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The social injustice of white-collar criminal law

The Paper Gold of Decree 231

The law on corporate liability for criminal offences, and the market that has grown up around it. Introducing the new series.

Series "The Paper Gold of Decree 231" · Introduction · whitecollarcrimes.it · 20 July 2026 Download the PDF ↓

This series tells how things stand in one of the least watched and most lucrative corners of Italian law: Legislative Decree 231 of 2001, the law on corporate liability for criminal offences, and the market that has grown up around it.

This is how things stand. In twenty-five years Decree 231 has generated the richest business in Italian criminal law — dedicated practices in every large firm, thousands of remunerated supervisory bodies, organisational models sold for as much as tens of thousands of euros, master's courses, software, certifications in which Italy holds the world record — and, at the same time, almost no verifiable result. The case law that was meant to give the statute content has remained poor: a single textbook case, which lasted twenty years; two acquittals on the merits for suitability of the model in a quarter of a century; no standard telling companies, before rather than after, what it means to organise themselves well. Judges, public prosecutors and lawyers judge complex organisations without a culture of organisation, and for the most part improvise; in practice, the offence committed counts as proof that the model was not working, and the defence becomes a probatio diabolica, an impossible proof. The sanctions are so modest that the OECD calls them "inadequate to the purpose": an operating cost, not a deterrent. There is no public database of decisions; there is no official statistic; there is not, therefore, even the possibility of verifying whether the instrument is of any use. The result is a market that sells unmeasured prevention to buyers who pay out of fear, blessed by a body of legal scholarship that is often also the supplier of the service it theorises. Bureaucracy that does not touch corporate culture: paper compliance, gold for the consultants.

We say this without hypocrisy, and from a position the reader must know: the guarantor of these pages lived inside that world for thirty years, practised it at the highest levels and knows its fee scales from the inside. This is not cheap repentance: it is the reason we can describe the mechanism with precision, and the reason no one, in this story, will be let off lightly — not even the profession to which we belong.

The series is in four parts. The first — "What Is Decree 231?" — explains the law to those outside the trade: where it comes from, how the pact between State and business works, what it promised and what the case law has made of it. The second — "Paper Compliance, Gold for the Consultants" — measures the market and its two mirror-image opacities: no one knows how much it earns, no one knows whether it works. The third — "Is the Party Coming to an End?" — looks ahead: the reform under study at the Ministry, the artificial intelligence that already produces at zero cost what used to be sold at a high price, and a final question no one likes to ask: why, while Decree 231 was becoming an industry, was corporate criminology — the science that studies why organisations offend — disappearing in Italy? The suspicion that the second is the price of the first runs through the entire series.

The method is that of whitecollarcrimes: documented facts, verifiable sources listed at the end of each part, a declared distinction between data and assessments. Every report of errors or inaccuracies will be checked and, if founded, accepted and corrected, with an account given of the correction. We do not ask the reader to trust us: we ask the reader to verify.

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