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In copertina: A protest action by “No al carbone” (© Andrea F. Ravenda)

Editorial/Editoriale

This second issue of 2016, the *Archivio Antropologico Mediterraneo*, open access, n. 14, is focused on a main subject, namely the status of victim in so-called ‘natural disasters’, and its relation to social justice. The papers adopt an ethnographic and comparative perspective making quite interesting contributions. We thank the guest editors and leave to them the task of presenting the themes; to us, the pleasure to underline the increasingly frequent opening of *AAM* towards aspects of contemporaneity and to emphasize not only the disciplinary pertinence of anthropology in domains more often analysed through different approaches (at least in Italy), but above all the interdisciplinary vocation of cultural anthropology. In this sense, we encourage our discipline to increase its visibility in the public arena. In this direction can be read the thematic dossiers published in the *Archivio* during recent years. The issues concerning “Arab revolutions” [2011, 13 (2) and 2013, 15 (1)], the notion of Field [2013, 15 (2)], Ethnography of Social Movements [2015, 17 (1)], as well as the new keywords presented in the *Dossier Anthroopen* [2014, 16 (2)], give room to contemporaneity while it is constructed in front of our eyes and through our perception. We will continue in this direction in the next issues, even if articles on different subjects, regardless of the main theme, will be welcome. We strongly wish for *AAM* to be a place for discussion, opened to publish qualified articles for the benefit of the entire scientific community, not just for the academic one. For this aim, we need qualified referees ready to evaluate the submissions we receive, help us to improve the consistency of arguments and make effective contributions to the existing literature. Despite the fact that most of us belong to a generation which confined critical discussion mainly within “schools and affiliations”, we now consider the process of anonymous peer review a great opportunity, not only because national evaluation agencies require it, but because we are convinced that the deep sense of knowledge as capacity of mutual listening and the basis of its growth lie in critical debate.

Il numero con cui si chiude il 2016, il quattordicesimo dell’*Archivio Antropologico Mediterraneo* nell’edizione *open access*, mette l’accento su un tema importante, lo status di vittima in relazione ai disastri cosiddetti naturali e il processo di costruzione di tale status dal punto di vista giuridico. La prospettiva è etnografica e comparativa, gli esiti delle ricerche interessanti. Alle curatrici del dossier, che ringraziamo, il compito di introdurre il tema, nelle diverse articolazioni e esemplificazioni dei casi presentati. A noi il compito di sottolineare l’apertura, sempre più frequente, di *AAM* a questioni che vertono sull’analisi della contemporaneità per ribadire non solo la pertinenza disciplinare dell’antropologia rispetto ad ambiti prevalentemente indagati secondo altri approcci, almeno in Italia, ma soprattutto la vocazione interdisciplinare dell’antropologia culturale, con l’auspicio che essa possa guadagnare un terreno di visibilità sempre maggiore nell’arena pubblica. In questa direzione sono da leggere anche i dossier tematici che l’*Archivio* ha ospitato nel corso di questi anni, da quelli sulle “rivoluzioni arabe” [2011, 13 (2) e 2013, 15 (1)], ai numeri sulla nozione di campo [2013, 15 (2)], sull’etnografia dei movimenti sociali [2015, 17 (1)], passando per i lemmi presentati nel *Dossier Anthroopen* [2014, 16 (2)], nei quali abbiamo ritenuto di dare spazio a una riflessione ancorata al contemporaneo, mentre esso si costruisce sotto il nostro sguardo e attraverso esso. Proseguiremo in questa direzione con i prossimi numeri, prevedendo comunque uno spazio per saggi non connessi al tema monografico. Desideriamo che *AAM* sia davvero un luogo di confronto rigoroso e aperto ad accogliere contributi che facciano crescere la comunità scientifica, non solo accademica, con l’apporto indispensabile e qualificato di revisori che valutino le proposte che giungono in redazione avendone a cuore la qualità e la finalità conoscitiva in relazione alla letteratura scientifica nazionale e internazionale. A quanti di noi appartengono a una generazione in cui il confronto e la critica venivano condotti soprattutto nell’ambito di “scuole e appartenenze”, la procedura di revisione anonima tra pari appare un’opportunità irrinunciabile, non solo perché lo richiedono le agenzie di valutazione, ma perché individuiamo nel confronto critico il senso profondo di un’attitudine al sapere in direzione della reciproca capacità di ‘ascolto’, il fondamento stesso della sua crescita.

Mara Benadusi, Sandrine Revet

Disaster trials: a step forward

Introduction

In recent decades, courtrooms have become a key arena for voicing claims and condemnation linked to disasters in all their possible forms: natural, technological, environmental and health disasters. The sentencing of three Chilean public officials charged with manslaughter for not sounding the tsunami alarm following an earthquake in 2010, or the trial in which 900 private citizens accused the Dutch government of disregarding the risks associated with climate change, which culminated in a guilty verdict handed down in June 2015 by the Court of First Instance – a hugely important precedent in international jurisprudence – are only a few of the most recent examples of this trend. It is difficult to count the number of legal cases in which survivors and victims' families have demanded that institutions, entrepreneurs, technical experts and even scientists pay compensation or be sentenced for damages suffered as part of a catastrophe. In view of these developments, it is no wonder that the field of disaster law has witnessed a huge surge in interest over the past few years. Building on a widespread recognition of the shortcomings of legal systems when dealing with disasters, academics have increasingly turned their attention to exploring the role of law in disasters (Farber, Faure 2010) and in particular the regulation of disaster response and determination of legal responsibility in the aftermath of disasters (Lauta 2014).

This special dossier of *Archivio Antropologico Mediterraneo*, titled *On the Witness Stand: Environmental Crises, Disasters and Social Justice*, seeks to inaugurate a space of anthropological reflection in this sphere of inquiry in order to more closely examine the symbolic, cultural and more broadly social aspects of legal disputes linked to disasters and to bring the ethnographic gaze to bear on the settings in which these cases erupt. Unlike legal experts who investigate the role of law in disasters, as anthropologists our intention is to investigate what happens with disasters when they are confronted with law, focusing on the host of legal cases we propose to term "disaster trials". Of course it is not

our intention to downplay the importance of the technical and procedural aspects of these cases. We argue, however, that the most effective way of understanding what is going on in the courtroom is to analyze disaster trials from a variety of perspectives, not least of which anthropological.

The third national conference of the Italian Society of Applied Anthropology – *Società Italiana di Antropologia Applicata* (SIAA) – held in Prato from December 17 to 19 2015 provided an opportunity to initiate a discussion about disaster trials. As part of a panel entitled "On the Witness Stand: Environmental Crises, Disasters and Social Justice" like this special issue, we compared several court cases following disasters from the judicial activism that went into demanding reparations for the deaths and damage caused by the terrible 1984 chemical accident in Bhopal, India to the "long-term memory" of the trial against representatives of the Colombér power plant filed by the families of the victims after the 1963 disaster at the Vajont dam in Italy. The panel paid special attention to three main issues: the way expert knowledge compete and come into conflict in these trials, the ethical-applied implications of anthropologists' practices of activism and consultancy during the entire course of legal proceedings, and the more general contribution that ethnographic investigations can offer in these settings in terms of advancing research on disasters. In comparing different ethnographic contexts and legal cases, we also explored the possible ways anthropologists might be involved in the courtroom, whether as expert consultants, victims or advocates (helping those who have suffered economic, psychological, physical, environmental or public health harm during a disaster to engage with the legal system), or in the classic role of participant observers studying specific judicial actions and examples of litigation.

Some of the papers presented at the Prato conference have been included in this publication, supplemented by later articles, thus allowing us to consider four disaster trials: the long-running case against the engineers and scientists of the commission tasked with predicting and preventing major

risks following the April 6, 2009 earthquake that leveled the city of L'Aquila in Abruzzo (Ciccozzi and Benadusi *infra*); the pollution-focused trial launched December 2012 against thirteen executives from Enel, a multinational utility company majority owned by the Italian State that holds the Federico II coal-burning power plant in the industrial district of Brindisi in Apulia (Ravenda *infra*); the criminal trial initiated following the October 2009 flood that struck several villages in the province of Messina in Sicily, killing 37 people (Falconieri *infra*); and, finally, the court case that erupted after the storm Xynthia swept over the town of La Faute-sur-Mer, France, in February of 2010 (Revet *infra*).

