



Everybody does it, or how illegality is socially constructed in a southern Italian food network^{*}



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ARTICLE INFO

Article history:

Received 30 November 2015

Received in revised form

22 April 2016

Accepted 22 April 2016

Keywords:

Institutional selection

Illegal institutions

Organized crime

Food networks

PDO products

ABSTRACT

The paper points out the institutional transition toward illegality in a typical Italian food chain. The key research questions concern the way illegality becomes an institution. The theoretical perspective makes reference to institutional theories: more precisely, building on Veblen's insight into the evolution of social institutions, the paper analyses the conventions of production within the domestic water buffalo mozzarella industry to argue that legality and illegality are not universal values, but social constructs that are the product of institutional selection. Through an empirical analysis carried out on the production area, the authors argue that the practices of production of mozzarella producers are based on the nature of the system of power in place locally, characterized by the endemic presence of organized crime, and the historical inefficiency and corruption of state officials. It emerges from these practices that, in this production area, producers perceive legal and illegal acts not as mutually exclusive opposites, but as a possible behaviour along the same legality/illegality continuum. The culture of illegality in place in the area of mozzarella production is thus explained as an ongoing process of institutional selection that promotes illegality as the “way of doing things” in the region.

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1. Introduction

This research focuses on the practices of production among water buffalo mozzarella producers in the southern Italian region of Campania. The research has emphasized how such practices often diverge from the official guidelines that regulate the production of this cheese. This is so because such guidelines impose limits to scale thereby inducing producers who want to increase production and expand their market geographically to operate illegally (i.e. in opposition to the official guidelines). How can producers operate illegally without incurring in sanctions, from controlling institutions such as Consortium or the State, necessitate further clarification. It is the argument of the paper, that the relative ease and safety with which buffalo mozzarella producers move from legality to illegality is the product of autonomous decisions,

reflexive and rational, in tune with the ways in which such terms are understood and metabolized in the larger socio-cultural system. A system, that is, shaped by the endemic presence of Camorra and by the historical corruption of State apparatuses that through time have contributed to blur the difference thereby making illegality a reasonable, acceptable and, at times, appropriate behavior. In such a patterned social arrangement it is only normal that producers, facing limits to expand production, select illegality as their *modus operandi*. In order to show how the mechanisms of selection operate in the everyday, the paper describes the practices of production in parallel with the official guidelines of production which becomes the catalyst of such selection.

The theoretical approach adopted in the paper builds on institutional economics whose core definition of institutions is “settled habits of thought common to the generality of men” (Veblen, 1909, 234). More recently, Hodgson (2004a, p. 655) defines institutions as “durable systems of established and embedded social rules that structures social interactions”. Moreover, “institutions have the capacity to mould and change individual dispositions and aspirations” (Hodgson, 2007b). Building on recent studies and Thorstein Veblen's research on the cultural mechanisms according to which communities have the capacity to “select” (i.e. discriminate) certain

^{*} We would like to dedicate this paper to the numerous honest water buffalo breeders and mozzarella producers whose work is at risk of vanishing due to illegal behaviour.

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institutions therefore behaviour, attitudes and other forms of social interaction and not others, this paper investigates the institutionalization of illegal behaviour in certain areas and communities in Campania, a region in Southern Italy where organized crime is endemic. One key research question is how illegality becomes the norm in the world of production. To explore this question, the research is focused on the practices of production of domestic water buffalo mozzarella, a typical product of the region and therefore appropriate for such an analysis. More specifically, the paper focuses on producers belonging to the Consorzio Tutela Mozzarella di Bufala Campana (Consortium of PDO buffalo mozzarella makers in Campania), whose aim is the protection of the production and commercialization of *Mozzarella di Bufala Campana DOP*, the defence of the denomination in Italy and abroad, the encouragement of continuous improvement in the mozzarella production methods, and the consequent qualitative improvement of its production.

The findings show that even if Consortium producers have a self-imposed, binding production code that forces them to operate within the legal system, many mozzarella producers routinely ignore it. The paper argues that ignoring the rule of law, even when self-imposed, is not limited to buffalo mozzarella producers, but is a social convention embedded in the culture of the territory:¹ it is an institution. Thus, in this paper, it is assumed that when the process of institutional selection takes place in areas with a high density of criminal activities, illegal ways of doing things may become the norm.

