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Andrea F. Ravenda

«We are all the injured party»: activism and the right to health in an industrial pollution trial

“We are all the injured party”

On Wednesday, 12 December 2012 in Metrangolo Hall of the Brindisi City Court, a trial began against thirteen executives¹ from the multinational utility corporation Enel, majority held by the Italian State and owner of the Federico II coal-burning power plant in Cerano district (pict. 1). Until the 1980s, this area just over ten kilometres' south-east of the Brindisi city centre was used for farming, specifically vegetable gardens, olive groves and vineyards; today it has been radically transformed by the presence of the power plant facilities, giving rise to troubling environmental and health issues (Mangia *et al.* 2015). The plant was opened between 1991 and 1993 despite protests by groups of local citizens and farmers (Prato 2005). In 2011 the European Agency for the Environment identified it as one of the most serious polluted in terms of carbon emissions², making the plant the object of heated public debate concerning its impact on the environment and citizens' health (Ravenda 2014a, 2014b). In this case, however, public prosecutor (P.P.) Giuseppe De Nozza limited himself to charging the plant with «the dangerous emission of things, damage to crops and the befouling of houses» referencing complaints filed by ten local farmers regarding a conveyor belt (pict. 1) that transports coal for over ten kilometres from the city's port through agricultural land to the power plant, and the facility's huge “open air” bunker. According to the complaints, the movement of coal inside the bunker generates dust that, due to a lack of adequate technological mechanisms and containment structures, floats out to cover the nearby land and thus the crops, damaging them. According to the court summons, the thirteen executives are:

charged with having all participated, from 2000 until August of 2011, each according to his role, in the shared criminal aim of unloading, transporting and storing millions of tons of coal in an uncovered bunker measuring 125,000 square meters, failing to adopt or in any event propose solutions to prevent the repeated spreading of coal

dust beyond the company's enclosure³.

The morning of the 12th, dozens of people gathered in front of the courthouse to protest against the utility company, including activists from the *No al carbone* (No to Coal) movement launched as an informal collection of citizens in 2009 to contest the invasive industrial presence in the Brindisi area, symbolically and materially represented by the large coal-fired power plant (Ravenda 2014a). Many of these activists wore black sweatshirts with the movement's logo/slogan and held signs and banners reading “Enel killer” and “Siamo tutti parte offesa” (We are all the injured party), thereby indicating the damage pollution causes to the entire city. Inside Metrangolo hall, besides the farmers gathered in the back of the room, there were ninety-one appellants seeking to file civil cases, including the Municipality of Brindisi and national and international associations such as Legambiente and Greenpeace. Most of the crowd, however, was made up of local groups such as *Medicina Democratica* and *Salute Pubblica*, who joined *No al carbone* in organizing the 12/12/12 “Siamo tutti parte offesa” campaign in which local citizens were invited to symbolically declare themselves the injured party (Lattanzi 2003). Given the forces deployed by Enel with its team of high-calibre lawyers arrayed against a crowd of people asking to be considered the injured party, it was immediately clear that this trial went beyond the P.P.'s specific indictment⁴, which was exclusively limited to identifying who was responsible for the soiled crops. Despite this specific intention on the part of the public prosecutor, the trial has instead triggered an influential and performative public ritual (Barrera 2013) for defining and assessing the plant's impact on the environment and citizens' health, identifying damage and assigning responsibility.

This appeared even more true in view of a second line of inquiry, likewise launched in response to complaints made by local farmers and not yet brought to trial, in which four company managers are being investigated for manslaughter and personal injury. Indeed, six of the farmers had fallen ill

and three died from diseases that might have been caused by the coal dust pollution. As part of the ongoing trial process scheduled to conclude in 2018, these investigations, crimes, victims and defendants converge in forming a complex and conflict-ridden ethnographic context that is not at all unprecedented in contemporary Italy, in which the judiciary have repeatedly taken action by seizing plants and collecting evidence of alleged environmental and health disasters. These actions by the judiciary seem to respond to a certain inadequacy on the part of the various national governments that use “legal exception” procedures to redefine emissions thresholds, thereby allowing industrial actors to go on producing to the detriment of the environment and public health (Ravenda 2014a)⁵. These “questionable laws” (Channel 2011) or laws “on the edge of legality” (Cottino 2005) are designed to control polluting emissions through exceptional measures in order to save jobs and safeguard the profits of industrial companies and, by extension, the economies of governmental action (Foucault 2005). A legal-normative short circuit that produces a systematic impoverishment of «a fundamental right of individual and collective interest» as enshrined in Article 32 of the Italian Constitution. After all, as established by a Constitutional Court judgment (sent. 218/1994), the psycho-physical integrity protected by the right to health includes the individual’s right to living conditions, an environment and work that do not put this fundamental good at risk (Minni, Morrone 2013).

There are increasingly heated legal and political disputes surrounding the right to health as regards industrial pollution at the international level as well, especially in terms of negotiating the complex “choreographies of risk” and contamination (Petryna 2002) that play out at the intersection of scientific evaluations, the vested interests of industrial companies that interfere in political and economic spheres, governmental measures and the concrete daily experiences of individuals who live their lives “exposed” to polluting emissions (*ibidem*). After all, as demonstrated by numerous anthropological studies investigating the relationship between health and socio-economic inequality at a global level (Biehl, Petryna 2013; Singer, Bulled, Ostrach 2012; Quaranta 2014; Schirripa 2014) or, in the specific case explored by this paper, the spread of diseases caused by pollution and industrial crimes (Alliegro 2012; Baer, Singer 2009; Balshem 1993; Brown, Morello-Frosch *et al.* 2012; Davidov 2013; Petryna 2002; Ravenda 2014a, 2014b; Sawyer 2006; Waldman 2011), the right to health is defined within highly multi-faceted and conflicting power relations in which legal contention, contestation

and compensation plays an ever more decisive role (Agyeman, Ogneva-Himmelberger 2009; Barbot, Dodier 2015; Barrera 2013; Biehl 2013; Biehl, Petryna 2013; Brown, Morello-Frosch *et al.* 2012; Cottino 2005). Indeed, in neoliberal governmental dynamics (Foucault 2005) and fossil fuel-dependent democracy (Mitchell 2011), the right to health is regularly undermined and annulled. In response, actors demand this right through continual physical-political claims-making (Pizza, Ravenda 2012) in which identifying, proving and quantifying the biological damage (Minni, Morrone 2013) done to the environment and human bodies in the courtroom (also in other political and institutional contexts), gives rise to new forms of citizenship and political participation (Agyeman, Ogneva-Himmelberger 2009; Boudia, Jas 2014; Petryna 2002; Waldman 2011).

