

# ABSTRACT

In 2012, the volume of the Italian market of gambling amounted as high as 88.57 billion of euros, a figure six times higher than ten years ago. However, as a matter of fact, criminality and pathological gambling have expanded along with it, rendering the gambling market politically controversial.

Having experienced the severity of being close to someone suffering from pathological gambling, and given the enormous amount of recent contributions from different fields, I then decided to dedicate my final dissertation to this salient topic. This work aims in fact at analyzing and evaluating the panning of the gambling policies in Italy. In particular, it will demonstrate the inadequacy of the recent law on problematic gambling given the remarkable money interests involved.

In doing so, I will firstly reconstruct the empirical framework of the present research, providing a portrait of the Italian gambling system. Then, I will focus on the recent *decreto legge 13 Settembre 2012, n.158* (“*Disposizioni urgenti per promuovere lo sviluppo del Paese mediante un più alto livello di tutela della salute*”), better known as *decreto Balduzzi*, by which the ruler has tried to face the increasing phenomenon of pathological gambling, eventually dealing with the lack of regulatory provisions on the topic. Finally, the effects of this *decreto* will be examined and solutions to its possible weaknesses are given.

## Chapter I

### GAMBLING IN ITALY

What does gambling really is? What is the extension of such phenomenon in Italy? What its effects are? Through the first chapter I will answer to these basic questions thus furnishing a comprehensive view of the present case study.

In the first paragraph the terms of play, gambling and legal gambling are clarified. Play can be defined as an activity that is essentially free, circumscribed in space and time, uncertain, unproductive, governed by rules, and creative. Gambling is a form of play that is mostly or entirely based upon uncertainty and the risk of winning or losing money. Legal gambling is a rooted attitude of human societies to regulate and control the activities of betting and gambling. Historically, this attitude is confirmed by the Roman Empire, the Chinese Han Dynasty, the French Royal Dynasty, and many other civilizations.

As far as Italian legal gambling concerns, the second paragraph will depict it. According to the current Italian law, companies willing to access to the gambling market should prove an administrative concession granted by the *Amministrazione Autonoma dei Monopoli di Stato* (AAMS) and a police authorization for the sake of the public security. During the years, the regulations have been continuously modified, with the result that now the system is extremely branched (AAMS, concessionnaires, managers, producers, and operators). This apparatus is considered legitimate by the European Law, which acknowledged in many causes the possibility for the European States to restrict the access to this market, in order to ensure the public security (e.g. to prevent intrusions of criminal organizations). Despite the European principles related to the free movement of goods, capitals and services, such state interference in the marketplace is allowed. In fact, in many occasions the European Court has acknowledged the possibility for the European States to restrict the access to this market, in order to ensure the public security (e.g. to prevent intrusions of criminal organizations).

Coming to the Italian gambling market, in the last decade the number of legal games has steadily increased, due to the appeasement of the past governments. In 2012, the Gross Gaming Revenues (the difference between what is lost and what is won by the gamblers - GGR) reached a peak of 17,1 billion of euros, toward a total amount of cash flow of 88,57 billion of euros. As a consequence, gambling is now considered as the third business of Italy. Moreover, a rising number of criminal organizations are infiltrating this rich market. Libera NGO tells us that in 2011 at least forty criminal “clans” administrated a gambling structure that granted 10 billion of euros of illegal incomes.

Unfortunately, the enrichment of the criminal organizations is not the only negative effect of the Italian gambling. The last part of this chapter will illustrate the pathology of the problematic gambling and the consistency of this phenomenon in Italy. A pathological gambler is someone who cannot stop to bet and gamble, continuously searching for the pleasure of risking his stakes. According to many studies, a pathological gambler is neurophysiologically similar to a cocaine addict. Recent estimates have underlined the growing number of pathological gamblers in Italy (currently around the 1% of the population), but unfortunately epidemiological studies are still not available. From these assessments it seems that a pathological gambler’s identity is not bounded to a unique frame of characteristics, but to several types, as theorized by Blaszczynski.

To sum up, even if legal gambling is a rooted trait of almost any given state to turn a natural attitude at game of people into a way to increase the wealth of the nations, the Italian gambling system shows several intricacies that may affect the safety and the health of citizens. In the next part

of this work I will reconstruct how these problems have been perceived and faced by the decision makers. In particular, I will consider how the problem of pathological gambling has been attended insofar.

## **Chapter II**

### **PATHOLOGICAL GAMBLING LAW PROCESS AND THE ADOPTION OF THE BALDUZZI DECREE**

The Balduzzi decree represents the first attempt to deal with the problem of pathological gambling, as well as an occasion for rethinking the whole Italian gambling market. In this section the policy process will be tracked in its entirety in order to account for its output and its possible weaknesses.

It is important to understand how pathological gambling has been perceived by the policy actors and how eventually entered into the institutional agenda. Doing this means depicting the agenda setting of the Balduzzi decree. For agenda setting I mean “*the process by which problems and alternative solutions gain or lose public and elite attention*” (BIRKLAND, 2001).

Firstly it is reproduced the agenda setting of the *decreto Balduzzi*. In this phase, the role of the mainstream media is considered to be in antithesis to the role of the advocacy coalition against pathological gambling. Monti’s Government Ministers such as Andrea Riccardi (Ministry of International Cooperation) and Renato Balduzzi (Ministry of Health) are convinced of the importance of the issue and cooperate together for the adoption of a dedicated law.