Disasters of this kind have long roused anthropological interest, of course, prompting researchers to investigate how catastrophes make their mark on the social body of affected communities, delve into their root causes and contemplate their long-term effects (Oliver-Smith 1986, Revet 2007; Langumier 2008; Benadusi 2012, 2015; Ulberg 2013; Gamburd 2013; Simpson 2013 among others). However, to date little attention has been granted by anthropologists to the specific relationship that people who have suffered environmental, physical, health, economic damage as a result of disaster establish with the law. And yet the relationship between disaster survivors and the legal system is particularly complex, whether because causal links between real damage and victim status remain ambiguous or because survivors must pass through multiple levels of mediation in order to gain the status of "victim". As the articles in this special issue show, the recognition of victimhood requires political and legal wrangling that may involve a host of actors, including lawyers, consultants, groups formed to represent victims, social movements, businessmen, politicians, public officials and journalists. These figures contribute in various ways to the social construction of victimhood and mediate survivors' relationships with the law, both inside and outside the courtroom. Anthropology can aid in untangling the jumble these relationships form, and this is precisely the thematic axis that serves as a landmark for the articles presented in this special issue.

Merging two fields of anthropology: disaster and law

The anthropology of disasters has long been interested in the issue of blame and the way "natural" disasters are explained by humans (Bode 1989; Simpson 2011; Brac de la Perrière 2010; Hoffman 2002; Langumier 2008; Revet 2010). Together with other social sciences, it has significantly contrib-

uted to paying attention to the non-naturalness of disasters and their human roots and causes (Torry 1979; Oliver-Smith 1986; O'Keefe, Westgate, Wisner 1976). Once the catastrophe is no longer considered the product of solely natural hazards but rather the result of specific social, historical, economic and political factors that contribute to making societies vulnerable, humans can be held responsible for the consequences of the disaster and sued or even prosecuted. Although there have been more and more trials or legal proceedings for "natural" (in addition to "man-made") disasters in recent years, anthropologists have yet to conduct much research in the specific field of disaster-related litigation. Not only have disaster scholars largely focused on other issues, but the more consolidated branch of legal anthropology has yet to turn an analytical eye on this field.

The anthropology of law has a lengthy history that is impossible to capture in this text. Scholars such as Sally Merry Engle and Laura Nader have played an important role structuring the field. According to Merry (2012), legal anthropology has helped the study of law to evolve in three main directions. The first concerns relationships and interactions between people and the law, the role of law in everyday life and the way people mobilize legal processes in order to resolve their disputes (Sarat, Kearns 1994). This literature gave rise to various terms and phrases such as "legal culture" (Geertz 1983) or, more recently, "legal consciousness" (Merry 1990). The second contribution lies in the particular attention the anthropology of law pays to "legal pluralism", thereby revealing the co-existence of multiple forms of law and order in different societies (Weilenmann 2005; Leroy 2005). Although this phenomena has its roots in colonial and post-colonial processes, the issue of legal pluralism has become increasingly relevant with the late twentieth century globalization and its associated superposition of global, regional, national and local legal systems. The third way in which anthropology has contributed to the study of law, according to Merry, is by investigating how human rights actually function in real-life settings: «An anthropological approach to the human rights system foregrounds the social practices of law and their embedded cultural categories, emphasizing local cultural understandings of law and the importance of analysing the social contexts of legal creation and implementation» (Merry 2012: 113). More recently, this branch of inquiry has led anthropologists to explore the way international justice has been mobilized and understood at a local level in post-conflict contexts such as Rwanda, South Africa and Peru (Wilson 2001; Coxshall 2005; Dembour, Kel-

ly 2007; Clarke 2009). Finally, some recent publications are interested in examining the technical dimension of law by analysing the importance of documents (Riles 2001) and of others systems of representation and commensurability such as money or indicators (Maurer 2005; Merry 2016).

As already outlined in the introductory section, over the last few decades a vast technical literature also emerged at the intersection of disasters and law. This body of work identifies a number of challenges that impact on future efforts to design legal frameworks for major risks in Europe and beyond. In his book on *Disaster Law*, Kristian Cedervall Lauta argues that «the shift in how a disaster is spoken of and managed affects fundamental notions of duty, responsibility and justice» (Lauta 2014: 1-2) and explains how changes in our understanding of what constitutes a disaster also affect how we approach the question of legal responsibility. This field of inquiry pays particular attention to the legalities of catastrophes, investigating the ways in which compensation for such events could be provided (Farber, Faure 2010). However, since people – survivors, victims' relatives and their lawyers and advocates – have long chosen legal procedures as a preferred means of claiming reparations, the anthropology of disasters cannot ignore these technical aspects.

One of the major anthropological reference points in this sphere is Kim Fortun's book on the legal processes initiated by groups of advocates and victims after Union Carbide's plant in Bhopal exploded in 1984 (Fortun 2001). A more recent study by Diego Zenobi (2014) explores the Cromañon fire in Argentina and traces the legal trajectories of the victims. Historians have also analysed the importance of these trials, such as Sonja Schmid (2015) with respect to the Chernobyl case. It is striking, however, that most of these empirical cases involve disasters that are not intrinsically considered “natural” and in which human responsibility is therefore not a point of dispute. It is also important to underline that most of the studies documenting post-disaster legal cases through ethnographic research in the courtroom are conducted not by anthropologists but by sociologists (Barbot, Dodier 2011; Jobin 2010), while most of the time anthropologists have chosen to analyse the legal process from outside the courtroom. A good example of this tendency is Petryna's ethnographic study of the aftermath of Chernobyl and the way “Chernobyl compensation laws” in Ukraine shaped a new kind of «biological citizenship» (Petryna 2002). Yet there is no question that anthropology is perfectly positioned to study the social relationships that develop inside the courtroom. Legal anthropologists might take the theoretical

and methodological skills they accrued in analyzing disputes in a variety of social systems (not only modern societies with formalized legal systems but also traditional societies), and put them to good use in developing a better understanding of disaster trials. Anthropologists studying disasters, for their part, could make available their extensive understandings of what Oliver-Smith called the «external variability and internal complexity» of disasters (Oliver Smith 1999: 19).

It is even clearer how useful an anthropological approach can be in the study of these disputes if we recall trials that provoked heated controversy in the social sciences. A striking example is the Buffalo Creek hydrological catastrophe that occurred in Logan County, West Virginia, February 26, 1972, when mining waste was dumped into a dam owned by the Buffalo Mining Company, a subsidiary of the Pittston Coal Company. The flood of polluting debris and water killed 125 people and injured more than 1,000, leaving approximately 4,000 people homeless. Inspectors with the US Geological Survey and West Virginia Department of Natural Resources had issued warnings specifying that dams might be subject to this kind of risk. The fact that the mining companies were lax in taking the necessary security measures triggered a judicial investigation that eventually concluded in 1974. The population of Buffalo Creek actually filed two suits against the coal company, one for damages to health, welfare, and property that involved 625 plaintiffs and the other focused on children's psychological trauma, with 348 people involved. The first ended with an extra-judicial agreement according to which the mining company paid \$13.5 million for each individual after legal costs, an amount considerably smaller than that requested by the survivors and families of the victims; the second case ended in a \$4.8 million payout, well below the \$225 million requested.

The Buffalo Creek case is particularly interesting for the questions we address in this special issue. Indeed, lawyers collected over 1,300 depositions for these lawsuits and involved experts from various disciplines including sociology. This case also gave rise to news reports, novels, books and posthumous reinterpretations. The lawyer Gerald Stern, who represented the flood victims, came out of it with an essay entitled *The Buffalo Creek Disaster* in which he shows how the «survivors of one of the worst disasters in coal-mining history brought suit against the coal company» (Stern 1976). Given the contemporary relevance of this issue in a time of environmental crimes and disasters, many Civil Procedure courses in American universities continue to assign Stern's volume as required reading.