As emerged from the ethnographic research Adriana Petryna conducted into the aftermath of the Chernobyl nuclear disaster (2002), biological citizenship can thus embody a demand for the presentation or cessation of particular policies or actions, or access to special resources (Rose, Novas 2005: 441). It is a kind of socio-political laboratory in which biology, scientific knowledge and suffering become cultural resources through which people claim social equity «based on medical, scientific, and legal criteria that both acknowledge biological injury and compensate for it» (Petryna 2002: 4). This complex system of identification and detection of biological damage also leads to a judicialization of the right to health (Biehl 2013; Biehl, Petryna 2013). As anthropologist Joao Biehl highlights in his study of subjects accessing healthcare and the pharmaceutical market in northern Brazil, judicial processes come to serve as critical sites within the larger framework of a political economy of governmental action that, in Foucault’s words, «reflects these practices of government, but not the legal questions as to whether they are legitimate or not» (Foucault 2005: 26). In other words, the market as an economy of power relations is the force that determines governmental and legislative logics in relation to the very practices governments enact (Biehl 2013: 421; Foucault 2005: 26), thereby deteriorating the right to health and access to healthcare so that «people’s life and health outcomes are overdetermined by what kind of market and juridical subjects they are able to become» (Biehl, Petryna 2013: 344). More broadly speaking, as argued by sociologist Amedeo Cottino, this overlap among the law, socio-political contexts and the cultural recognition of “victims” lies at the core of the complex relationship between justice and the privileges enjoyed by powerful actors (Cottino 2005). This is

precisely why competing legal claims over the right to health, which manifest in the productive tension between discursive strategies for producing "truth" and legal procedures (Foucault 1994), scientific objects and legal objectivity (Latour 2002), between victims (or injured parties) and defendants (public or private, industrial, utility, pharmaceutical, etc. companies), raise the issue of the state, the law and citizenship as embodying, continually evolving processes.

This paper is based on a part of a larger ethnographic study that I began in Brindisi in 2010 examining the relationship between industrial pollution, health and social struggles for change. In a conflict-ridden context dominated by tensions – political, scientific, emotional – between the energy company and *No al carbone* movement, my positioning as an ethnographer in the field was very complicated. Initially I was interested in studying the impact of industrial pollution on people's daily lives from an anthropological perspective, but as a continued to spend time with movement participants and sick people and to experience a polluted area that was also my own birthplace (I lived in Brindisi until I was 18 years old) prompted me to share the main demands put forward by *No al carbone*. These shared goals, as well as my sense of belonging to the local area, have been systematically and reflexively disarticulated in the ethnography and even more so in my political engagement (Ravenda 2014a, 2014b). From this perspective, the "Enel trial" represented a fruitful opportunity for exploring certain specificities of the sphere that defines industry's impact on the local area as well as studying the forms of activism and strategies adopted by the *No al carbone* movement. In fact, I had the opportunity to observe many of the hearings alongside activists from the movement and, through them, I was able to establish relationships with farmers, lawyers for the injured party, and some police officers who conducted the investigation for the trial.

In this paper the ethnographic account on the trial will be associated with specific aspects of the context to address two particular and closely interwoven issues. On the one hand, I seek to analyse extracts from the trial proceedings involving farmers' testimony as a set of actions aimed at legally defining the victims as active subjects or credible witnesses (Gribaldo 2014). On the other hand, I engage with public disputes over the causal links between pollution, the environment and health and explore the actions of movements for environmental justice and public health (Agyeman, Ogye-Himmelberger 2009; Boudia, Jas 2014; Waldman 2011) as both dynamic embody processes (Csordas 1990;

Pizza, Johannessen 2009; Pizza 2014) of constructing the "injured party" in metonymical identification between farmers and citizenship and, at the same time, instances of political participation and biological citizenship (Petryna 2002, 2009) lead by the action of the movement.

Contexts: science and politics

Beginning in the 1950s, the city of Brindisi was brought into the somewhat uncontrolled industrialization process sweeping over southern Italy that, with the construction of Montecatini in 1958, transformed an area once devoted to agriculture, fishery and port activities into a high-density industrial zone complete with a petrochemical complex and three coal-burning power plants. Although the media and political class of the time deployed development-oriented rhetoric to support this transformative process⁶, more than fifty years on Brindisi is facing a serious economic and social crisis, as evidenced by local unemployment rates well beyond the national average⁷ as well as various indicators such as the emigration of young people, the local incidence of organized crime⁸ and the fact that a total of four mayors have been arrested between 1984 and 2016 on charges ranging from the illicit pursuit of private interests and bribery to corruption and official malfeasance. In this scenario of widespread problems that appears to belie the pro-development rhetoric of the past, industry continues to represent the main source of employment despite issues with some facilities. From an economic and socio-cultural point of view, this fact grants companies such as Eni, Edipower and Enel a highly important role in political dealings as well as the everyday life of the city (Ravenda 2014a). Indeed, movements for environmental justice often claim that the city is essentially governed by a multi-partisan "coal party" interested only in pursuing its own interests and personal gain. At the same time, the invasive industrial presence has generated significant environmental and health issues. Since 2007 the Italian Ministry of the Environment has considered Brindisi a site of national interest for decontamination, especially Cerano (pict. 2) and the area hosting the petrochemical complex and Micorosa landfill⁹. These alarming environmental figures about the overexploitation of the land converge with health data showing a surge in the percentage of people suffering from cancer and other diseases such as bronchial asthma, thyroid disease and neonatal cardiac malformations that may plausibly be related to industrial pollution (Gianicolo *et al.* 2012). Beginning from a consideration of these social and

health problems, the *No al carbone* movement has been very active in informing the public about the impact of industrial pollution on the local area and citizens' health and in protesting the industrial companies' efforts to interfere in the local political context (Ravenda 2014a, 2014b, 2014c). According to the movement, the industry not only destroys the local environment, it also limits other new possibilities for sustainable development.