Then this phase is followed by the *Indagine conoscitiva relativa agli aspetti sociali e sanitari della dipendenza dal gioco d’azzardo* of the Chambers of Deputies, introduced at the second paragraph. The *Indagine conoscitiva* is a series of 12 auditions in which the MPs are informed by several associations, researchers, lobbies, and experts about the current gambling situation in Italy. For this reason, the *Indagine conoscitiva* becomes the knowledge backbone shaping the *Balduzzi* decree through the definition of several proposals. The establishment of the national campaign “*Mettiamoci in gioco*” is at the core of this advocacy coalition, embracing institutions, NGOs, membership corporations, and politicians.

The process of enacting of the *Balduzzi* decree is depicted in the third paragraph. Due to the obstructionism of the Ministry of Finance and of the Committee of the Regions, the first draft of the *decreto Balduzzi* is extremely different from the decree approved by the Council of Ministers. The first draft was far more ambitious, but the lack of financial resources made the Regions and the

Ministry of Finance cancel the most effective parts of the *decreto*. In particular, the establishment of a fund that should have covered the costs of the new law has been carved out. The nature of the regulation characterizing the original proposal is thus completely changed: if at the beginning it could have been considered as interventionist now is definitely liberalist.

Eventually, the decree reaches its final shape in the conversion law phase, as described in the fourth paragraph. In this stage, important amendments are voted and approved, such as the *Emendamento 5.4. Castellani, Bocciardo*, aimed at reintroducing the fund to cover the budgeting for pathological gambling treatments. Nevertheless, taking into account the fact that the only relevant political debate is carried out inside the Social Committee of the Chamber of Deputies, there are no marked differences between the positions of the political parties, and for this reason, the political debate can be considered inter-institutional. As a matter of facts, it is through the binding opinion of the Budget Committee that the Social Committee is forced to renounce to important ameliorations of the law, such as the *Castellani, Bocciardo* amendment.

To sum up, the process of adoption of a dedicated law on the subject of pathological gambling has been long and arduous. The difficulties faced by the advocacy coalition setting the agenda of the government retarded the enactment of regulations for the prevention and the cure of this disease. In the last part of this work I will analyze the limits of the measures introduced by the Balduzzi decree. In particular, I will highlight the politics obstacles in shaping an adequate normative in the matter of gambling.

### **Chapter III**

## **LAW EVALUATION AND THE POLITICS HINDRANCE**

As we saw, the policy process to regulate gambling in order to preserve the health of citizens has been really troubled. This section aims at evaluating its actual effects and problematics. All the measures taken in the *decreto Balduzzi* are subjected to the same critics: inefficiency and procrastination.

The first measure regards the introduction of the problematic gambling pathology inside the *livelli essenziali di assistenza* (LEA) of the National Health Service. In this case, the application of the law is entrusted to a subsequent decree by the Minister of Finance, which has not been adopted yet. The second measure concerns the protection of minors and gamblers through the definition of a standard for gambling advertisement, i.e. the limitation of the contents regarding the presence of minors, the ban of gambling exaltation, and the obligation to declare the risk of pathological gambling addiction. However, this standard is considered to be scarcely efficient, and difficult to

implement. The last measure concerns the distribution of game halls. According to the last researches, it is demonstrated that a higher concentration of gambling points increase the number of pathological gamblers, making of Italy one of the most dangerous gambling market of the world.

Such severe limits of the present policy seem being rooted in the Italian politics on gambling. Funding, but also the perspective of a managerial career inside the rich gambling market, are apparently what politicians are most likely to long for. Politics is extremely intricate in this field, given the miscellaneousness of interests among politicians, companies and bankers. As a matter of facts, companies are well integrated with the banking system because such a competitive market needs unceasing investments. Moreover, it is proven that banks managers have illegally funded gambling companies: the BPlus case is showed as a symbol of this equivocal admixture of interests.

In conclusion to the third chapter, desirable measures for a greater protection of gamblers and minors are advanced. First and foremost, the affordable actions of prevention and treatment of the gambling disease should be encouraged, following the best practices provided. In particular, setting an automatic system in order to control the access to slot machines and online gambling is crucial to the purpose of prevention. Secondly, information campaigns prepared by independent professionals are necessary to educate the youngster to consider gambling as a threat rather than a possibility. Thirdly, the optimization of a network of research centers and rehabilitation programs should be at the core of a new healthcare system.

Prevention and treatment of the problematic gambling will be fundamental in the forthcoming years, and Italy should face them before it will be too late. A complete renewal of the gambling system should be enhanced, shaping a more independent and citizen-side structure of administration of this controversial issue.

## CONCLUSIONS

This work wanted to shed light upon the Italian gambling policy, which rightly considered highly controversial, by focusing on the measures undertook to fight and prevent pathological gambling. The results of this research reveal a lack of a broader perspective in the field of legal gambling, and that is partially due to the fact that different and conflicting interests are in place. Over the past years, partial and inefficient regulations have been adopted. *Decreto Balduzzi* has certainly been pivotal in raising people awareness about pathological gambling, nonetheless, it can and should be included in the list of inefficient regulations on the matter. Given this, a complete revision of the administration of the gambling system in Italy is still desirable, starting from the

redefinition of the distributive model of legal gambling and from a deeper commitment to the safeguard of the most vulnerable citizens.