not have added any new information. Indeed, the thousands of pages of wiretaps, interrogations and reports provided an extremely detailed picture of the events that would otherwise have been impossible to reconstruct independently.

The paper is structured as follows: the next section outlines the current state of the research on illegal practices and actors in urban governance, as well as explaining our use of URT as a robust analytical framework for the Roman case; the following section investigates the case of the city of Rome, analysing two judicial investigations of urban projects and programmes at the municipal level. This serves as evidence to discuss, in the fourth section, the role of illegal practices and actors in urban governance from the perspective of regime theory. The last section draws conclusions as well as suggesting avenues for further research.

2. The illegal and the illicit in the city

2.1 Beyond a 'Positivist' View of Urban Governance

“Analysing a city requires focusing not just on governments but also understanding the illegal side of the city, the invisible activities, from undocumented immigrants in clandestine rooms to gangs controlling drug trafficking or private developers financing illegally political activities in order to build new developments. This is not just some dark side of the city which will disappear on the road to rational progress but an irreducible part of any city” (Borraz & Le Galès, 2010: 140; see also: Le Galès, 2011; Marques, 2011; Singerman, 2009). This illegal side of the city is multifaceted, and while some of its aspects have been extensively analysed by academic research (for example the role of informal settlements in the urban development of the ‘Global South’, that of informal activities in the urban economy, or that of irregular armed forces and violence in many urban areas), others have not. For instance, there is little investigation on the crucial role of corruption (Chiodelli, 2019a; Chiodelli & Moroni, 2015; Gardiner & Lyman, 1978) or organized crime (Chiodelli, 2019b; Gardiner, 1970; Weinstein, 2008) in shaping urban planning, policy and development. At the same time, while illegality has been widely analysed in reference to national government and governance – showing the ability of illegal practices and actors to deeply influence different spheres of public action in many circumstances¹ – such research has rarely concerned the specificity of urban governance (and government). As a result, as convincingly argued by Le Galès & Vitale (2013), the prevailing approach to urban governance is still dominated by a ‘positivist view’, which considers only legal practices and actors, and treats illegal ones as ‘insignificant anomalies’, unable to structurally affect the governance of urban space. Illegal phenomena are thus mostly relegated outside the main governance processes and are

¹ For a survey, see the many good handbooks published in the last decade, including Heywood (2014); Paoli (2014); Rose-Ackerman (2007).

mostly framed as the result of policy failure, neglect or absence – that is, situations in which the government does not govern.

However, this positivistic view of urban governance is, in our opinion, deeply unsatisfactory. In fact, illegality can be a structural component of the ordinary functioning of urban governance as a result of processes that have institutionalized it (see, for instance, Allum 1973 on Naples). This is due to the intrinsic characteristics of urban governance. For example, illicit or illegal relationships between public and private actors are more likely to emerge at the municipal level because, compared to national politics, local politics is much more dependent on the interaction with resourceful societal actors (mainly the corporate sector) (Pierre & Peters, 2012). Moreover, local governments are responsible for activities that, by their very nature, provide strong incentives for illegal practices. This is the case of urban planning, where usually large economic returns are generated by highly discretionary public decisions with a low level of accountability, thus providing various stimuli for corruption (Chiodelli, 2019a; Chiodelli & Moroni, 2015). The limitations of current conceptualizations of urban governance emerge clearly when considering URT, since this approach to city governance highlights the existence of informal networks – sometimes identifying illicit customs – but hardly ever considers *illegal* actors and practices.

At this point, a terminological clarification is necessary. There is no agreement in the academic world on the differences between the terms ‘illicit’ and ‘illegal’, and on their precise definition. For the purpose of this analysis, we consider: (il)legal as referring to the relationship between a practice (or an actor) and the public regulatory system (that is, an act is illegal when it transgresses a specific law in force in a given context); (il)licit as referring mainly to moral judgment, customary practice and social acceptability (that is, an act is illicit when it is subject to social disapproval, regardless of whether it violates a law or not) (Abraham & van Schendel, 2005; Chiodelli et al., 2018). Moreover, in this paper we will use the term ‘informal’ to identify arrangements that, despite being legal, are not clearly codified and regulated transparently, and are sometimes also hidden.

2.2 Urban Regime Theory and the Illegal

Urban regime theory (Elkin, 1987; Stone, 1989 and 1993) is a theoretical tool for the analysis of some aspects of urban governance. Essentially, it postulates the potential existence in city governance of networks among public and private actors, which form governing coalitions in order to pursue a shared development agenda. An urban regime can be thus understood as a system of civic cooperation based on mutual self-interest. As such, URT can be seen as complementary to other approaches to the policy-making process – and in particular to theories on the role of coalitions and on policy change, such as the Advocacy Coalition Framework (Sabatier, 1988). The originality of URT rests on its emphasis on “the constellation of political and institutional forces that address a given problem, [thus providing] a backward mapping of governing arrangements” (May & Jochim, 2003, 447).²

²The Advocacy Coalition Framework emphasizes, among other things, the fundamental role of beliefs as drivers of political behaviour (Sabatier, 1998), whereas URT originally focused mainly on material incentives and a shared development agenda as constituting the ‘glue’ of the coalition. Further

In order to be considered an urban regime, a governing coalition needs to possess a number of key characteristics. First, collaboration is achieved not only through formal institutions and arrangements, but also through informal networks and practices. Second, since they aim to bridge the divide between public control of governmental authority and private control of economic resources, urban regimes need to be cross-sectoral and cross-institutional. Third, the participation of both business and public-sector actors is required – other types of actors (e.g., non-governmental and non-profit institutions) can also be part of the coalition, but their presence is not essential in order to have a regime. Fourth, regimes are relatively stable and long-lasting arrangements that can span a number of administrations; therefore, a change in political leadership does not imply a change of urban regime. Fifth, a regime has a distinctive (and rather long-lived) policy agenda, whose objectives are influenced by which actors take part in the coalition, the nature of their relationship and the resources they bring. Sixth, regime participants may not completely agree on beliefs and values, but selective incentives and the opportunity to achieve some of their aims produce the necessary consensus.