In public debates, the tangle of industrial pollution, environment and health concerns is continually redefined by the production of conflicting scientific findings and tensions between industrial companies and social movements, tensions that often manifest in public demonstrations, complaints filed with the public prosecutor's office and charges of defamation (Ravenda 2014a, 2014b). For instance, in relation to the trial examined here, the Lecce and Bologna National Research Council published a study in the *International Journal of Environmental Research and Public Health* in 2015 finding that an oscillating number of deaths occurring in the Cerano area every year, from 7 to 44, were caused by the primary and secondary particles emitted by the coal power plant (Mangia *et al.* 2015). In the press, Enel responded to this study by citing another study from 2012 conducted by ASL, the Apulia ARPA and ARES¹⁰, which had granted the Cerano facility an EMAS (Eco-Management and Audit Scheme) certification, «clearly [indicating] that the emissions from the Enel Cerano plant meet the strict regulations for protecting health and the environment and do not affect the health of citizens, and in any event are well below the risk limits established by law»¹¹. According to the company, the NRC researchers:

referred to an epidemiological investigation that they must have conducted independently, without taking into account the many other emission sources that contain PM2.5 (cars, domestic boilers, marine aerosols, other industries) which cannot be isolated in determining any possible health effects. Furthermore, the study did not involve or consult with Apulia ARPA, ASL (which conducts epidemiological investigations) or ARES, which are the agencies responsible for monitoring and evaluating possible health damage. This would be an essential condition for granting scientific and legal validity to the analysis in question.

However, despite this debate over the relative merit of the scientific data and their legal application (Boudia, Jas 2014; Latour 2002; Reno 2011), in July 2015 researchers from the NRC were summoned by the Italian Senate's Health and Hygiene

Committee, which had gotten a hold of their research data and thus called into question the EMAS certification. In the same month director of the Apulia ARPA Giorgio Assennato reconsidered the agency's position, withdrawing its positive verdict after "suddenly" realizing that the offices he represented had erred in failing to take into account that Enel, at the time of the study in 2012, was already under investigation by the Italian judiciary for coal dust dispersion over agricultural land, a fact that would have prevented the agency from issuing a positive opinion. In this context, it is crucial that we view the etiological link between industrial pollution and human health in Brindisi from a critical epidemiological perspective that takes into account the complex "multiple causality", proposing a stochastic model «in which the causes are not sufficient nor necessary, but are replaced by a plurality of causation networks» (Vineis 1990: 24). At the same time, however, this link must be considered in relation to people's claims to a right to health, respect for the environment and the local area, claims which are often mobilized in opposition to the corporations' political-economic power. These issues of causality and corresponding public disputes comprise the main coordinates shaping both this ethnographic field and the trial I examine here, "entering" implicitly (and sometimes explicitly) into the courtroom proceedings through reference to scientific and epidemiological data that is often discordant (Ravenda 2014a, 2014b).

We must take a step back from this initial sketch with its preview of the trial proceedings, however, to outline, albeit briefly, the developments and explicit factors that drove the farmers to file charges. Indeed, the history of conflicts between local farmers and Enel dates back in the 1980s when construction work began on the Cerano plant (Prato 2005). Over time, the situation has alternated between phases of conflict and phases of negotiation mainly carried out through monetary compensation for the damage farmers suffered and with the mediation of professional organizations. For about twenty years the situation remained stable, with the plant operating normally and farmers both compensated for damages and, at the same time, in the position to be allowed to cultivate the land that remained "available". The specific grounds of the complaints, however, date to June 2007 when, after the Ministry of the Environment's *Conferenza dei servizi sui siti ad alto rischio ambientale* (Conference on services for high-environmental-risk sites) released a negative opinion regarding Brindisi and the site Cerano specifically, then Mayor Mennitti issued a "contingibile and urgent" injunction imposing on the owners of the land surrounding the conveyor belt and bun-

ker an «absolute ban on cultivating the area owned in any capacity» and requiring them to destroy all their crops. The TAR¹² later annulled this injunction in 2009 following an appeal lodged by Enel. Nonetheless, the injunction definitively fractured relations between farmers and the utility company, which since the beginning of construction work had been mediated by the local institutions overseeing land expropriation and economic compensation. This breakdown of relations among Enel, local institutions and farmers generated an overall situation that was decidedly knotty. The city put a ban on cultivation and in 2009 the TAR found in favour of Enel's appeal against the Mayor's injunction; in response, the farmers submitted a claim to the City of Brindisi for approximately two million Euros in damages deriving from the injunction, at the same time also requesting compensation from Enel as part of the ongoing trial. A trial in which the injured party is also the municipality. While on one hand the farmers' demands boil down to compensation for the damage to their livelihood and land that cannot be cultivated, this knotty scenario appears to position them as victims, sick people and symbols of an "injured party" in the midst of highly tense relations among local industrial actors, the interests of the corporations and the claims of social movements for environmental justice.