And yet perhaps the most well-known role in the affair was played by the sociologist Kay Erikson, who was called as an expert witness in the first suit to testify on behalf of those suffering from the effects of the flood. As Lynda Ann Ewen and Julia A. Lewis noted in a subsequent critical re-reading of this case (1999), apart from brief visits and additional interviews conducted on-site, «Erikson was able to read the depositions and based his legal testimony upon them» (Ewen, Lewis 1999: 24). As our readers will likely know, the book he went on to write on the basis of this case, *Everything in Its Path: Destruction of Community in the Buffalo Creek Flood* (Erikson 1978), has long been considered a masterpiece of sociology and was granted the prestigious Sorokin Award. The fame of the book is shadowed, however, by a not insignificant fact. Although the author did show the extent to which West Virginia's political and legal environment had been influenced by the presence of large coal mining companies, due to his minimal direct contact with the area he produced a stereotyped portrait of the local community and its specific relationship with the law. Despite overwhelming evidence of agency, including militant strikes, a citizen's panel of inquiry, women's quilting groups and union activities, inhabitants were stereotyped as a culture incapable of recovering, a "fatalistic" culture grounded in individualism (Ewen, Lewis 1999). The encounter between the anthropology of disasters and the anthropology of law is a very stimulating proposition that we hope can contribute to producing knowledge about disaster trials without slipping into reductionist interpretations of this kind.

Disaster trials as "dispositif" of transformation

Trials, just like disasters, are situations characterized by a high degree of confrontation in which contradictions take centre stage. As a result, they are occasions for the anthropologist to grasp what is at stake among the various protagonists involved. When held after a disaster, a trial represents an occasion for developing different representations and narratives of the disaster, for analysing – and finally determining – the responsibility of different actors, including humans and non-humans. Experts, victims, lawyers, defendants – and even the public and media, who take an active part in trials despite not being authorized to talk within the courtroom – all produce discourses. It thus makes sense for anthropologists to observe and analyse the ways people argue during a trial in order to understand how arguments are mobilized and how different visions of the world, nature, science and what constitutes a

disaster all interact on the same stage. Legal procedures carried out in the pre-trial period – i.e. instruction and inquiry – likewise produce an assemblage of texts, words and thoughts that must be examined to produce an observation-based "thick description" of such court cases.

Moreover, disaster trials are *dispositif* of transformation. Indeed, they signal a passage from ordinary life to a formalized juridical frame, sending clear messages about the changing status of the main participants. They perform a function similar to that of rituals, in which specific, context-oriented framing strategies serve to draw dividing lines between this special terrain and the ongoing flow of surrounding events (Goffman 1974: 250-251). Trials as well as rituals establish «new social realities and identities for particular groups and individuals» (Nelson 2012: 19). This is not the right setting to provide a detailed survey of the anthropological literature exploring the transformational nature of rituals over the decades, from Van Gennep (1960) and Durkheim (1965) to Turner (1982) and Grimes (1982). There are far too many contributions to name them all. It is useful to keep in mind, however, that trials have often been associated with rituals precisely because they exert the same kind of transformative power. For instance, Garfinkel (1956) analyzed trials as "status degradation rituals", an idea Mara Benadusi draws on in this special issue (*Benadusi infra*). Depending on the legal institution in charge of the case, trials transform an event as widely and broadly as they are able to extend. A trial intervenes in the reality of people's stories, selecting the protagonists and defining charges and causalities. Discourses are transformed into "testimonies", documents into "legal briefs" and facts into "elements of proof". The whole legal process also contributes to redefining identities. Some inhabitants might organize as "plaintiffs" and then become "victims" after the trial; other protagonists may become "defendants" and be declared "responsible" while still others are enrolled as "experts". Trials are therefore important rituals that socially contribute to redrawing the way people think and talk about themselves and about the events they suffered, enlarging or reducing their spectrum of possibilities.

In recent years, the anthropologists interested in the truth commissions and trials aimed at reconciliation and justice after mass atrocities have played a key role in advancing our understanding of the transformative nature of legal processes. See for instance Humphrey's work on trials involving crimes against humanity, which he approaches as «rituals of political transition and individual healing» (Humphrey 2003: 171). These trials have sought to

reverse the State's tendency to produce victims and steer it toward redeeming victims instead (*ibidem*). Merging the anthropology of law and the anthropology of disasters, this issue should be considered an initial attempt to treat judicial litigation regarding disasters as a particular type of transformation ritual. The legal disputes unleashed in response to disasters and environmental crises are played out in particularly fragile moments of social life. After a disaster, people face uncertainty and the risk of losing the tangible and intangible points of reference that give meaning to their social lives; as Benadusi notes in her paper (*infra*), survivors are particularly inclined to attribute a "moral" character to what they have experienced, classifying «the various representations of the event and people involved in terms of liability and negligence, nobility and baseness, guilt and innocence» (Benadusi *infra*). It should come as no surprise if, in similar circumstances, courtrooms come to represent spaces in which actors deploy devices for changing the social status, collective identity and moral responsibility of those who are variously involved in the events. These devices may even transform the frameworks of meaning normally used to explain the disaster in a given social context.

The disaster trials analyzed in this special issue display different kinds of transformation mechanisms. In the article by Andrea Ravenda, the trial for soil pollution targeting several managers from the Enel energy company in Brindisi involves a dual mechanism of transformation: on one hand, a move to define the juridical subjectivity of victims as «credible witnesses» and, on the other hand, a move to establish the «injured party» as a metonymical identification between farmers as a specific group and the citizenry as a whole. Indeed, the "We are all the injured party" campaign acts to extend this identity of the injured party to the entire population, transforming a trial that was exclusively limited to identifying the individuals responsible for polluting local crops into a kind of «performative public ritual» for «assessing the plant's impact on the environment and citizens' health, identifying damage and assigning responsibility» (Ravenda *infra*). By continually moving back and forth between developments inside and outside the courtroom, Ravenda shows how the farmers' stories, experiences and bodies are transformed into «evidence of the environmental disaster and biological damage» (*ibidem*) caused by the energy companies operating in the area. Drawing on Petryna's work on biological citizenship (2002), the article illustrates how the farmers' specific objectives of being compensated for the damage to their land are transformed into tools for «constructing a new of citizenship which

[...] might give rise to new models of local development in contrast to the industrial model» (*ibidem*).

In Mara Benadusi's article on the controversial court case held after the 2009 earthquake in L'Aquila, we see how a "degradation ritual" was launched between the first and second phases of the criminal proceedings designed to lower the status of the defendants, members of the Commission for Major Risks. By turning them from authoritative representatives of science into subjects of doubtful merit and proficiency vulnerable to being scrutinized and criticized like anyone else, the first trial raised the risk that Commission members would not only be judged before the law but also condemned in relation to public morality. In the end, however, the second instance verdict (later confirmed by the Supreme Court) acquitted all the scientists, an outcome that marked the failure of the transformation device operating in the first trial and re-affirmed the undisputed respectability of these scientists as top exponents of science. As the author shows, during the different phases of the proceedings the «fluidity of the boundaries between legal and moral resulted in a continuous slippage between discourse delivered in the courtroom and mediatically amplified in the public sphere» (Benadusi *infra*). In what remains one of the most significant disaster trials of the present day, this alternation between rituals of degradation and successive rehabilitation served to first affirm and then negate the «dual tie» (*ibidem*), both scientific and political, associated with the defendants' positions as expert consultants.

In his article, Antonello Ciccozzi examines the same trial but from a different perspective, in his dual role as expert consultant for the prosecution and survivor of the earthquake. In his paper we see how the de-legitimization of his advisory role both inside and outside the courtroom took the form of an act of «excommunication» (Ciccozzi *infra*) operating on multiple levels: on one hand this attack was directed at Ciccozzi as an individual, aimed at discrediting him and his experiences and even going so far as to involve tabloid-type tones. On the other hand it was intended to discredit anthropological expert testimony (which played a crucial role in the formulation of the first guilty verdict), transforming it into a form of knowledge lacking adequate scientific reliability. What this article reveals, then, is a problematic portrait of the paradigm for establishing truth flaunted by the "hard sciences" in the courtroom which, Ciccozzi argues, acts like an «epistemological ceremony» (*ibidem*) capable of triggering and transforming into spectacle «manifestations of authority based on a positivist-type heritage, in the shadow of an absolute objectivity myth» (*ibidem*). The disaster was like-

wise transformed when it was brought inside the courtroom, giving rise to a scientific-legal clash between experts for the defense and those for the prosecution around issues of predictability, risk, prevention, alarm and reassurance, a clash in which legal truth, scientific truth and cultural truth end up mutually excluding each other (see also Benadusi *infra*).