There are several motivations that drive actors to take part in coalitions. With reference to business actors, Logan & Molotch (1987) stress the importance of economic gains, which push local rentiers in particular – mostly property entrepreneurs concerned with maximizing their land rent – to join the coalition. This form of place-bound capital is seen as a key player in urban regimes – and, specifically, in growth coalitions (see Molotch, 1976) – exactly because it benefits from the urban development process and from local economic growth. Public actors, on the other hand, mostly seek an improved capacity to act, which can only be achieved through cooperation and consensus; these, in turn, can best be created and maintained by taking part in a coalition with different actors (Stone, 1993; Mossberger & Stoker, 2001). Other actors, notably NGOs and local communities, may enter coalitions to pursue objectives that would otherwise be overlooked, such as maintaining social cohesion or avoiding social exclusion (Le Galès, 1998). Regime participants use diverse strategies and modes of action to build or maintain a coalition. These strategies vary according to the nature of the actor and its position within the coalition (Jacquot & Vitale, 2014; Dür & Mateo, 2013) as well as in response to the actions and strategies of other, often competing, actors (Dür & Mateo, 2013). For example, business actors tend to use economic power to maintain their leading position, while others can leverage their ability to mobilize large electoral constituencies (D’Albergo & Moini, 2015).

In the decades of its existence, URT has been criticized on two main grounds. Firstly, it has been accused of neglecting structural factors such as the influence of higher political and institutional levels and the power relationship between the local and the global (Cox, 1993; McLeod & Goodwin, 1999; Ward, 1996). Secondly, issues of ethnocentrism and difficult comparative application have been raised, with URT criticized as an abstraction of US political economy, thus intrinsically unable to conceptualize urban governance dynamics in other parts of the world (Di Gaetano & Klemanski, 1993; Harding, 1991; Le Galès, 1995).

developments of URT stressed the importance of shared values and beliefs as well, particularly in certain types of regimes (see for instance DeLeon, 1992) and in certain politico-institutional systems (e.g. continental Europe).

However, while this criticism applies well to the earlier formulations of the theory, it is less convincing with regard to more recent approaches and understandings. Indeed, many scholars have expanded the focus of regime theory in order to include broader power relationships between the local and the global (see, for instance: Harding, 1994 and 1997; Stoker & Mossberger, 1994; Ward, 1996), thus effectively overcoming the localist character of earlier formulations and allowing the regime framework to reach a position of synthesis in the structure and agency debate (Cox, 1993; Ward, 1996) – also by incorporating other theoretical formulations, namely regulation theory (Lauria, 1997; Jessop, 1997; Jessop et al., 1999). With regards to ethnocentrism, it has to be noted that in recent decades the differences between the US and Europe have grown smaller (DiGaetano & Klemanski, 1993; Mossberger & Stoker, 2001). State capacity has been drained in the majority of Western countries, by both external forces and internal processes, so that, today, “there is little doubt that governing [...] is messy and complex, drawing in a multiple of actors – who exists at overlapping (and sometimes competing) geopolitical jurisdictions – into the policy cycle” (Matthews, 2012, 288). As a consequence, public-private agreements and interventions by the business sector are now necessary to achieve any major urban project and policy, and increasingly also some of the minor ones (DiGaetano & Strom, 2003; Pierre, 2014).

Therefore, despite URT being a relatively old, often misused and criticized theoretical approach, we believe it still is an extremely useful analytical tool. Its emphasis on the interdependence of governmental and non-governmental forces and their informal cooperation is especially relevant to understanding how urban space is currently shaped and managed in many European cities and how multiple actors and layers (economic, social, political, but also ideological and discursive) are mobilized at the same time. Moreover, URT fits particularly well with the features of some Italian cities, since the major regulatory, institutional, political and economic changes that occurred in Italy between the late 1980s and the 2000s created the conditions for the development of urban regimes. Indeed, the corruption scandals at the beginning of the 1990s (see Mani Pulite investigation; Barbacetto et al. 2003) and the end of the so-called First Republic effectively dismantled the traditional party system, while new reforms resulted in a greater importance of local governments, which increased their responsibilities and scope for action, as well as radically changing their financing and fiscal organization. Moreover, in the 1990s a new phase of neoliberalization began in Italy, marked by the privatization of state companies and the drastic reduction of redistributive policies. In these changed conditions, (new) urban regimes emerged in many Italian cities (Molotch & Vicari 1988; Vicari & Molotch 1990; Vitellio, 2009; Belligni & Ravazzi, 2012; D'Albergo & Moini, 2015; Anselmi & Vicari, 2019).

Despite its potentialities, URT – as well as other approaches to urban governance – provides an incomplete picture of the arena of forces shaping urban planning, policy and development. Indeed, it draws a picture of ‘gentlemanly urban capitalism and politics’: private and public actors taking part in the regime may be self-interested, but at least they always accept the rules of the game, thus obeying the law. Their coalition can be informal, and sometimes also hidden and non-transparent; in some instances, it might also be socially disapproved of and perceived as a rather unfair shortcut for influencing local policy and doing business. Nevertheless, such a coalition always

remains within the realm of legality. However, in the light of the spread of illegal practices and actors in many spheres of public life and the economy in many cities around the world, it appears unrealistic to assume that the illegal does not play any role in the specific (and very profitable) field of urban governance and does not influence the composition and functioning of an urban regime.