Working the "fields", the trial and health issues

Taking the road that runs along the conveyor belt leading to the Cerano plant, it is evident that the original agricultural countryside has largely given way to an industrial landscape in both the land closed down by the injunction and the areas still open for farming (pict. 3-4). The belt is covered and dotted with coal sorting towers, their windows coated in black dust. Looking northeast you can glimpse the industrial area with its petrochemical complex, to the south stands another coal plant, to the west, relatively nearby, there are stretches of still-usable farmland. The land around the conveyor belt and bunker subject to the injunction is kept "clean", ploughed and weed-free because, as some farmers sarcastically note, if «unluckily a fire was to break out coming from the industrial facilities, someone might even sue us for damages». And yet, for the land, farming work and the lives of the people living in this area, the repercussions are not "limited" to coal dust alone; they also threaten water availability, as the arrival of the plant and conveyor belt in particular has led to local shortages. This fact is highlighted in a series of interviews that activists from the *No al carbone* movement conduct-

ed with local farmers and residents and included in the documentary *Cerano... una volta l'acqua* (Once there was water). Specifically, the construction of a conveyor belt as wide as a two-lane road and buried over ten meters deep eventually had an effect on the local aquifer providing water to 95 wells, polluting it and bleeding it dry¹³. According to interviewees, the only source of drinking water is located on land owned by the energy company, which is not freely accessible. Overall, the situation has thoroughly blighted the area and deprived residents of their resources, habitual practices and elements of everyday life, making it extremely difficult for them to work the fields and live on the land. Land without water is not cultivable land. This is the trope that emerges again and again in the concerns farmers voice and which have been collected and disseminated by the movement; indeed, *No al carbone* held up Cerano farmers as a symbol of the damage caused by industry even before the "Enel trial". Giuseppe, for example, is 50 years old and worked for more than 30 years on the land he inherited from his father, another farmer who died of cancer a few years back. Following the Mayor's injunction, Giuseppe was forced to seek work as a labourer in the very same industrial zone he sees as "befouling" his land. When he was unable to secure a job in this field, however, he was driven back into agriculture, farming his fields or what are left of them. As he has repeatedly remarked, «it is not easy for a fifty-year-old man who has always been a farmer to change jobs». His comments on the "Enel trial" are very pragmatic, identifying the objective difficulties locals face in working the fields: «even if you do farm, when you go to sell and people see it is from Cerano, no one buys». He also highlights the complex relationship between farmers and the utility corporation, complexities that were revealed right from the beginning in the way the land was expropriated to build the conveyor belt. After several days of protest, Giuseppe and other farmers arrived one morning to find the vineyards razed and a construction site already set up. A "surprise" that, according to Giuseppe, was "not all that surprising", given that some of his fellow farmers and the representatives of local agricultural associations had made "under the table deals" to sell the land. Giuseppe's story about the sale of land must be read in relation to the complex and not always conflictual relationship between the energy company, farmers and local professional associations. While it is true that the coal plant has destroyed a great deal of agricultural land, it is equally true that some farmers, including some of the farmers involved in the trial today, have accepted payouts from the company. This is seen as a surrender to or compromise with the companies

that, according to Giuseppe, was one of the causes of land degradation. However, it should also be interpreted keeping in mind the farmers' main objective, namely the possibility of gleaning an economic livelihood from the only resource they hold, their land, producing vegetables, fruit and grain or, if the land cannot be cultivated, using it to obtain a compensatory exchange from the energy company. As a matter of fact, since the plant was built in the early 1990s farmers and the utility company have made several attempts to dialogue and reach a compromise regarding compensation for the damage to the nearby land. There are multiple sources, including statements made as part of the trial, documents police found in Enel executives' personal computers and the corroborating comments of the farmers themselves, showing that monetary transactions have been made beginning from the moment of expropriation and continuing into the early 2000s. Nonetheless, for various reasons the parties never reached a real agreement, which probably would have involved Enel purchasing the land outright and thus avoiding complaints and legal proceedings. The possibilities for dialogue, already difficult, were exacerbated by the Mayor's injunction, which "was the final blow" according to Giuseppe. He continues, adding «I know it might not have anything to do with it but my father, who was already ill, died right after the injunction».

Even when not directly involved as witnesses, the farmers are always present in the courtroom. Grouped together in the last rows of benches in Metrangolo hall, they sit and comment on the trial as it unfolds, occasionally out loud, and confer with their lawyers or activists from the *No al carbone* movement. They do so especially after speeches by the Enel lawyers, which the farmers and activists view as provocative and which in any case, in keeping with their purposes, are focused on disproving the prosecution's case. These questions and statements regard the collection of samples (vegetables soiled by coal dust), the economic transactions accepted by the farmers and, especially, the impossibility of proving the causal link between coal and diseases. The 24th of February 2014 was the day set aside for several of them to testify. At approximately 10:30 in the morning, De Nozza called to the witness stand Antonio D., son of the farmer Tommaso D. who was one of the signatories of the indictment against the utility company but could not appear in court, having passed away in December of 2012 a few days after the trial began. Antonio, visibly nervous, was waiting outside the room. The farmers sitting in the back of the room called out loudly to summon him, «Anto!» After the oath, the P.P. began by asking the witness to clarify his rela-

tionship with Tommaso D. «He was my father and he was a farmer»¹⁴ declared Antonio, thus beginning a testimony punctuated by questions from the P.P. focused in particular on working the fields and the difficulties he encountered in trying to sell his crops following the mayor's injunction. The fields in question are located in Cerano:

about 500 meters from the bunker and about 300 meters from the conveyor belt and they have not been cultivated since 2010 because no one would buy the produce, because there was dust on the artichokes and cabbages. Everyone knew about the injunction and when they heard Cerano, nobody wanted to buy.

Antonio grew emotional while testifying and had trouble holding back his tears. He apologized to the judge and the P.P., who calmly but firmly asked him to continue, respond to the questions in a precise way and speak into the microphone.

My father was a farmer and grew produce to sell and eat, we ate it too, then we stopped. After that, we no longer farmed or earned anything, we lived off my mother's retirement benefits, what is more my father got sick with lung cancer and, in fact, he died.