The paper is structured as follows. Following the introduction (section 1), section 2 reviews the relationship between illegality and legality in the literature: the aim is not to provide an exhaustive literature review, but to steer the discussion towards institutionalization of illegality and the role of institutional theories in explaining it. The review underlines the need to think of illegality as another form of cultural adaptation to the “ways of doing things” in the community, rather than simply as a deviation from the rule of law. Section 3 describes the Camorra-State nexus (e.g. the hegemonic system of power) that regulates and shapes the formation of institutions in Campania. Section 4 describes the methodological approach for analysing the convention of production in the buffalo mozzarella industry with the aim of showing the institutional adjustment towards the illegal side. Part 5 illustrates the findings, which are discussed in Section 6. Section 7 concludes.

2. Legality versus illegality in the economic literature: a summary review

This section does not intend to provide an exhaustive review, but rather a summary review of the literature on legality and illegality by focusing on how illegality may become an institutionalized behaviour, a norm, through processes of institutional selection.

Norms and taboos have always regulated and organized communal living, and people have always drawn a line between accepted and unaccepted behaviours.

With the birth of the state, accepted and unaccepted behaviours have been formally defined and placed in the appropriate page of penal justice systems. Where the modern state has acquired sovereign power over a determined territory and its subjects, legality and illegality have been understood from the perspective of the social structure and organization of the society.

The legality and illegality dichotomy have been further theorized in many ways over time: alien, external, overlapping, parallel,

intertwined and external to the state (Cressey, 1969; Cohen, 1977; Abadinsky, 1990).

Economics has followed a similar reasoning. Following Cesare Beccaria and Jeremy Bentham, rational choice theorists, for example, argue that illegal behaviour is the result of a calculated decision dependent on the chances of getting caught. Becker's economic analysis of illegality (Becker, 1968) supports the idea of explaining criminal behaviour through the rational choice model, according to which criminals are rational (Friedman, 1995). Here, the focus of the argument is not so much on social and cultural factors, but rather on the ability of the individual to weigh his or her options and then choose between working legally or illegally (Lyman and Potter, 2007). Implied in such a view, common to other theoretical branches of economics whereby markets operate on moral values (as well as hazards), is the dichotomy of legal and illegal markets, with the latter being outlawed partly because they represent a threat to the moral order of societies. According to Savona and Rey (1993), the limits of this approach emerge in cases of organized crime, where the rules of conduct are defined within specific social contexts (e.g. clans, criminal families).

Economic sociologists such as Beckert and Wehinger (2011) take a more sophisticated approach to illegal markets: the authors recognize the heterogeneity and the contradictory nature of illegal behaviours and, consequently, the difficulty to understand them as completely opposed and separate from legal behaviours (Beckert and Wehinger, 2011). Such a theoretical opening notwithstanding, the problem seems to be treated formally rather than substantially. In the authors' opinion, rather than being motivated by different mentalities, legal and illegal behaviours belong to the same cultural and/or institutional continuum whereby individuals can and do operate simultaneously in both ways. Indeed, the literature seems to ignore that economic behaviour is always “located” or embedded in territorialized systems of rules that may or may not necessarily operate along the legality/illegality dichotomy. It is therefore possible to consider that illegal behaviours are not a deviation from the rule of law, but rather another way of doing things in certain areas, indeed efficient from an economic point of view and assimilated into the cultural DNA of a population (Portes and Haller, 2005). This hypothesis will be demonstrated in this research by focusing on certain areas of Campania where buffalo mozzarella is produced.

Sociological theories of entrepreneurship focus on the social context as a factor in shaping entrepreneurial aptitudes (Simpeh, 2011). A significant part of this literature is devoted to illegality: recently, numerous studies have been published considering illegality from the perspective of the sociology of entrepreneurship, particularly in relation to illegal entrepreneurship and criminal entrepreneurship (McElwee and Smith, 2015). Smith and McElwee (2013, p. 5) define illegal entrepreneurship as “the process whereby entrepreneurs supply customers with illegal products and services; or legal services or products, using illegal means”. Empirical analyses carried out in rural areas show “the dark side of the rural idyll” (Somerville et al., 2015), by underlying a variety of typologies of illegal entrepreneurial activities, as depicted by McElwee et al. (2011).

Against this background, an interesting research question concerns the role of the social and territorial context in addressing the transition towards illegal entrepreneurial behaviours. Institutional theories may be of help: the institutional framework and processes of institutional adjustment have a major influence on entrepreneurship, as clearly underlined by North (1990) and as demonstrated by other empirical analyses (Dickinson, 2008). Therefore, a relevant research topic in the area of entrepreneurship concerns how the institutional context affects – promotes or inhibits – entrepreneurial attitudes (Veciana and Urban, 2008; Veciana,

¹ Here, our definition of conventions is taken from Young (1996, p. 1): “a pattern of behaviour that is customary, expected and self-enforcing”.

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