In her piece, Irene Falconieri interprets the formal dimension of the trial held after the flood that struck the province of Messina in 2009 as a «competitive communicative interaction» that is «expressed through a highly structured ritual» (Falconieri *infra*). In her analysis, the legal process is treated as a device that not only deploys a system of tests and demonstrations in order to describe reality, but also modifies reality. Thanks to her direct involvement as one of the plaintiffs, Falconieri is able to show how the prosecution transformed “the 1st of October flood” by breaking it down into a sequence of related but distinct individual events. This breakdown helped to deconstruct the very concept of “natural” disaster, turning it from an exceptional and uncontrollable incident into the result of negligent political and technical choices. Subsequently, the experts summoned by the defendants’ lawyers engaged in the opposite process, restoring the “naturalness” of the event. Scientific truth thus ended up being subject to multiple interpretations, each one conveying a different and contrasting vision of the disaster.

Sandrine Revet’s article also describes the mechanisms used to transform the catastrophe caused by the 2010 cyclone Xynthia into an object that could effectively be addressed in the courtroom. A «trajectory» (Revet *infra*) emerges in the legal proceedings which, fed by pressures from the various actors involved, victims and defendants as well as legal professionals, contributes to giving the event a specific form and bringing it into the field of law as the object of «judicial rituals» (*ibidem*). In order to pass from the status of natural phenomenon to that of human or social phenomenon, and therefore potentially caused by the criminal conduct of the defendants, the storm is transformed into a set of measurable data. This transformation operates on multiple levels: on the one hand – as we have noted – it acts on the event itself, on the other hand it acts on subjectivity. Some residents of the flooded village were transformed into plaintiffs, then “victims”; others were investigated, then turned into “the defendants”. At the end of the proceedings, one of these individuals was finally designated “guilty” while the others returned to their normal status as ordinary residents. Revet explains how these changes are all the result of a process in which

participants gain increasingly familiarity with the law, a process that they experience as a trajectory, a veritable “journey inside the law”.

Final remarks

The arguments presented above highlight a crucial point shared by all the different articles in this special issue: the fact disaster trials have a highly performative character and therefore constitute a “liminoid” phenomenon with the potential to reformulate cultural codes and, in so doing, transform social realities. Disasters appear in the courtroom as the infringement of regulatory codes (Ravenda), a violation of the rules of science (Benadusi and Ciccozzi), morality (*ibidem*), the law and even nature (Revet and Falconieri). Whatever the case, on entering the world of law the disaster produces a second crisis, a fracture that is difficult to repair. Indeed, the process of attributing blame and responsibility gives rise to overt conflict and causes latent antagonisms to surface. People take sides and form factions, and unless the conflict can be quickly confined in a limited arena of social interaction, this rupture tends to expand and spread out beyond the tribunal itself.

To observe the social life of a disaster inside the courtroom, we must also scrutinize how these transformative *dispositifs* embody the subjectivity of the many actors involved in legal proceedings, including anthropologists. Anthropologists doing research *on* or *inside* these intensely ritualistic action settings are not only required to acquire the specific communication styles, expertise and languages necessary to interact with the figures they encounter: they are also obliged to gain a certain expertise in areas such as law, risk communication, official and popular epidemiology, medicine, engineering, construction, geology, meteorology and forensic psychology. They must critically reflect, moreover, on how to frame their own disciplinary knowledge in order to make it more effective and comprehensible to all the actors who use it for their different reasons. The case of Antonello Ciccozzi’s anthropological expertise during the L’Aquila trial clearly shows how crucial this process of translation and decoding can prove to be. In addition, anthropologists are driven to question which deeper meaning can be found in their involvement in the courtroom (often alongside the victims), and to evaluate the effects that their presence in the courtroom and in the legal battles accompanying disaster trials might have on the lives of others. We are all unavoidably called on to explain and critically observe our own positioning. In such circumstances, in fact,

ethnographers may play a dual or triple role in the unfolding of events. They can use their specific disciplinary skills to critically reread legal proceedings (Benadusi), position themselves as observers right in the thick of things, taking on a classical ethnographic posture inside the courtroom (Revet), or be personally involved as expert witnesses as part of hearings (Ciccozzi); they might come into contact with the law as victims of a disaster (Ciccozzi and Falconieri), or play a supporting role for the political groups and collectives that turn to the law for justice (Ravenda), sometimes engaging in advocacy (Falconieri).

In all of these cases, the anthropologist likewise undergoes a process of transformation: Antonello Ciccozzi's encounter with the law carried him from the status of survivor to that of expert consultant and then defender of his own anthropological expertise. Irene Falconieri deployed her own position as victim and plaintiff to carve out a path of auto-ethnography. Andrea Ravenda took advantage of his own personal and political involvement with social justice movements in a highly polluted area to observe what was going on inside and outside the courtroom. As anthropologists studying disasters regardless of our direct involvement "inside the crisis", however, we feel it is key that this kind of work remain closely tied to the basic principles of anthropological methods and theory. It is true that these principles must be reformulated if we are to meet the challenges posed by the clash of expert knowledge in courtrooms and battles for social justice and public health; the essays published in this special issue, however, show that serious professional ethics and the patient pursuit of critical reflexivity are among the most useful resources that we as anthropologists can draw on.

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Mara Benadusi

The Earth Will Tremble? Expert Knowledge Confronted after the 2009 L'Aquila Earthquake

Introduction

In the last thirty years, there have been more and more opportunities for social scientists to participate in «global assemblages» (Collier, Ong 2005: 4-5) in which ethical and political reflections, knowledge, technicalities and disaster intervention strategies are developed together (Benadusi 2015). Leading figures in the field such as Anthony Oliver-Smith, the founding father of the anthropology of disaster, have carved out a space of involvement for themselves not only among the communities and organizations they interact with in the field, but also as part of decision-making bodies tasked with developing policies for reducing disaster vulnerability. They have provided advice to governments, administrations and organizations such as the World Bank, UNISDR (United Nations International Strategy for Disaster Reduction), ICSU (International Council for Science) and the United Nations University. In so doing, sociologists, geographers and anthropologists have contributed to a paradigm shift in the understanding of disasters and the move from a technocratic, top-down and centralized approach to managing risk to more community-oriented, participatory and bottom-up approaches (Lavell et al. 2013: 429).

Social scientists are also beginning to play a role (albeit still limited, compared to other academic disciplines) in the legal procedures for determining public or private responsibility for the consequences of catastrophic events. The judicial controversy following the L'Aquila earthquake of April 6, 2009 is a clear example of the presence of social scientists in the courtroom as part of trials in some way connected to disasters. Indeed, risk communication the Italian Commission for the Forecast and Prevention of Major Risks – the Commission for Major Risks (hereafter CMR) – provided during the days prior to the earthquake resulted in a controversial court case involving representatives of the scientific community from outside the disciplines most commonly consulted in relation to forensic issues. Sociology and anthropology played a central role in this trial, the

same kind of role ballistics, clinical psychology, medicine and the physical and engineering sciences have played in other court cases. The trial has had significant repercussions at the international level and stimulated an intense debate about the relationship between scientific knowledge and risk communication, and more generally between science and politics. In addition, it was the first time in a trial for determining scientific and institutional responsibility associated with disaster that an anthropologist acquainted with the facts was called in to provide technical counsel, contributing to the prosecution's case. As I will describe in more detail later in the article, Antonello Ciccozzi's anthropological analysis demonstrated how the communication provided by the experts convened in L'Aquila led the local population to underestimate the degree of risk, thereby causing them to engage in life-threatening behaviours.