At this point Antonio got upset and his voice grew faint, especially when he went on to describe the ensuing death of his mother. «We decided to stop farming because we would try to bring our produce to market but as soon as they heard Cerano, nobody wanted it. Not even for less than the market price». At the close of these statements the P.P. declared himself satisfied, and the judge asked if any of the lawyers had questions they wanted to ask. After several minutes of silence, one of the lawyers working for Enel spoke up, saying that he wanted to ask a question about Antonio's father's illness. His question concerned the diagnosis and whether or not the causes of the illness had been confirmed and certified. The witness replied that there were medical reports, but when the lawyer followed up by asking again, more directly, if anyone such as the doctors who saw his father had recorded the cause of his health condition, Antonio, confused, responded that «the reports only say that he was sick».

The framework the P.P. established for the farmers' testimony tended to remain firmly focused on the specific charges in question, therefore on the contamination of the crop, trying to curb the emotions the farmers brought into the courtroom, emotions that were inevitably associated with their

experiences of illness. In contrast, the Enel team's defence strategy appeared to deliberately concentrate on these experiences and the lack of complete information surrounding them, that was accentuated in part by the emotions themselves. This was a sort of dress rehearsal for subsequent trials aimed at preventatively establishing the impossibility of determining a definitive cause and effect relationship between the plant's activities and any diseases affecting local farmers. Two additional examples might prove useful in better illustrating the warring strategies at play in the debate surrounding the farmers: the testimony of Giuseppa, a widow in her sixties whose husband, a farmer, died of Hodgkin's lymphoma and of Anna, the daughter of a farmer who died of prostate cancer, with other family members also suffering from pathologies.

Giuseppa was born in Brindisi in 1945, the widow of Vincenzo, a farmer who passed away on 26 April 2004. In this case as well, all of the P.P.'s questions were focused on work in the fields.

The land was located in Santa Lucia, close to Cerano, 3-4 hectares, which we cultivated with free-standing and cane-trained grapevines, grapes, white grapes, red grapes, vineyards, we sold the grapes earlier, when we still didn't know anything [referring to the coal] and the land was farmed until he passed away... [pause]. He died of Hodgkin's lymphoma.

On referring to the death of her husband, the woman became visibly emotional and the P.P. tried to calm her, encouraging her to speak directly into the microphone and answer the questions, in this case about farming the fields.

He worked the land by himself and when we needed extra labour he provided it [pause] I went from time to time to see [pause] I don't remember, he sold it to the cellar [pause] I don't remember, but then in 2001 they would not let us harvest because it was too poisoned [the witness appears confused] it was Coldiretti, they carried out analyses and it turned out that it was poisoned [pause] if I'm not mistaken this was 2000-2001 [pause]. I told my husband to ask for damages [...] he would always come home covered in coal, he would come home and clean himself, he had coal inside his ears and he coughed.

At the end of the P.P.'s questions, after a few questions regarding the monetary compensation that Giuseppa's husband had received for his crops, a lawyer representing Enel asked the woman if Vincenzo smoked; to this question she laconically

replied: «Yes, just like everyone else».

The following is Anna's testimony.

My father was a farmer until 2005, he grew wheat, before, artichokes as well, but then he got old and cultivated fruit trees in a field near Cerano. I often went to the fields, they were 100 meters from the coal bunker, and more or less the same distance from the conveyor belt. I went to the fields when my father called me and I found traces of blackish dust. I found it two or three times, but my mother told me that the water was often dirty with coal and the vegetables, too, my mother died in 2004 and she told me that, when she washed the vegetables, the water came away dirty, black, beyond the dirt of the soil. Vegetables that we were selling and eating¹⁵.

In this case as well, after the P.P.' questions another lawyer representing Enel began to ask about Anna's father's health issues:

Lawyer: Were you still living with your father?

Anna: No, I went there when my father called me.

Lawyer: You have stated that the products were eaten at home.

Anna: Yes, [by] my sisters as well.

Lawyer: Did you fall ill?

Anna: Yes. My sister has an autoimmune disease that affected her kidneys, I have thyroid nodules.

Lawyer: But did your father smoke?

Anna: Yes [in an irritated tone] but then he quit.

Lawyer: Good for him! But did your father use fertilizers?

Anna: No [irritated tone].

Lawyer: That is all.

These insistences on the incompleteness of the information formed an integral part of the defence strategy which, in keeping with its interests, constantly sought to muddy the waters. Questions such as, "did your husband smoke?" and "did he use pesticides?" specifically invoked the public and scientific debate over the possible causal relationship between pollution and illness and tended to create confusion around the information extracted by the P.P., identifying contradictions, inaccuracies and hesitations and raising doubt in view of the fact that witnesses admitted that they "did not remember". However, Enel's legal team was not alone in seeking to direct the trial beyond the specific charges laid down by the P.P. For completely different and even opposing reasons, some lawyers for the other side also emphasized the farmers' health conditions during the trial proceedings. This issue was also

brought up in the public debate thanks to activists and several journalists present in the courtroom, who specifically focused on emotional elements as a means of gaining cultural recognition for the damage that had been done. For instance, at the end of her testimony Anna, visibly shaken, stopped for a moment to speak with Marina, an activist from the *No al Carbone* movement, admitting that the lawyers' questions had irritated her and she had answered too bluntly. The activist reassured Anna, telling her she had done well and emphasizing that the Enel lawyers had meant to provoke her. The two said goodbye referring implicitly to another investigation, focused on pathologies that Anna and her family were also involved in. A few hours after the end of the day's proceedings, the movement's blog published, as usual, a record of the trial's developments, coverage that was also re-published by several online newspapers:

It began by analysing the remaining points. Immediately a farmer took the stand and, in a voice at times rough with emotion, repeated things that by now we have heard from every witness, but this time the reports about crops "fouled" by coal dust and destroyed because they could not be sold were in the name of his father, killed by lung cancer, and his mother, who also met the same fate. The deposition finished and was followed by another and then another and, more than a trial about the "fouling" of crops, it seems like a war bulletin: fathers, mothers, sisters, brothers, all dead of tumours or lymphomas, or as a result of autoimmune diseases, or with thyroid disorders or respiratory problems. Enel's lawyers asked if appraisals have been carried out to establish the causes of the deaths. Unfortunately, no they haven't! They asked if by chance the deceased were smokers... in short, more of the same old story¹⁶.