2.3 The Roman Regime

In 2015 the sociologists Ernesto d'Albergo and Giulio Moini advanced the thesis that between 1993 and 2013 an urban regime could be found operating in the city of Rome [hereafter: the regular Roman urban regime]. According to them, the governance model of Rome has been based on urban development as the main 'object of exchange' between local politics and business, thus making it a development regime, if not an outright growth machine (Toscano, 2009). Indeed, for at least twenty years Rome has been governed by a coalition of public-private actors that promoted a consistent agenda despite the change in political leadership. The business and corporate side of the coalition was composed mainly by rentiers, land developers, real estate entrepreneurs, construction sector companies and bankers. Public actors – such as members of the Municipality, the Region, the Chamber of Commerce, but also of the national government – played a prominent role in the coalition, together with the Vatican hierarchy (D'Albergo & Moini, 2015).

The creation of this regime was related to the evolution in a 'neoliberal direction' of the historical dominance of specific business sectors that rely on land rent (ibid.). Indeed, Rome has never been an industrial city; rather, a major role was played by the so-called second circuit of capital (Harvey, 1985). This neoliberal turn centred around the privatisation of important public utilities and services and the promotion of Rome as an entrepreneurial city (Toscano, 2009). These two streams complemented the pivotal role of urban development, which was characterized by two trajectories. On one hand, large events (e.g., 2000 Jubilee and 2009 World Swimming Championship), together with the promotion of a catchy cultural agenda, were used as catalysts for infrastructural and residential development (Cremaschi, 2010). On the other hand, 'ordinary' urban development in the outskirts of the city was promoted ostensibly in order to provide services to the neglected peripheral areas, but often resulted in mere property speculation and the creation of dormitory neighbourhoods (Erbani, 2013; Sina, 2013). Speculation on residential development has been made particularly easy by the fact that public land ownership is extremely rare in Rome, thus giving large private landowners huge bargaining power (Erbani, 2013). This is partly due to the specific features of the Italian planning system, in which development rights are tied to single land plots and, once attributed by public authorities through a land use plan, cannot be taken away (for a more detailed explanation see Scattoni & Falco, 2012). The power of the property bloc to influence public decisions is so great in Rome that masterplans and planning regulations in the city have often been interpreted as primarily a sort of formalization of informal agreements between the municipal authority and large landowners and developers (Insolera, 2011; Berdini, 2000; Tocci, 2009). Indeed, the neoliberal turn of the 1990s legitimized the role played by property interests in urban development decision-making by officially introducing "negotiated planning", a form of

planning based on the negotiation of regulations and development projects between public authorities and private actors (Berdini, 2000; Scattoni & Falco, 2012).

All these policies systematically favoured highly place-dependent capital. Indeed, although the municipal policy agenda was extremely varied, the majority of these interventions perpetuated the interests of the hegemonic block of Roman property entrepreneurs and rentiers, using land and property as the major resource (and the major stake) in power relations (D'Albergo & Moini, 2015).

D'Albergo and Moini's theorization of the role of URT in explaining the governance dynamics of Rome in the past decades is robust and convincing. However, illegal actors and practices are missing from their account. They do discuss the 'collusive character' (ibid.) of the Roman regime – meaning that in many cases illicit practices (i.e., socially stigmatized ones) are in place (such as private entrepreneurs establishing strong personal ties with policy makers), which are, nonetheless, legal. However, although the authors seem aware of a need to consider them further, they never mention criminal actors; and illegal practices do not play an important role in the framework of the Roman urban regime. This conflicts with some resounding cases of illegal practices discovered in recent years by the judiciary with reference to the urban planning and policy sphere, and with the widespread perception that illegality is an entrenched component of urban development in Rome (Berdini & Nalbone, 2011; Berdini, 2018). By failing to consider the role of illegal actors and practices, we run the risk of painting a very partial picture. It is this gap that the current paper addresses, in order to contribute to providing a more accurate depiction of (Rome's) urban governance.

3. Urban governance and illegality in Rome: actors and practices

The Municipality of Rome has been the object of several judicial investigations in the last years. Two of these inquiries are particularly significant for this research. The first one is the investigation called *Mondo di Mezzo* ['In-between world'] (Tribunale di Roma, 2015a, 2015b, 2017a), regarding corruption and criminal infiltration in public agencies and municipal departments dealing with various urban policies. The second investigation is called *Nuovo stadio della Roma* [New A.S. Roma stadium] (Tribunale di Roma, 2017b) and it deals with corruption in one of the largest urban projects of the last decade, that of the new stadium for the A.S. Roma soccer team. Overall, these investigations spanned over 10 years, a time-frame in which the city has been governed by three separate municipal councils, radically different in terms of people and political leanings. These two investigations highlighting the existence of at least two different shades of grey urban governance. One darker shade is a parallel regime run by a criminal organization; the other, somewhat lighter, consists of ordinary actors in the regular regime engaging in illegal practices to influence public decisions.

3.1 The 'In-between World' Investigation: Corruption and Urban Policy in the 'Old Rome' (2008-2015)

In December 2014 the national press was swarming with news of the first arrests from the 'In-between world' inquiry (for an English overview, see Sergi, 2015). The

investigation revealed the existence in Rome of a criminal organization called *Mafia Capitale* [Capital Mafia]³ by the judges, which was able to consistently and profoundly affect the functioning of the city's governance apparatus. In particular, *Mafia Capitale* was able to influence important public agencies and also several sectors of the public administration in charge of different kinds of urban policies, including immigration, housing, public works and social services.