The trial being already concluded, this article seeks to re-interpret the L'Aquila court case in order to analyse the role that scientific knowledge played in the courtroom. I consider both the expert advice provided by accused scientists and the consultation provided by outside experts, in particular the anthropologist, during the trial proceedings. The article builds on an initial comparison of the 2009 L'Aquila and 1981 Lima predictions, two cases in which scientists played a central role in assessing the likelihood of a significant earthquake. Through this comparison, I identify the shifts in the seismological community and political sensitivity regarding earthquakes that helped to lay the groundwork for the explosion of litigation following the L'Aquila earthquake. Intense media coverage also provided the backdrop to both events. I then examine the L'Aquila case in more depth to show the role played by expert knowledge in the two stages of legal proceedings, the judgment of first instance and the Court of Appeals judgment, analysing the relative weight attributed to anthropological consulting during the first part of the trial as compared to the second part. In the final section, attention is focused on the link between science and politics that played a

central role in the unfolding of forensic procedures. I also argue for the importance of strengthening integrated research in the study of disasters and promoting a more substantial incorporation of socio-anthropological knowledge when identifying the best strategies for effective risk communication.

*Comparing two predictions: Lima-1981
and L'Aquila-2009*

The history of earthquake predictions includes moments of particularly heated controversy. Indeed, due to their surrounding political and institutional environment, some predictions undeniably have a greater impact than others; they are capable of inciting acrimonious debates in scientific circles and generating powerful repercussions in terms of international public opinion. One example that is “good to think with” is that of the devastating quake forecasted to take place in Lima, Peru, in 1981. Two American scientists made this prediction: Brian Brady from the U.S. Bureau of Mines and William Spence from the U.S. Geological Survey, who predicted the earthquake with a high degree of exactness, indicating a precise location, magnitude and day for the catastrophe. The disaster never occurred. The Brady-Spence forecast, however, became part of the history of modern seismology. The earthquake could have been one of the most violent of the twentieth century and, at the time, the area it was predicted to hit hosted more than five million inhabitants. According to the scientists’ calculations, the earthquake could have killed hundreds of thousands of victims. This story with all of its political implications has been reconstructed in a dense account by Richard Stuart Olson, Bruno Podesta and Loanne M. Nigg, *The politics of earthquake prediction* (Olson *et al.* 1989). The authors describe how scientists and the two governments involved, the United States and Peru, worked to mitigate the consequences of the potential earthquake. The result is a detailed portrait of the way scientists, bureaucrats and media outlets interact in cases of immense scientific controversy.

Why discuss the 1981 Brady-Spence prediction? I believe this controversial case helps us better understand what happened in Italy with the main focus of my paper, the earthquake that destroyed the city of L’Aquila on April 6, 2009. Indeed, the scandal ignited by Brady and Spence’s erroneous calculations in the 1980s offers a lens for interpreting the events of thirty years later involving the Commission of Major Risks, an institutional body tasked with preventing and predicting earthquake risk in Italy.

At the time of Brady and Spence, deterministic

prediction research was seen as a growing sector of seismology with the potential to produce decisive discoveries for the wellbeing of humans worldwide (Geller 1997). This branch of predictive science was based on accumulating knowledge about tectonic plates and analysing certain signs that were considered premonitory, such as radon gas emissions and precursory tremors. In contrast, the trial against the CMR in L’Aquila unfolded in a completely different context. At this point, in fact, it is widely agreed that deterministic-type predictive discoveries are still a long way off. This is why, in the contemporary political climate, it is considered essential for risk-assessment agencies to assert that the science of seismology is not capable of unambiguously determining the exact occurrence of earthquakes; at best, it can provide guidance based on probability that is reliable in the long term (from years to decades). In other words, to date there are no earthquake warning signs that can be considered adequate evidence for predicting the exact place and time earthquakes will occur¹.

This point helps to make sense of the way the scientific community and institutional bodies reacted to the forecasts made by the technician Giampaolo Giuliani a few days before the L’Aquila earthquake. Giuliani² had circulated information among the population regarding the imminent occurrence of a severe earthquake in the L’Aquila area. Then, on March 27, he warned the mayor about the possibility of an earthquake occurring within the next 24 hours, a tremor that did in fact take place. A few days later, he went public with a second prediction, calling the mayor of the nearby town of Sulmona to warn him about another tremor that was forecasted to take place there in the next 6-24 hours. The quake did not take place on the expected day, however, and Giuliani was sued for sounding a false alarm (Alexander 2010). The reactions to Giuliani’s predictions³ should be read not only in light of the distinction between science and non-science (Gieryn 1999) that conditions the credibility of those expressing scientific opinions. They should also be read in light of the important changes that have occurred in the geophysical sciences from the 1980s to the present, that is, the clear decrease of confidence in seismology’s ability to predict seismic events, especially when such forecasts are based on deterministic methods of analysis.

This shift is not only due to scientific factors, however. Cases like the earthquake predicted in Lima have generated a growing consensus about the dangers such forecasts pose in terms of their potential social and economic effects: panic and anxiety in the population and decisions made out of fear as well as falling real estate values, plummeting

rents, decreasing touristic flows and increasing insurance rates. All of these effects were observed after the Brady-Spence forecast. The then-president of the Peruvian Geophysics Institute wrote that «the prediction itself can cause damage comparable to the effects of a large earthquake» (Olson *et al.* 1989: 35). One of the two scientists, Brady, mindful of the effects his calculations could have on the public, was even afflicted by a «professional dilemma» (*ibidem*: 17) about whether to publish the results of their studies publically or disseminate them only in restricted settings. Tellingly, the authors of the report speak of a «policy of ambivalence» (*ibidem*: 50): on the one hand, the prediction was circulated widely at the public level, mainly as a result of the echo chamber effect generated by the national media in Peru; on the other hand, all possible measures were taken to not render the findings official at the institutional level, even while the necessary preventive and mitigative measures were recommended (and partly adopted).

Guido Bertolaso, the head of Italian Civil Protection Department in 2009, was seemingly aware of the political slipperiness surrounding earthquakes (and the socio-economic costs of a possible prediction). On convoking an urgent techno-scientific meeting in L'Aquila with influential members of the national geophysics community and technical experts working for the Italian Civil Protection Department⁴, he warned them that the earthquake had become «a minefield»⁵. It was Bertolaso's intention that emphasizing a message of earthquake non-predictability with the citizens of L'Aquila would prevent Giuliani's statements from causing locals to engage in the kind of behaviour that occurred in Lima or other similar situations. The representatives of the institutional bodies were therefore fully aware of the persuasive weight scientific recommendations can have on the citizenry by reconfirming or altering local perceptions of seismic risk. The fact that the Italian Civil Protection Department specifically wanted to avoid reactions dictated by panic or the kind of effects caused by alarmist predictions shows that it was well aware of science's capacity to influence how people actually react.

The juxtaposition of these two cases (Lima and L'Aquila) gives rise to questions with unmistakable public relevance. What would be the most suitable, useful and, above all, responsible risk communication to provide to the public under such circumstances? Is it better to give a clear and transparent message, or an ambiguous one that leaves room for reassurance? When the political need to underline that science cannot provide valid seismic predictions is combined with the necessity

of calming the population, what are the effects? And how do these effects impact on the disaster risk reduction sciences or, even more so, on risk communication? These questions point to the heart of a “communicational dilemma”: is it better to sound an alarm or run risks? When in doubt, what is to be done? Comparing Lima-1981 and L'Aquila-2009, what emerges is the «yawning gap between scientific knowledge, mass communication and the social need for security» (Clemente 2013: 7). Despite the passage of time separating these two cases, this gap has yet to be bridged.

In the next section, I outline the case of the L'Aquila legal proceedings in order to aid in responding to at least some of these questions. As David Alexander's work shows (2010, 2014), one possible interpretation of the affair involving the CMR in L'Aquila is that the chain of information provided to citizens was so incongruous as to give rise to the absurd “prediction of a non-earthquake”. Framed in these terms, the similarity between the Lima and L'Aquila cases is even more explicit. In Lima, scientists forecasted a disaster that never occurred, while in L'Aquila the population was provided with information about a non-disaster that actually did occur. In the lengthy legal proceedings following the quake, the technical experts and scientists summoned to L'Aquila were not accused of giving a false alarm (as occurred with the Brady-Spence prediction), or even of failing to sound an alarm. The accusation was that they had inappropriately reassured the population to the extent of maintaining a highly contradictory position: essentially, they continued to claim that “there is no way to predict earthquakes, but we predict a non-earthquake”. To assert that the continuing signs of an imminent quake (namely the lengthy seismic swarm and anticipatory tremors) should not be taken as premonitory indicators, they went so far as to paradoxically state that these were perfectly normal, neutral events or even positive signs that energy was being released and so it was unlikely a major earthquake would strike the city⁶. Not a failure to alarm but rather “reassuranceism”, that is, an inaccurate and deadly judgment that there was no substantial danger. This is the argument of the anthropologist Antonello Ciccozzi, who was called as an expert to provide technical consultancy as part of the trial; the same argument was also supported by Judge Marco Billi during the first trial, which led to a guilty verdict (Billi 2012).