Defending the local area

From the beginning, the movements saw the charges brought by the P.P. as a "justification" or, perhaps even better, a "reason" for finally taking legal action against an "injury" suffered by the entire citizenry, not only local farmers. Indeed, for several years now the *No al carbone* (pict. 5) movement has taken the front line with a strategy of "defending the land from the industrial attack" involving a range of actions, from organizing public protests, actions against events sponsored by industrial companies and presenting candidates in municipal elections to preparing reports on contaminated sites and even carrying out popular epidemiology projects (Rav-

enda 2014a, 2014b, 2014c).

In addition to demonstrating a causal link between industrial pollution and disease, one the movement's main aims has always been the desire to create a kind of common front of cognizant Brindisi citizens against the invasive presence of energy and industrial companies in order to claim their right to live in a pollution- and disease-free city based on a different model of economic development. A form of citizenship that claims his own rights by identifying and quantifying the biological, environment and health damage caused by industries (Ravenda 2014a). As part of these efforts, activists have carried the trial "beyond" both the courtroom and the indictment of the P.P. This has been accomplished through two distinct but related operations, both inside and outside the courtroom. On the one hand, they have worked to generate public identification between the farmers and citizens through this move to establish a collective injured party. After all, in addition to being the injured party, the farmers also represent a model of culture and local development in sharp contrast to the industrial approach. At the same time, they transformed the charges for crop contamination into a trial about coal and the industrial model of development, especially with reference to a second line of investigation, not yet come to trial, into the diseases suffered by many farmers. These operations took place outside the courtroom through a multi-part public communication campaign and inside the courtroom through the actions of the prosecution's lawyers and the constant presence of the activists. As I have mentioned, *No al carbone* together with *Salute Pubblica* and *Medicina Democratica* launched the campaign 12\12\12 "Siamo tutti parte offesa" several months before the trial hearings began to encourage the city's citizenry to actively follow and participate in the trial. On the 13th October 2012, at the press conference publicizing this campaign, *No al carbone* activist Riccardo Rossi was joined by representatives from the other two associations in clarifying the motivations behind this joint initiative:

We want to let the city know that we are joining in the proceedings as a civil party seeking damages [...] because we believe that those of us who have fought major battles in recent years should contribute with a powerful presence within this trial that is highly symbolic for us. Beyond the individual responsibilities the judge may assign in relation to the charges, for us what is being put on trial is really coal, that is, all the deals surrounding coal, all these powerful interests, the way this the territory has been treated and exploited to make profits but which have actually caused a range of

damage, not only environmental damage; we all know there is also another investigation going on for manslaughter and bodily harm in relation to several farmers who lost their lives near the Cerano plant¹⁷.

As Rossi's statement shows, the movements' initiatives focus on the symbolic value of the trial in relation to the harm suffered by the local area as well as the way the trial was linked to a second line of inquiry investigating farmers' deaths. The presentation concluded by inviting every city resident to symbolically participate in the trial by joining in the proceedings together with the three associations: «there are forms that you can fill out with your information». According to Italian criminal law, only the injured victim possesses the legal interests subject to legal protection and is the party recognized as having suffered the injury and damage constitutive of the crime in question (Lattanzi 2003). However, unlike a class action suit that originates from an injury shared by multiple subjects belonging to the same category who are in turn the recipients of the legal resolution in question, the move by the activists triggered a kind of metonymic process of identification creating a symbolic relationship between the farmers as the specific group of injured parties, on one hand, and every city resident capable of participating in a collective "injured party" in relation to their shared local territory and citizenship, on the other hand. Joining in the proceedings as a civil party seeking damages therefore civil establishes a complex bodily relationship between the city impacted by this industrial presence and the sick farmers in that, as activists have argued, this trial goes beyond the specific charges: «what is on trial is a specific model of development that has ravaged our city, leaving deep wounds».

Alongside this initiative, the activists also organized a series of public protests and signature-collection campaigns throughout the city, put up posters in public advertising spaces, created a "dramatic" video commercial depicting a child's face and body gradually soiled by stripes of black coal dust symbolizing the pollution of the city, and established an online platform for collecting various materials about the Cerano plant and the trial¹⁸. This campaign culminated with the sole judge of the Court of Brindisi accepting the three associations' application to join in the proceedings on the side of plaintiff and continued with the activists maintaining a constant presence during the hearings, providing (as in the case of the farmers' testimony) "reports from inside" the courtroom and circulating the results of the ongoing proceedings "outside", to the public. It may be useful to offer an example of these strategies. At the 28th October 2013 hearing,

the prosecution presented, through the testimony of the police inspector who led the investigation into coal dust dispersion, a series of photos of the open-air bunker, the conveyor belt and vegetables and fruit soiled with coal. There were activists and journalists in the courtroom with permission to take pictures. The next day, articles appeared on some online newspapers and the movement's blog about the trial that also included the visual evidence presented by the prosecution. A few days later, a large poster (six by three meters) appeared on a well-known city street bearing an image of a farmer's hands holding several bunches of grapes, all filthy with black coal dust. The words *il carbone sulle nostre tavole* (coal on our tables) and the movement's logo were positioned underneath the image (pict. 6).

Although the farmers themselves have come to symbolize this shared struggle "against coal and in defence of the local area", in some ways the social movement actors have actually participated more intensely in the trial by transforming the stories, experiences, and the bodies of the farmers themselves into evidence – both procedural and public – of the environmental disaster and biological damage caused by the industrial and energy companies. They see it as an opportunity to assign initial responsibility to the utility company, a step that might lead to issues that are broader and, as they have repeatedly asserted, connected to health; this opportunity is especially valuable given that it is difficult to scientifically prove and reveal the etiological links in this case (Ravenda 2014a). And yet this difficulty in proving cause and effect plays a contradictorily important role in the trial. Indeed, some members of the police forces who have conducted investigations on behalf of the P.P. have noted at the margins of hearings that this trial might truly play a key role in eventually establishing the utility company's initial liability, but only on the condition that, in opposition to the objectives repeatedly put forward by the movements, the parties involved do not insist on immediate results. According to police officials, in fact, it would be a mistake to take a trial about crop "fouling", with all its investigations, evidence and expert reports produced for this specific purpose, and turn it into a trial about Enel's presence in the local area or the relationship between pollution and pathology.