3.1.1 *Mafia Capitale: people, interests and modus operandi*

Two people were in charge of *Mafia Capitale*. The first one was Massimo Carminati, the so-called 'criminal soul' of the organization. He was one of the leading figures of the neo-fascist terrorist scene in 1970s Italy (Dondi, 2015), and also part of the Roman mob. The second person was Salvatore Buzzi, the so-called 'business soul' of the organization. He established and managed a number of social cooperatives in Rome, with total revenues of about 60 million Euros in 2012 (Tribunale di Roma, 2015a: 607). Social cooperatives in Italy manage several kinds of activities on behalf of public administrations, often in the field of welfare services (e.g., elderly and disability care and supporting socially disadvantaged people back into work). Cooperatives belonging to the Catholic world and to that of left-wing political parties are particularly powerful in Italy (Borzaga & Zandonai, 2009). Buzzi was part of this latter world and had considerable contacts among leading left-wing politicians.

Mafia Capitale made most of its profits by obtaining public contracts through Buzzi's cooperatives. His coops operated in multiple policy areas at the municipal level; among them are emergency housing solutions, the construction and management of Roma camps, the maintenance of public green space, parks and bike lanes, snow removal services and the management of refugee and migrant shelters and service. In addition to public procurement, *Mafia Capitale* profited from the private sector as well, for instance by providing services to firms in the construction sector (e.g., earth-moving, excavation, safety) (Tribunale di Roma, 2015a).

Two aspects of *Mafia Capitale* need to be highlighted. The first is that the main method used by the organization to influence public decisions to its advantage was a widespread, lasting and well-structured system of corruption. It was not the occasional bribe, but rather a structural action. As we will explain in the next section, several politicians and bureaucrats were on *Mafia Capitale's* payroll, receiving an actual monthly 'salary' of up to several thousand euros. This paints a picture of systemic and almost institutionalised corruption (della Porta & Vannucci, 2012), where key public officials were in the service of a criminal organization and the daily practices of several public departments were profoundly shaped and oriented by illegal practices. The second important aspect is that these corrupt practices did not only happen in the policy implementation phase (for example to win a specific public procurement contract). Rather, *Mafia Capitale* had the ability to deeply affect policy design as well. One example

³ Despite the name, the judgement in the first instance (July 2017) has denied the mafioso character of the criminal organization. The judgement in the second instance (September 2018) has instead overturned this, declaring *Mafia Capitale* a proper mafia-type organization. On the difference between organized crime and mafia-type organized crime, see Finckenauer (2005). For a discussion of the actual mafia character of *Mafia Capitale*, see Della Chiesa (2015) and Sergi (2019).

of this is that *Mafia Capitale* managed to influence the composition and allocation of the Municipal budget, which is one of the main decisions local government can make. In particular, the organization managed to obtain resources about 15 million Euros higher than initially budgeted for the sectors in which it carried out its activities (Tribunale di Roma, 2015a: 187, 898), with the idea of ‘capturing’ this money when it was allocated for specific activities and procurements. All of this reveals that the organization operated not only in the sphere of bureaucratic corruption, but also in that of political and legislative corruption, thus achieving an effective ‘multilevel governance’ of public activities (Vannucci, 2016). As the sentence indicates, *Mafia Capitale* has distorted the functioning of the entire municipal administration of Rome (Corte di Cassazione, 2015), so much so that the Rome’s Prefect has argued for the dissolution of the city council.

3.1.2 The ‘social capital’ of *Mafia Capitale*

Judges describe *Mafia Capitale* as “a virus that can infect healthy bodies, quickly and deeply infiltrating business and politics. [...] The ability to accumulate and use social capital, that is to manipulate and exploit social connections, is the key strength of the criminal organization” (Tribunale di Roma, 2015a: 888-889). Essentially, the main asset of *Mafia Capitale* was its extensive network of relations with both legal actors, such as businessmen, politicians and public officials, and illegal ones – although, according to Martone (2017), less than one third of *Mafia Capitale*’s network consisted of actual criminal actors.

The administrative-bureaucratic sphere and the political sphere at the municipal level were the two main areas of criminal infiltration. To get a sense of the extent of the phenomenon, consider that at least 101 people within the municipal administration – politicians and public officials – allegedly favoured the criminal activities of *Mafia Capitale* (Abbate, 2015).⁴

The political sphere. One of *Mafia Capitale*’s main objectives was to infiltrate the municipal political system in order to secure the favours of leading politicians. The most wanted were members of the Municipal Cabinet and of the Municipal Council with important roles in the administrative areas crucial to the organization’s business. As Buzzi himself declared: “the cooperative lives off politics. [...] I pay all of them. [...] I finance newspapers, I do advertising, I finance events, I pay for secretaries, I pay for dinners, I pay for billboards. I have a 20 thousand Euro dinner next Monday... now is the moment when you have to pay the most, because municipal elections are coming, otherwise you only pay them when they do something for you” (Tribunale di Roma, 2015a: 132). Relations with prominent politicians were crucial for *Mafia Capitale*. On one hand they guaranteed a high level of influence over political decisions during the policy design phase (e.g., the draft of the municipal budget for specific policy sectors). On the other hand, they were pivotal in order to condition the appointment of managers, executive officials and bureaucrats in important public agencies and municipal departments.

⁴ The entrepreneurial sphere was also within the scope of criminal infiltration. Indeed, *Mafia Capitale* was always in search of entrepreneurs willing to go into business with the organization (Tribunale di Roma, 2015a). Among those who did, building contractors and real estate developers were particularly valuable (Abbate & Lillo, 2015).

In this respect, the ability to survive radical political changes in the city's government was crucial for *Mafia Capitale*. Although already active during the Veltroni administration⁵, the organization consolidated its operating capability during right-wing Gianni Alemanno's term of office as mayor of Rome from 2008 to 2013. During those years *Mafia Capitale* had several prominent politicians at its service; among them there were the majority party whip in the City Council and the head of the Mayor's Office. This translated to "direct contact with mayor Alemanno and into conduct on his part that objectively favoured the criminal association" (Tribunale di Roma, 2015a: 142). For these latter reasons, Alemanno has been recently sentenced to six years in prison (Grignetti, 2019).