Thirty years separate the erroneous Lima earthquake prediction and the equally inaccurate forecast of a non-earthquake in L'Aquila. In a highly seismically active country such as Italy, the relevant institutions probably thought it was best to avoid

spreading panic, to elude the costs of a potential evacuation, to reinforce citizens' trust in governmental bodies and delegate to them the management of potential calamities. To this end, they used the authority attributed to the scientific commission. According to the proceedings leading up to the first ruling, however, this choice was made at the expense of accurate information about risk (*ibidem*).

The Lima-L'Aquila comparison also raises other considerations. Both cases clearly show how the science of disasters, perhaps more than other disciplines, is currently «on stage» and under the spotlight (Hilgartner 2000). This is why it easily runs the risk of being politically manipulated. Both cases had broad mediatic reverberations and generated a significant echo in public opinion. However, while in the first case a scientific commission made up of fellow experts was called to judge the actions of the two American scientists outside of the courtroom, in the L'Aquila case a real legal action was brought. The scientific trial regarding Brady and Spence's prediction, which took place before the fateful date when the earthquake was supposed to have struck, did not involve assessing legal responsibility, although it did seriously compromise the reputations of the two scientists. In the case of the CMR in L'Aquila, in contrast, it was precisely the responsibility of scientists that was put on trial after the earthquake, in view of the possible social effects of an opinion, and its associated risk communication, that might have contributed to causing the death of some earthquake victims. This does not detract from the fact that the level of spectacle accompanying the story in both cases was outrageous and excessive, leading to outcomes we might term "dramaturgical".

Lima and L'Aquila also differ in another detail. In addition to the public institutions involved, Brady and Spence essentially faced fellow geoscientists and risk management specialists during the unfolding of the events in Lima. The CMR members were instead evaluated by a wider collection of actors and entities. Indeed, knowledge about disasters and their associated risks is no longer considered the exclusive domain of geophysics. Sociology, anthropology and communication studies were brought into the L'Aquila case on the same level as techno-scientific knowledge⁷. This is clearly demonstrated by the role anthropologist Antonello Ciccozzi played in the first trial on the side of the prosecution, and the communication sociologist Mario Morcellini on the side of the defence⁸. These roles illustrate how the science of disaster is now held to a much broader scope of public accountability than it was in the era of the Lima prediction.

Scientists in the courtroom: disputed advice

As consulting anthropologist, Antonello Ciccozzi wrote a technical report for the Italian public prosecutor's office titled *Rassicurazionismo: Antropologia della comunicazione scientifica nel terremoto dell'Aquila*, "Practicing reassurance: an anthropology of scientific communication in the L'Aquila earthquake" (Ciccozzi 2013). In this report, he reviews the official judgment of "no substantial danger" released by the experts of the CMR and argues that this judgment exacerbated the tragic consequences of the earthquake. In drafting his report, Ciccozzi mainly draws on the anthropology of risk (Douglas 1992; Douglas, Wildavsky 1980) and social representations theory (Moscovici 2000). His main source of documentation is the testimony that the Public Prosecutor collected from victims' relatives during the pre-trial phase. Ciccozzi analyzes the link between institutional communication and collective behavior. Specifically, he examines how the CMR's judgment regarding the seismic danger facing the city of L'Aquila affected the «local anthropological culture», persuading a segment of the population to stay at home the night of the earthquake. Indeed, he argues that the CMR's reassuring statements clashed with the precautionary norms of local culture, which had been shaped over time by previous earthquake experiences. Ciccozzi's expert advice thus falls into the category of "cultural expertise" aimed at describing the facts to be considered when evaluating legal responsibility in light of the specific background of one of the disputants; the idea was that this advice would have supported the arguments presented by the defence or prosecution and thereby contribute to the formulation of the final ruling (Holden 2011: 2-3).

As summarized in the article included in this special issue (Ciccozzi *infra*), Ciccozzi's anthropological outline of the events unfolds as follows: according to the «seismic culture» of the city, L'Aquila locals were inclined to interpret the series of tremors that rocked the city between the winter and spring of 2009 as a prelude to potential catastrophe. The fact that residents spontaneously evacuated their homes during every one of the strongest tremors before April 6th is proof of this tendency. Following the lengthy earthquake swarm that culminated in more intense shakes on the 30th of March, however, the emergency meeting of the CMR was called in L'Aquila by then-president of the Italian Civil Protection Department, Guido Bertolaso⁹. Ciccozzi argues that the appointed scientific experts provided «imprecise, generic and ineffective» information before, during and after

this meeting and that this information reduced the population's perceptions of risk. And this, he claims, caused an «increase in the vulnerability of the local area, that is, a contributing factor that led to the disastrous consequences of the seismic event» (Ciccozzi 2013: 37). In passing his guilty verdict, Judge Marco Billi (2012) fully embraced Ciccozzi's anthropological argument.

In the first instance trial, the CMR members were accused of multiple manslaughter and sentenced to six years in prison, excluded from public office and required to pay the victims damages of up to 450,000 Euros. This first verdict triggered heated debates in the scientific world as well as among politicians and local civil society. To understand the trial ruling, however, it is essential to note that the CMR was established by the Prime Minister as a technical-scientific consulting body of the Italian Department of Civil Protection (Law n. 225, 24/02/1992¹⁰). It is therefore essentially an institutional commission that performs a public role on behalf of the State. The commission is composed of «nationally and internationally famous, undisputed and publically recognized figures with proven experience in the field of civil protection»¹¹; and it is specifically tasked with providing expert opinions and guidelines for «forecasting and preventing major risks»¹².

According to the Public Prosecutor's closing speech and, later, the text of the sentence passed in 2012, the seven representatives of the technical-scientific world¹³ summoned to L'Aquila on March 31, 2009 had the specific institutional mandate of «sharing all the information available to the scientific community regarding the seismic activity with the citizenry»¹⁴. Let us take a step back, however. Right after the April 6th quake, the press – and thus local civil society as well – began to speak of a “failure to warn”. Once the trial was underway, this same expression was repeatedly echoed at the national and international levels. Before formal court proceedings had even begun, the Istituto Nazionale di Geofisica e Vulcanologia (INGV), Italian National Institute of Geophysics and Volcanology, circulated an appeal addressed to the President of Italy, encouraging him to oppose the trial. Although at that point it was not yet clear what the charges would be, over 5,000 scientists from all over the world signed the appeal. However, what was on trial in L'Aquila was actually “negligence”, not “science”. As clearly demonstrated by the written deposition of Public Prosecutor Fabio Picuti (2010), trial debates revolved around «unsuitable risk evaluation» and «unsuitable information» rather than a failure to warn. The scientists were not responsible for having failed to predict the earthquake, they were

accused for having predicted superficially, in a «misleading, unfounded and fatal» way, that the earthquake would not occur (*ibidem*). It was only afterwards, once they had understood the real charges brought against the CMR members, that the major international scientific journals began to evince a change of opinion¹⁵.

In short, in the judgement of the Court of First Instance the CMR members were convicted for two reasons unrelated to their ability to determine the time, magnitude and location of the earthquake and warn residents about it. They 1) performed a «vague, generic and ineffective assessment» of the risks associated with the ongoing seismic activity in the L'Aquila area, and 2) provided the relevant institutions and local citizenry with «incomplete, imprecise and contradictory information about the nature, causes, dangerousness and future implications of the ongoing seismic activity» (Billi 2012). «The Commission's responsibility did not lie in having failed to predict the seismic event [...], but rather in not making proper use of the precautionary rules¹⁶» (Santise, Zunica 2016: 206). These rules should be invoked «when a phenomenon, a product or a process can have potentially dangerous effects, even though the scientific evaluation carried out does not allow us to determine the level of risk with sufficient certainty» (*ibidem*)¹⁷.