This is why the P.P. has constructed his prosecution along two specific lines of investigation that have little or nothing to do with the health issues per se. On one hand, he has tried to use the farmers' testimony, audiovisual recordings, scientific expert opinions and the collection of samples from fruit and vegetables to prove that coal dust is pres-

ent on the soil and crops surrounding the conveyor belt and bunker. On the other hand, by seizing the personal computers and related files (documents, emails, etc.) of the Enel executive defendants, he has tried to show that the executives were aware that the land was being contaminated and sought to compensate farmers through monetary transactions. The P.P. has directed the proceedings from the outset, limiting argumentation to the visibility, scientific proof and investigative evidence of the presence of this dust, engaging the Enel lawyers in a complicated battle played out through visual evidence and technical and scientific expert opinions (Ravenda 2014b, 2014c). At the same time, as illustrated by the ethnographic extracts included here, De Nozza has sought to firmly limit the farmers' stories of disease with their associated emotional and scientific (etiological) implications that are so difficult to pigeonhole within the juridical procedures for determining "legal truth" (Coutin 1995). However, this production of plausible testimony about the evidence and expert opinions, a process which tends to limit and shape the subjectivity of witnesses (Gribaldo 2014), is subject to sophisticated forms of manipulation. These can be seen in the courtroom, through the questions posed by the Enel lawyers in their cross-examination focused on certifications of the farmers' causes of disease and death, and outside the courtroom, when the movement's action, or blog, the newspaper articles report on the outcome of the day's proceedings.

This constant manipulation of the experiences and bodies of farmers inside and outside the courtroom turns their mere physical presence in court (as victims of pathology or related to deceased individuals) along with their accounts of daily work and life carried out under continual exposure to the plant, their clothes, food and body parts covered in coal dust, into a sort of conflictual parameter for the evaluation of biological damage. This is an implicit instance of agency which, triggered by the trial proceedings, forces the issue of health to the foreground of a legal, political-economic and scientific dispute, a dispute which, in a nutshell, appears to constitute the key element at stake beyond the trial itself. Through the action of the movement and in relation to the complex framework of the trial, the farmers' specific objectives, essentially limited to a desire to be compensated for the damage to their land, are transformed into tools for steering a political process of constructing a new form of citizenship which, based on the recognition of shared biological damage, might give rise to new models of local development in contrast to the industrial model.

A line of contemporary anthropological research has recognized the tendency of industrial activities to invade and compromise the natural environment of local areas, significantly impacting the development and management of public health programs (Baer, Singer 2009; Balshem 1993; Brown, Morello-Frosch, Zavestoski *et al.* 2012; Hahn, Inhorn 2009), as well as the processes that give rise to new forms of political activism (Agyeman, Ognéva-Himmelberger 2009; Petryna 2002, 2009; Prato 2005; Waldman 2011). Ethnographies conducted on this issue (Alliegro 2012; Agyeman, Ognéva-Himmelberger 2009; Boudia, Jas 2014; Channel 2011; Davidov 2013; Petryna 2002, 2009; Sawyer 2006) have shown that, in an international framework, the relationship between contamination processes, environmental protection and the right to health lies at the centre of fields of power that are at one and the same time scientific, political and legal, criss-crossed by tensions between public institutions, private companies, research centres, trade unions and popular movements for environmental justice and public health. While the negotiation of scientific evidence about epidemiological data and the measurement of emissions aims to provide the grounds for defining damage (Reno 2011), activists in legal contexts seek to quantify this damage by identifying who is responsible in order to contribute in various ways to constructing a shared political position as the community that has suffered damage or, in this case, the "injured party". Despite the P.P.'s intentions, it is precisely the symbolic definition of the "injured party" as a metonymic bodily relationship between the sick farmers and city residents that appears to represent the main element at stake in the "Enel trial". This element is equally crucial both for those who seek to forge this definition and for those who seek to dismantle it.

At the same time, various ethnographic studies have adopted a critical stance to approach judicial processes as heterogeneous systems of knowledge and power and investigate the performative character of public hearings (Barrera 2013; Biehel 2013; Ciccozzi 2013; Coutin 1995; Gribaldo 2014; Latour 2002) in all their forms. Indeed, hearings and trials have been viewed as influential public rituals (Barrera 2013) in which legal discourses and practices act both implicitly and explicitly to produce knowledge, create relationships and shape subjectivity, reformulating and negotiating meanings, evidence of credibility, and scientific values about what does or does not count as legally true (Coutin 1995; Latour 2002). By adopting this methodological, epistemological and political perspective, I have seen

that Brindisi's so-called "Enel trial" is a field which, drawing on Bourdieu (1972), we might define as dynamic, procedural and therefore conflictual, a field in which the controlled struggle played out in the trial over the production of specific "legal meanings" and "values" plays out through a continuous tension between the "inside" and "outside" of the courtroom.

Around this difficult-to-decipher threshold, the parameters for assessing environmental damage and associated liability as well as the definition of the damaged or "injured" party are continually reformulated and negotiated depending on the relative positions of the various actors involved. As illustrated by the ethnographic extracts I have presented here, the P.P. sought to guide the farmers' statements in order to make them reliable witnesses in relation to the specific charges and evidence presented; to this end, he tried to limit narratives of illness and death and their associated emotional repercussions. The Enel lawyers, in contrast, made these same diseases and emotions central to their strategy as weak and contradictory points to be exploited in their efforts to preventatively disprove any causal links between pollution and disease. The lawyers' deployment of these elements was diametrically opposed to the efforts of the social movements, which instead sought to bring the farmers' emotional narratives into the public debate in order to strengthen a metonymic identification between the diseased bodies of the farmers and residents of the city as a means of constructing an "injured party" that would grant collective recognition and visibility to the plant's impact on the health of the citizenry. A bodily identification of the biological damage inflicted on the local area and health of citizens that would serve as the grounds for critiquing a model of industrial development as well as claiming a right to health and an uncontaminated environment, in opposition to the activities of industrial companies.