These consolidated relationships explain *Mafia Capitale's* concern over Alemanno's electoral defeat in 2013. As Buzzi stated: "If Alemanno had won we would have owned all of them already [...]. We would have had the cabinet member for public works, [...] the cabinet member for social services, and [the cabinet member] for green spaces" (Tribunale di Roma, 2017a: 1126). Instead, Alemanno was defeated by a center-left coalition led by Ignazio Marino, which held office until 2015. The new mayor was a man of perceived moral integrity, totally alien to Roman politics (he is a renowned surgeon working in the USA). Nonetheless, *Mafia Capitale's* network was so pervasive and effective that in a short time it managed to infiltrate even the new administration, so much so that only a few months after the elections Buzzi declared that six out of ten Municipal Cabinet members "belong to his team" (Tribunale di Roma, 2015a: 134). *Mafia Capitale* even recruited the Chairman of the new City Council and the head of the Mayor's Office. As the Court stated: "The political change of the administration [which] occurred in 2013 forced the criminal organization to adjust its strategies, to identify new potential partners within the Council, to reinforce and transform the existing relations with civil servants [...]. Such capacity for adaptation, and the rapidity with which new results have been achieved, highlights the stability of the organization as well as revealing the infiltration of the public administration as its main and essential objective" (Tribunale di Roma, 2015a: 729).

The administrative-bureaucratic sphere. The organization's control of technical and bureaucratic figures throughout the public administration – such as employees and managers of public agencies and municipal departments – is a crucial element of its strength. While politicians change continuously according to electoral results, public officials and civil servants remain in office for much longer, thus ensuring stability and continuity for *Mafia Capitale's* affairs. This is why the organization was deeply rooted in various municipal departments that played a key role in developing and implementing policies with regard to sectors in which *Mafia Capitale* carried out its activities. Corrupt senior officials and civil servants from these departments used various means – disclosing confidential information, diverting public funds, manipulating tenders and bids – in order to favour Buzzi's cooperatives (Tribunale di Roma, 2015a).

Alongside municipal departments, public companies were also targeted by *Mafia Capitale*. Two public agencies in particular were heavily infiltrated by it. The first is EUR S.p.A, an incorporated company controlled by the Municipality that manages the highly valuable real estate assets in the area of the 1942 Universal Exposition of Rome,

⁵ Walter Veltroni, a leading national politician, was the left-wing mayor of Rome between 2001 and 2008.

promoting large development projects and de facto governing a large portion of the Roman urban fabric, the EUR neighbourhood. To give an idea of the size of the enterprise, EUR S.p.A in 2007 had a capital of over 800 million Euros, a yearly revenue of 35 million Euros and 82 employees. The second public agency is AMA S.p.A, a huge incorporated company owned by the Municipality. It has around 7800 employees and a yearly revenue of several hundred million euros; its main task is to manage garbage collection and disposal in the city. Both AMA S.p.A and EUR S.p.A were, according to Vannucci (2016), de facto completely controlled by *Mafia Capitale* or, as Martone (2017) says, 'colonized'. Indeed, the organization paid a 'monthly salary' to the CEO of EUR S.p.A who could thus be considered an actual 'underling' of Carminati and Buzzi (Tribunale di Roma, 2015a). AMA S.p.A was also the object of a widespread corruption strategy, so systemic that *Mafia Capitale* was able to control the appointment of some members of the Board of Directors and of the Director General (Tribunale di Roma, 2015a), thus favouring its business activities – for instance, AMA S.p.A. contracted with Buzzi's cooperative to manage differentiated waste collection for two years, a contract worth 16 million Euros which Buzzi won in a rigged bid (Tribunale di Roma, 2015a).

3.2 The 'New A.S. Roma stadium' Investigation: Urban Development and Corruption in the 'New Rome' (2016-2019)

The 'In-between world' inquiry, together with other legal scandals – in the context of a larger crisis of traditional political parties in Italy – led to the Movimento 5 Stelle [5 Star Movement, abbreviated to M5S] winning the 2016 municipal elections in Rome with mayor Virginia Raggi. The M5S is a new populist and anti-establishment political party. Since it was founded in 2009 it has grown rapidly, basing its political programme in notions of honesty, fighting corruption and opposing political profligacy. In Rome, too, M5S's electoral success was largely based on ideas of renewal of the city's political class and of the fight against corruption and 'crookedness', after the scandals that engulfed previous administrations.

However, a recent judicial investigation into the new A.S. Roma stadium brings into question the effectiveness of the aforementioned moral renewal (Tribunale di Roma, 2017a). This corruption investigation is extremely relevant for our research because it concerns one of the largest and most important real estate projects of the past decade in Rome – the construction of a new stadium for the A.S. Roma soccer team. Moreover, despite the investigation focusing mainly on the corruption occurring in the case of the stadium, court records also explicitly mention other important urban projects: the urban renewal of the former *Fiera di Roma* [Roma Trade Fair], the regeneration of Ostia's waterfront and the construction of a new shopping mall. According to the tribunal, the corruption and illegal actions involved in the case of the new stadium "are not separate and isolated events, but [...] they can be seen as the expression of a well-oiled system" (Tribunale di Roma 2017a: 280). Hence, they seem to be a long-established practice not only of Eurnova S.p.A – the real estate group under investigation owned by Luca Parnasi – but also, very possibly, of some other real estate actors operating in Rome.