In assessing the causative link between the defendants' communicative approach and the injurious events in question, the prosecution emphasized in particular the contradictory nature of experts' statements. The CMR members simultaneously stated that “it is impossible to predict earthquakes” and that “no earthquake is predicted to occur” or, in other words, that a seismic event greater than those already recorded in the same period was unlikely¹⁸. In so doing, they failed in their official responsibility to assess risk and their institutional obligation to provide adequate information, which resulted in the deaths of 29 people. This, in brief, is how the first ruling was formulated (Billi 2012). The issue thus touched on both the commission's scientific mandate (to assess risk in terms of probability) and their duty to inform. In the second ruling, issued November 10, 2014 and subsequently confirmed in the Court of Appeal on November 20, 2015, the charges were not annulled but legal responsibility was limited to Bernardo De Bernardinis, then-deputy head of the Civil Protection Department, and the ruling confirmed his guilt in relation to some of the victims. The six scientists were instead exonerated. Indeed, their acquittal and the rejection of collective responsibility on the part of the institutional body that met in L'Aquila, namely the CMR, distinguished

this second phase of the trial.

The CMR had initially been censured also for having given in to the political desire of Guido Bertolaso, as head of the Italian Civil Protection Department, to wage a «media campaign», taking on a role of direct communication that was not part of its institutional mandate. Indeed, according to institutional procedure, the results of the meeting should have been communicated to the relevant agencies within Civil Protection, not directly to the citizenry¹⁹. It was precisely this point that was crucial in determining the second ruling. The fact that individuals from outside the CMR had access to the meeting, the lack of a quorum and the fact that some of its members participated in the subsequent press conference were taken as indicators that the meeting convened in L'Aquila before the earthquake had not been a formal meeting of the national body responsible for preventing and predicting earthquakes, thus voiding the charge of collective institutional responsibility. However, the trial proceedings did reiterate the idea that De Bernardinis' statements played a key role in augmenting the reassuring efficacy of the messages circulated in L'Aquila²⁰.

The second sentence thus undermined the persuasive evidence provided by Antonello Ciccozzi's report. His anthropological testimony argued that, by "ritually" summoning the scientists to the site, the intersection of science, authority and persuasion had distorted locals' existing knowledge derived from common sense in the city of L'Aquila. Local people would normally go out into the street immediately upon feeling a quake and stay away from their homes. On the contrary, according to Ciccozzi, the meeting produced an atmosphere of «scientific sacredness» that impelled people to trust unconditionally in «the word of the scientists»; the more credit people put in scientific knowledge, the more they trusted. Indeed, the segment of the population with the most confidence in the commission's analysis were those more likely to believe in the figure of the scientist «due to education, inclination or socio-cultural position» (Ciccozzi 2013: 90). The interpretive filter the CMR had inserted into local common sense took hold most powerfully among the city's better educated families. While the Court of Appeal did exonerate the six scientists accused²¹, it also sustained the causal link between De Bernardinis' negligent conduct before the meeting and the deaths of several victims. Although the theory of social representations underlying the anthropological expert testimony was ultimately put aside, the trial resorted to "empirical generalizations" (*massime di esperienza* in Italian) i.e., the notions of common

sense that allow the judge to lower the bar of the evidentiary framework within a given historical and cultural context²². In this case, the judge drew on the experiential notion that a message is more credible when it comes from a source that is particularly qualified (see also Ciccozzi *infra*).

The limited judicial weight granted to the theory of social representations in the Court of Appeal was justified on the grounds that this theory does not hold up strongly to scientific validation: according to this view, the theory does not display a consistent regularity capable of demonstrating the sequence of events or a significant statistical coefficient. This reasoning could be extended well beyond the social sciences, however. As recently as 2009, after a lengthy investigation in which one of the world's most important scientific bodies, the US National Academy of Sciences (NAS), appraised the reliability of forensic sciences in the United States, a report²³ was released showing that the controllability, falsifiability and verifiability criteria of these sciences (especially the most widely recognized forms, medical and physical-engineering forensics) have been subjected to scrutiny because they do not display the degree of scientific validity required to be granted authority in the courtroom. With the exception of DNA analysis, the report states, «no forensic method has been rigorously shown to have the capacity to consistently, and with a high degree of certainty» establish the link between evidence and suspect that would confirm its legal validity (Holden 2011: XXIV). The report clearly illustrates how, today, «the law's greatest dilemma in its heavy reliance on forensic evidence [...] concerns the question of whether – and to what extent – there is science in any given "forensic science" discipline» (*ibidem*). With this in mind, anthropology like other socio-humanistic branches should not – as occurred during the L'Aquila trials – be held to different conditions of credibility than those employed for the sciences that have traditionally been granted more legitimacy in legal proceedings when it seeks to assert hermeneutic-cultural methods based on inquiry and long-term engagement with local contexts²⁴.

Status degradation ceremonies

The case examined here reveals the various controversial aspects surrounding the use of scientific expertise in the event of public safety issues such as natural disasters. The slipperiness of scientific expertise can be seen on two levels: in institutional terms, in reference to the bond that links scientists to the mandates of the national

Civil Protection Department, and in legal terms, surrounding the use of expert knowledge in the courtroom. The trial also provides an interesting laboratory for reflecting on the links between science and politics when serious risks threaten the community.

As in other legal proceedings with considerable media impact, the L'Aquila trial turned into a complex representation, a kind of "public drama"²⁵ in which the representatives of science (both those in the dock and those called to provide expert testimony for the defence or prosecution) risked ending up unmasked, like characters in a play. In other words, the events gave rise to a mediatic-legal operation in which the trial was only one part and the courtroom only one of many stages. In fact, the fluidity of the boundaries between legal and moral resulted in a continuous slippage between discourse delivered in the courtroom and mediatically amplified in the public sphere. The charges that the CMR had bowed to political powers in supporting Guido Bertolaso produced a rupture in «civil society's awareness of the social uses of science, the role and function of experts and the collateral effects of scientific communication» (Ciccozzi 2013: 163). A rupture that needed to be mended, lest scientists lose their legitimacy. To borrow a phrase from the French sociologist De Certeau (1984), when science pays more attention to the demands of power than the needs of the population we gain a clear indication of the degree to which science can be subservient to politics. What was at stake in L'Aquila was not only the responsibility of individual scientists before the law, but also their collective responsibility in relation to the public, which touched on a moral judgment more than a juridical one²⁶.

The outcome of the second phase of the trial, with six scientists acquitted and only De Bernardinis found guilty, is a clear example of this. In the transition from the first to the second trial phase, in fact, it is apparent that the «boundary-work» required at every turn to define science by what is not science (Gieryn 1983; 1999) was carried out to underscore the boundaries between science and politics. The move to frame the six defendants as individual representatives of the scientific world, thereby legally detaching them from their collective role as official members of a political-institutional body like the CMR, was an act aimed at stressing (and removing the ambiguity surrounding) the dividing line between science and politics, exonerating one at the expense of the other²⁷. While the initial ruling had revealed the spaces of hybridity characterizing the science-politics pairing, especially when the former lends itself to exploitation by the latter,

the final verdict – subsequently reaffirmed by the Supreme Court – based its judicial evaluation on a clear demarcation of these boundaries. As a matter of fact, a considerable component of the forensic procedures in the Court of Appeal was based on a distinction between the mandate of prevention and that of forecasting, assigning responsibility for the former exclusively to the Italian Civil Protection and the latter to individual scientists. By denying that the defendants had been charged in the role of representatives of an institutional body clearly responsible for prevention (and thus communication) as well as risk prediction, the court effectively denied the "dual tie" (both scientific and political) associated with their positions as expert consultants.