At the heart of this tension lie the farmers, their health and the daily rhythms of a life carried out while exposed to industrial emissions as well as their crucial need to be compensated for lost work which was, after all, the main objective driving their complaints. The trial is still ongoing, however, and probably it closes with the first instance judgment in 2016¹⁹. In next stages of appeal there is a great deal of scientific proof, testimony, disputes and debates still to be presented, and it is still hard to guess what the so-called "legal truth" will turn out to be and how this will impact the farmers' and protest movements' claims. From an anthropological point of view, however, it is clear that we are facing a veritable conflictual laboratory in which the stakes

seem to revolve around not only the right to health but also and even more so the development of new forms of biological citizenship. As Adriana Petryna notes (Petryna 2002, 2009), biological citizenship bases its rights-claims on the identification and quantification of the biological damage suffered by the bodies and environments exposed to pollutants, thus establishing the bureaucratic and legal boundaries of a complex political phenomenon.

Notes

¹ Two entrepreneurs from businesses working under contract for Enel are also on trial.

² The report refers to data from 2009 and is available on the website www.eea.europa.eu.

³ Quote by Direct Summons of the public prosecutor

⁴ The sanctions for these charges may involve up to several months of jail time or the payment of a sum of money.

⁵ In this regard, please see the case in Taranto involving the Ilva steelworks, which were seized by the judiciary in 2012 and then reopened again in 2012 by means of a legislative decree, or the recent case (2016) of conflict between the judiciary and Italian Government regarding oil extraction in Basilicata.

⁶ For example, see the documentary by the channel Rai Educational titled "1959. La Montecatini a Brindisi. La città cambia".

⁷ According to ISTAT (the Italian National Statistics Institute) data from 2014, which are available on the site www.istat.it, the province of Brindisi has an unemployment rate of 24.8% as compared to a national average of 12.7%. Out of the 30.5% of people who are employed, 21.96% work in industrial sectors.

⁸ For many years, there was a cigarette smuggling ring and organized crime the Brindisi area carried out by the Sacra Corona Unita. In February of 2016, the police staged a large-scale roundup operation that resulted in 27 arrests.

⁹ Chemical industry wastes were dumped in this area paradoxically bordering the *Punta della Contessa* nature reserve in amounts exponentially greater than the legal limits.

¹⁰ ASL (Azienda sanitaria locale – Local Health Agency), ARPA (Azienda regionale per l'ambiente – Regional

Agency for the Environment), ARES (Azienda regionale sanitaria – Regional Health Agency).

¹¹ Enel's statements were published on the Apulia ANSA site: http://www.ansa.it/puglia/notizie/2015/07/10/cnr-decessi-da-centrale-carbone-brindisi_b576b7e3-c7d3-438d-a3db-db9d103b60f5.html. EMAS (Eco-Management and Audit Scheme) is a voluntary tool of the European Union that organizations (companies, public entities, etc.) can voluntarily join in order to evaluate and improve their environmental performance and provide the public and other interested parties with information regarding their environmental management. It is one of the voluntary tools launched as part of the EU's Fifth Action Programme for the environment.

¹² TAR (Tribunale amministrativo regionale - Regional Administrative Court).

¹³ The documentary can be viewed on the blog siamotuttiparteoffesa.blogspot.it.

¹⁴ The sections about farmers' testimony are a summary of field notes from 24 February 2014. As such, they should be taken as notes made while listening to the hearings and not actual transcriptions made on the basis of recordings. This also applies to all the subsequent sections referring to trial proceedings in the courtroom.

¹⁵ Taken from field notes made 24 February 2014.

¹⁶ Taken from siamotuttiparteoffesa.blogspot.it.

¹⁷ A transcription of field recordings made 13 October 2012.

¹⁸ The blog of this campaign can be viewed at siamotuttiparteoffesa.blogspot.it.

¹⁹ While I'm reviewing this essay, the Court of Brindisi (26 October 2016), expressed the judgment of first instance condemning two Enel executives to 9 months of imprisonment. The energy company also will have to compensate 59 farmers. The court rejected all other claims of civil party. The written judgment will be made public during the next three months.

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Pict. 1 Conveyor belt (© Fabrizio Loce Mandes)



Pict. 2 The abandoned Cerano beach close to coal power plant (© Luca Tabarrini)



Pict. 3 Vineyards close to coal power plant (© Fabrizio Loce Mandes)



Pict. 4 Non-cultivable land close to the conveyor belt (© Andrea F. Ravenda)



Pict. 5 A protest action by "No al carbone" (© Andrea F. Ravenda)



NO AL CARBONE

21 novembre 2013 · 🌐

In questi mesi nell' aule del tribunale di Brindisi è in corso un importantissimo processo contro ENEL.

L'accusa è di aver contaminato con polvere di carbone i terreni agricoli lungo il nastro trasportatore (13 km) e quelli nei pressi del carbonile scoperto in località Cerano (Brindisi).

Qui di seguito il resoconto delle ultime 2 udienze.

Udienza del 18 novembre:

<http://siamotuttiparteoffesa.blogspot.it/2013/11/processo-enel-la-deposizione-dell-ing.html>

Udienza del 28 ottobre:

<http://siamotuttiparteoffesa.blogspot.it/2013/10/nuova-udienza-del-processo-enel-in-aula.html>



Pict. 6 Poster with dirty grapes coal posted up on a city street, reported on a social network posts by “No al carbone” (screenshot by Andrea F. Ravenda)