3.2.1 *The project for the new AS Roma Stadium*

In 2014 the AS Roma football club presented a project for a new stadium to the city council led by mayor Ignazio Marino. The whole project, estimated at approximately 2 billion Euros, would be financed by private capital from A.S. Roma and developed by the real estate group Eurnova S.p.A. As envisaged by the football club, the developer and the city council, the project should include, alongside the soccer stadium, several other urban interventions: a retail and food district, a public park and three high-rise towers designed by 'starchitect' Daniel Libeskind. In exchange for these profitable developments, the developer should realize several works of public interest, mostly infrastructure and mobility interventions. However, the project was strongly criticized because of its location – in an allegedly high hydro-geological risk area, which local residents would like to see transformed into a public park – and because of some of the project features – namely the three high-rise towers, whose landscape impact was deemed too high. Among the most vocal critics was the 5 Star Movement. In the end the Marino administration fell due to political imbalances and the stadium project remained stalled, still awaiting the green light.

With the new M5S administration in charge, in 2016 the project was revised (and not cancelled, as declared during the electoral campaign) and a new phase of negotiations between the Municipality and the developer opened up in order to define and approve the specific contents of the new project (D'Albergo et al., 2018). The judicial investigation concerns exactly this phase, from 2017 onwards. During this time the real estate developer had to face several obstacles that could seriously limit profit and even endanger the approval of the project. At the municipal level, a crucial negotiation process was taking place that would define the profit margins for the real estate group by establishing the exact outline of the project – in particular the ratio between private development and the public infrastructural interventions required in exchange for it. In order to obtain a favourable outcome for this negotiation process, the Parnasi group established clandestine and questionable relationships with a number of politicians and civil servants (among them an opposition councillor, a municipal officer and the M5S President of the City Council⁶). However, the key player in the whole story is Luca Lanzalone. Despite not holding any formal political position within the City Council, he was the informal envoy of Mayor Raggi in the stadium negotiations, as well as in other important urban development programmes.

Parnasi approached Lanzalone precisely because of this de facto power and found him ready to be of service, in exchange for a considerable amount of money (Tribunale di Roma, 2017a). Indeed, Lanzalone successfully interceded on Parnasi's behalf on multiple occasions during the stadium negotiation process and was subsequently involved by Parnasi in negotiations pertaining to other urban projects. Lanzalone's role in the stadium negotiations was that of a mediator between Parnasi's interests and the municipal representatives (mainly mayor Raggi, her deputy and the Cabinet Member for Urban Development) in order to smoothly overcome any possible obstacle to the approval of the project. Indeed, court records tell us that "Lanzalone took charge of the

⁶ The President of the City Council has been recently arrested for corruption. According to the judges, he has been bribed not only by Parnasi in relation to the stadium project, but also by other Roman real estate developers in order to support their development projects (Scarpa, 2019).

quick definition of the project and the smoothing of the process by elaborating proper strategies aimed at removing any existing or potential obstacle on the way of a profitable result” (Tribunale di Roma, 2017a: 197).

Thus, thanks to this network of clandestine relationships between Parnasi and municipal officers, the stadium project was authorised in a few months. Moreover, it was approved in a very profitable way for Eurnova S.p.A. Indeed, the new version of the project did see a reduction in the overall size of the development (for instance, the three high rises have been scrapped), but it also cut back on the previously required public infrastructural interventions to be realized and paid for by the private developer. As Caudo⁷ (2017) notes, “there is a 40% reduction in the overall building volume [...] while required public works see a reduction of over 60% [...]. This difference results in a higher profit for the developer [...] that can be estimated at over 30 million Euros”. Thus, Parnasi’s enthusiasm for the go-ahead to the new project is not surprising, seeing how his profit margin emerged unscathed because of the cancellation of most of the public interest works (Tribunale di Roma, 2017a). After obtaining the green light for the stadium development, the Parnasi group started a trade procedure to sell the project for over 200 million Euros instead of building it directly. Since the land it sits on was purchased for 42 million Euros a few years before, had the sale gone through, Parnasi would have stood to gain a large amount of money (Tribunale di Roma, 2017a).

4. Discussion: the role of the dark urban regime and corruption in urban governance – in Rome and beyond

The two investigations analysed above, together with some other judicial cases (see Bernardini, 2015; Colombo, 2016), show how pervasive illegal practices can be in public action in the Italian urban sphere, as well as exposing the key role often played by criminal actors. More precisely, two main shades of grey urban governance emerge. The first is the influence of criminal actors on urban governance through the creation of a parallel dark urban regime (see sub-section “The Dark Urban Regime”). The second is the widespread use of illegal practices (particularly corruption) to influence public decisions about urban policy and development (see sub-section “The Role of Corruption in Urban Governance”).

Against this backdrop, it becomes essential for any research on urban governance to focus not only on its bright side, but on its dark side as well – or, rather, on its different shades of grey. This applies certainly to Rome – but, possibly, to several other cities, in Italy and beyond. This hypothesis is supported by the observation that, despite some specificities of the case of Rome, at least two constitutive elements of its grey governance can be found in other contexts. The first element is the ordinary nature of non-public actors willing to be involved in illegal practices (e.g., regular real estate developers). This implies that the presence of organized crime is not a prerequisite for the emergence of illegal shades of urban governance – although when present it can

⁷ Giovanni Caudo is Professor of Urban Planning at the Roma Tre University of Rome. Between 2013 and 2015 he served as Cabinet Member for Urban Development in the Marino administration. In this role, he managed the first phase of the stadium project.

facilitate it as a sort of galvanizing factor (Chiodelli, 2019a). The second element is the fact that corruption is the main instrument used to shape grey urban governance – and, obviously, corruption is not an exclusive prerogative of Rome or Italy. It is against this backdrop that Rome does not seem to be an exception, but rather a ‘hyper-example’.

4.1 The Dark Urban Regime

The ‘In-between world’ inquiry testifies to the existence (at least until the arrests in 2014) of a dark urban regime, different from the regular Roman regime described by Moini and D’Albergo (2015). Indeed, *Mafia Capitale* can be seen not only as a ‘simple’ criminal organization, but also as an urban regime per se. All the key features of urban regimes can be found in relation to *Mafia Capitale*: the capacity to bridge the divide between public control of governmental authority and private control of economic resources; the participation of actors from different spheres (e.g., business, politics, public administration); its stability across several administrations; its political and ideological heterogeneity that does not prevent it from developing a coherent policy agenda. The definition of an urban regime as “an informal yet relatively stable group with access to institutional resources that enable it to have a sustained role in making governing decisions” (Stone, 1989: 4) fits perfectly with *Mafia Capitale*. Moreover, from an organisational and procedural point of view, *Mafia Capitale* resembles a modern business more than a traditional mafia organization (Della Chiesa, 2015). In fact, it is a lean and flexible organization centred around a small executive core and has a networked structure that changes according to needs and opportunities (Della Chiesa, 2015). Essentially, the distinctiveness of the dark urban regime of *Mafia Capitale* vis-à-vis the traditional features of an urban regime concerns mainly its composition – and the subsequent means available to the coalition: it includes people of a specific and explicit criminal nature, who can add intimidation and violence to the methods available to the regime.

It needs to be stressed that, as said, the dark urban regime is made up not only of criminal actors but also of practitioners in the legal world; thus, it is a relational space of opportunity for both types of players. Such deep and structural relations between the legal and the illegal sphere in the dark urban regime are clearly conveyed in one of Carminati’s wiretapped conversations: “It is the theory of the ‘in-between world’ [...] the living are above, the dead are below, and we are in-between. [...] There is a world in-between where everybody meets. [...] People from the ‘upper world’ have an interest in getting someone from the ‘under world’ to do something unspeakable for them, something no one else would do in the ‘upper world’. [...] The ‘in-between’ is where this happens, where everything merges.” (Tribunale di Roma, 2015a: 37). The upper world actors (e.g., politicians, civil servants, entrepreneurs, professionals) and under world actors (e.g., petty criminals) that inhabit the in-between world are those who share the ability and will to use the practices and opportunities of each other’s worlds (La Spina, 2016): the upper world has the possibility to carry out business by using under world practices; at the same time the under world is able to join the realm of legal businesses. In *Mafia Capitale*’s dark urban regime people from the upper and the under world have an equal footing, and they both take advantage of each other’s standing in their respective worlds (Vannucci, 2016). This matches ‘ordinary’ relations between mafia

actors and legal actors which have been explored with reference to economic sectors infiltrated by mafia-type criminal organizations (see the concept of 'grey area' in Sciarrone, 2011a and 2011b), where criminals are not necessarily the dominant actors around which the whole relation system revolves, in a sort of 'mafioso governance' (Sciarrone, 2011b).

Against this backdrop, two elements seem to be the main strengths of *Mafia Capitale*, and the key sources of its influence over public decisions. The first is the internal consistency of the organization, which is nourished by a robust network of binding connections between legal and illegal actors resulting in the hybridization of the legal and illegal worlds (Sciarrone & Storti, 2019). Such connections are built around significant material incentives (e.g., the possibility to have privileged access to sizable sources of profit linked to public policies), as well as around the intrinsic intimidatory power of some of its criminal members (Massimo Carminati in particular) – fostering both loyalty and membership. The second element is the relational skill of the organization, which allows *Mafia Capitale* to accumulate and exploit a huge social capital in different key spheres (mainly political and bureaucratic, but also entrepreneurial and criminal).

While the composition of the dark urban regime and its internal politics can be conceptualized as the main structural differences from a regular urban regime, in the specific case of Rome an additional element of distinction consists in its main areas of action: the regular Roman urban regime centres essentially on urban development as the main object of exchange between local politicians and business; *Mafia Capitale* instead operates in different sectors, for example waste collection and management of Roma and refugee camps. These sectors and urban development share one main characteristic: public decisions at the local level are pivotal for their operation.

4.2 The Role of Corruption in Urban Governance

The second shade of grey revealed by our analysis is the systematic use of illegal practices as means to influence public decisions in urban policy and development in Rome. Bribery, in particular, emerges as a key means, depicting a landscape of systemic corruption (della Porta & Vannucci, 2012): corruption is not occasional, but common in some public departments and fields, and it is characterized by a more or less stable configuration of rules and enforcing mechanisms, thus being always available as a tool for urban actors in their interaction with public agents (to the point that it is sometimes even expected).

Two kinds of corruption operate in the investigations under consideration: firstly, bribing public officials, who commit abuse of power in the form of malfeasance in office (this is mainly the case of the 'In-between world' inquiry); secondly, bribing officials to speed up or encourage their legitimate actions (this is mostly the case of the 'New A.S. Roma Stadium' inquiry). Despite this diversity, corruption emerges as the 'lowest common denominator' among all mentioned actors (i.e., criminals and legal actors in both the dark and the regular urban regime), and is embraced by all of them as a relevant instrument with which to secure profitable outcomes from public policies, as well as from private business depending on the decisions of local public actors (e.g., urban development projects). The case of the A.S. Roma soccer stadium is paradigmatic from

this point of view. This investigation exposes how corruption is clearly an “integration of the regular *modus operandi* of business management and is perceived as an essential strategy, necessary to achieve any project” (Tribunale di Roma, 2017b: 8) for ordinary entrepreneurs of the regular Roman regime. Indeed, Luca Parnasi is the ultimate example of a place-bound capitalist: he is a well-known Roman developer, part of a dynasty of developers; his father has been at the centre of Rome’s urban development since after the Second World War and has built several important neighbourhoods. As such, Parnasi embodies the typical rentier, a central component of the regular Roman regime whose business is closely dependent on municipal urban decisions. This is why, as stated in the court records, Parnasi’s usual behaviour consists of establishing opaque relations with important politicians and public officials ahead of any important urban development project, as a precondition for its success (Tribunale di Roma 2017a).

It is worth stressing that it is very likely that Parnasi is not the only Roman real estate developer to use these illegal practices. At the beginning of the ‘90s, the nationwide *Mani Pulite* [‘Clean Hands’] investigation uncovered a widespread use of corruption in the construction and real estate sector in Rome – within a context of systemic political corruption all around the country, at the national level as well as at the local one (Barbacetto et al., 2003). While there have been no resounding judicial cases regarding Roman real estate development after *Mani Pulite* (that is, in the past 25 years), there is a widespread perception in both academic and journalistic environments that urban development in Rome is still characterized by a high degree of illegal practices (Berdini & Nalbene, 2011; Sina, 2013) – in a local and national context where systemic corruption has neither disappeared nor been substantially weakened by *Mani Pulite* (Vannucci, 2009). Indeed, Parnasi himself declared that the use of illegal methods (e.g. corruption) has been the standard *modus operandi* not only in the stadium project, but for years (Tribunale di Roma, 2017a). It is thus possible to advance the hypothesis that corrupt practices in the real estate sector have been customary throughout recent decades and are still present today, although they have surfaced only occasionally at the judicial level.

5. Concluding remarks: grey governance beyond urban regime theory

By means of analysis of the two case studies of *Mafia Capitale* and of the new A.S. Roma stadium, this paper has shown how illegal practices and actors influence several aspects of urban governance in Rome. This analysis contributes to moving away from a ‘positivistic approach’ to urban issues and from a rhetoric of ‘gentlemanly’ urban capitalism and politics. More precisely, it suggests the need to revise URT in particular. Indeed, while we believe URT is an interesting lens through which to read urban governance in some of its most crucial aspects (May & Joachim, 2013), we are also firmly convinced that it is necessary to reconsider its application to the Roman case by carefully taking into account the key roles of illegal actors and practices, so that a more accurate depiction of urban governance in this Italian city can be provided. More in general, the overall conceptualization of urban regimes must be updated through the incorporation of the illegal. This has relevant theoretical implications for URT. It implies a change in the existing regime typologies (for a review, see Mossberg, 2009 and Imbroscio, 2011).

Indeed, a new regime type could be theorized: a dark regime, based on the presence – albeit not exclusive and not necessarily prevailing – of criminal actors able to use illegal practices to achieve their objectives. The creation and maintenance of such a dark regime is not devoted primarily to addressing policy problems in order to favour a development agenda, but rather – and more ambitiously – to establishing a long-lasting control and manipulation of certain public sectors and processes. The presence of criminal actors in the dark regime impacts on its internal functioning and relations, because they do not exclusively depend on the traditional use of selective material incentives (Mettler & Soss, 2004), but on intimidation and violence as well. This latter point implies that the overall conceptualization of the internal politics of urban regimes should be reconsidered. Traditionally, URT postulates voluntary participation in coalitions and cooperative interaction among regime actors as the driving forces in the functioning of a coalition. However, this could be deeply modified by the potentially violent modes of action of criminal actors, which could make participation in a regime not always voluntary (the withdrawal of an actor from the coalition may not be welcomed by the criminal component and therefore impeded by intimidation and violence) and interaction not always cooperative (but also coercive).

Although the main theoretical contribution of this paper has been in regard to URT, before concluding we want to stress how our work can open up further research paths in the more general fields of urban governance and public policy. To mention just one significant case, we believe that examining the Roman case through the lens of strategic action fields [SAF] theory (Fligstein & McAdam, 2012)⁸ is a fruitful research direction which may improve our understanding of illegal actors and practices in urban governance. SAF theory and the Roman case could interact fruitfully in two main directions. On the one hand, *Mafia Capitale* could be seen as a strategic action field itself and, as such, its analysis could strengthen our understanding of the complex interaction among the different actors of the field which guarantees its stability. Indeed, SAF theory states that all skilled social actors are in a position to shape field dynamics despite an asymmetry of power. Would this apply also in the presence of criminal actors? Or would they radically change the dynamics within the field, restricting the possibility of certain skilled actors to shape field dynamics, thus also modifying the ways in which the field maintains its stability?

On the other hand, corruption can be interpreted as a crucial proximate field⁹ with reference to several other fields related to urban governance. This is the case of the field of municipal policies on Roma people: as Maestri and Vitale (2017) argued, the stability of the field of corruption has crucially favoured the permanence of local policies on Roma camps, despite their being highly criticized and seen as dysfunctional from many viewpoints. Is this the case of urban development as well? Urban development in Rome is characterized by low competition and low innovation, resulting in a low-quality

⁸ SAF is a sociological theory of collective action developed in order to explain the relations between institutions and individuals. Fligstein and McAdam (2012) argue that strategic action fields are the fundamental units of society, that is social arenas in which individuals, groups and organizations struggle for gains and privileges. For a critical analysis of SAF, see Goldstone & Useem (2012).

⁹ According to Fligstein and McAdam (2012), all fields are embedded in complex webs of other fields of different kind. Among them are *proximate* fields, that is “strategic actions fields with recurring ties to, and whose action routinely affects, the field in question” (ibid., p. 18).

residential stock at very high prices. Our impression – to be corroborated by further empirical research – is that the permanence of these dysfunctional features may be explained by the stabilizing influx of a number of proximate fields, such as corruption and the Roman (regular and dark) urban regimes.

In light of these reflections, we believe it is necessary to deepen and broaden the analysis of different illegal aspects in Rome's urban governance using several theoretical approaches, as well as understanding whether similar dynamics can be found in other (Italian and not-Italian) cities.

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