In so doing, the court avoided activating that mechanism Pier Paolo Giglioli describes so well in his analysis of the *Mani Pulite* trial²⁸, that is, the «ritual of degradation» that «consists in a redefinition of the social identity of an individual as one of a lower rank» (Giglioli 2001: 301). Just like the politicians in *Mani Pulite* proceedings, by appearing in court the scientists involved in the L'Aquila trial not only risked being found guilty according to judge Billi's ruling at first instance, they also likely risked being degraded in their status as lofty exponents of science. In the end only De Bernardinis suffered this degradation; as Guido Bertolaso's second-in-command, he remained the only direct representative of the political-institutional world.

If we want to shed light on this case, another useful notion is the concept of «status degradation ceremony» first introduced by Harold Garfinkel in 1956. The term refers to communicative work directed at «transforming an individual's total identity into an identity lower in the relevant group's scheme of social types» (Garfinkel 1956: 420). Garfinkel argued that the structural conditions of moral indignation and shame – and hence the conditions of status degradation – are «universal to all societies» (*ibidem*). Degradation tactics used in courts of law are only one example of this. In a courtroom, factors like «the movements of persons at the scene of the denunciation, the numbers of persons involved as accused, degraders, and witnesses, status claims of the contenders, prestige and power allocations among participants» (*ibidem*: 424) all influence the ceremony's outcome. From this perspective, the Court of Appeal ruling in the L'Aquila trial shows that some of the conditions that Garfinkel argues must be present for a successful degradation ceremony to take place were actually missing. Specifically, there was no successful treatment of the perpetrators as a "uniform" group

throughout the work of the denunciation; instead, their “unique” and “individual” identities were brought back on stage. Furthermore, in the second ruling the denounced scientists, no longer detached from their community due to their allegedly irresponsible behavior, were ritually put back in their position in the legitimate order of science.

Conclusions: pursuing integrated research in disaster studies

There is another important element that emerges from this legal case. In the courtroom, the juxtaposition of geophysical and socio-anthropological expertise revealed a divergence in how these two disciplines define disaster and what they view as the best way to mitigate its effects. The judge Marco Billi reprimanded the CMR members for having maintained an exclusively physics-oriented view of the earthquake (and, as a result, stating that it could not be predicted). In fact, the first ruling found that the scientists had failed in their institutional responsibility: to effectively assess the degree of risk rather than determine the exact occurrence of an earthquake *per se*, and to communicate to the relevant authorities about elements of vulnerability and exposure in the local context (Billi 2012). These elements should have included not only physical-material factors but also local perceptions of risk and the way the city residents might have reacted to the earthquake (*ibidem*). When the meeting was called, however, the commission was made up of primarily geophysicists and Civil Protection technicians, a mono-sectorial composition that did not end up representing an advantage.

Social sciences have helped redefine both the idea of catastrophe and the tools considered most effective in preventing it, going beyond purely physical and engineering aspects to also highlight historical-political and anthropological aspects²⁹. And yet these disciplines have not achieved comparable status – in terms of scientific importance, social usefulness and public legitimacy – with more recognized fields such as geosciences. It is about time for institutions to close this gap. To do so, it is not enough to make the academic world that specializes in disasters more heterogeneous in terms of different disciplines and approaches. Rather, intervention policies and practices must become truly open to engagement and dialogue by “critically” approaching the topic of catastrophe.

Competition and tensions among different conceptions of disaster and approaches to preventing and mitigating its effects have faded in

recent decades, but these tensions still exist at the international level (Revet 2015). The problematic convergence of scientific approaches that could be seen in the course of the L’Aquila trial shows that these tensions, though often dormant, can resurface unexpectedly; too late, unfortunately, to save human lives. Here, the anthropological gaze on catastrophe might be useful. However, its importance goes beyond the domain conventionally set aside for it, namely valorizing so-called local knowledge or, in other words, the practices spontaneously enacted by the population to mitigate the negative effects of catastrophe. Rather, anthropology can also foster a critical reading of disaster, generating for instance reflections on the social construction of risk and vulnerability. The disaster that struck L’Aquila on April 6, 2009, was not the sole cause of a powerful seismic event, and neither was all the resulting damage produced by architectural structural deficiencies alone. Responsibility for the L’Aquila tragedy lies not only with the shaking of the earth but also with politics and scientists subservient to political interests, as well as an ineffective national culture of emergency information. Without this critical shift in focus, no global data collection project, no quantitative information exchange platform, no map of seismic activity and not even the most accurate probabilistic calculations of costs in terms of assets and human lives will be enough to save the population and fulfill scientists’ social responsibilities. The L’Aquila catastrophe clearly shows that the interpretive lens of the social sciences continues to play a vital role in this sector, both in analyzing and assessing risk and in avoiding ineffective information (Carnelli, Ventura 2015).

Comparison with the Lima prediction helps explain how the L’Aquila advisory meeting could have given rise to a tricky situation that contributed to producing death and destruction rather than protecting goods and people. There is another factor that has fundamentally changed in the thirty years since the Brady-Spence prediction: besides changing relations between political power and scientific knowledge about disaster, there has been a shift in the way that citizens and civil society relate to these forms of power and knowledge. Information about the risk associated with natural calamities unquestionably has social repercussions; at the same time, the citizenry now has a more proactive and even oppositional role in relation to these repercussions. Compared with Brady and Spence’s times, now information about risk circulates through the population more rapidly and, often, in an unfiltered form. However, given the dominant position science has achieved today, further amplified by new and old media and their associated possibilities for

information dissemination, there is another factor that cannot be overlooked: it has also become easier for the population to appropriate, reformulate and directly contest scientific knowledge, especially when it takes the form of expert consultancy. In L'Aquila, organized civil society and victim's associations were able to bring charges against the CMR. Antonello Ciccozzi was called in as an expert consultant, but he was no outsider – above all, he was a member of the L'Aquilan citizenry struck by the earthquake. In fact, he had survived the quake together with his family.

Today, the social movements created by natural disaster survivors or potential victims have their own forms of knowledge. Even if not equally authoritative, these are still strong enough to call into question public decisions and the science behind them, just as occurred in L'Aquila. Indeed, the gap between scientists and citizens is closing. It is true that scientists «advise governments about every sector of activity, playing a fundamental role in the modern state» (Hilgartner 2000: 3); furthermore, expert opinions about serious risks are «a singular source of authority in Western society» (*ibidem*: 4). And yet this authority does not enjoy unquestioned respect. Rather, it is likely that there will be more and more examples of open contestation surrounding expert technical decisions and the ways they are communicated to the general public. The broad public impact of the L'Aquila court case clearly shows that the authoritativeness of expert knowledge, that “sacred aura” Ciccozzi discusses in his book, is something that experts are now required to «actively maintain, cultivate and safeguard» (*ibidem*: 5) rather than taking for granted. After all, other scholars have shown that «the case against the “L'Aquila Seven” should be read within a broader paradigmatic shift in our understanding of the role of public officials and scientists in disaster management» (Alemanno, Lauta 2014: 1; see also Lauta 2014). Indeed, the L'Aquila court case reveals the problematic risks of disregarding the «accumulated lay expertise on how to respond to earthquakes», making the local population «entirely dependent on scientific advice» (Alemanno, Lauta 2014: 6).

It is imperative for the scientific world of natural catastrophes to critically rethink how forms of knowledge about risks and calamities are produced, circulated and granted political-institutional legitimacy. This holds true not only for the group of scholars with the strongest and most central place in disaster studies. Indeed, it is time for the entire scientific sector to urgently and critically reconsider how their expertise can effectively serve society without producing tragedies like L'Aquila. To do so, we must assume ethical responsibility not

only individually but also collectively – otherwise, the sector risks serious internal fragmentation. A policy of ambiguity in risk communication might serve certain political interests and, as the L'Aquila case suggests, it might even be compatible with the agendas of emergency response agencies. Those working in disaster studies cannot be complicit in such a policy, however. If expert opinions on catastrophes are inevitably caught up with politics, «the credibility of science advice will often be problematic» (Hilgartner 2000: 5) even when they are not specifically negligent in fulfilling their mandate. And yet a professional sectarian response is not enough to defend the legitimacy of expert advice and the scientific recommendations that follow from it. Efforts to maintain the cultural authority of disaster sciences must be pursued with a keen critical sense, not simply defended.

We must ensure that “front stage” areas, the platform through which scientific advice on disasters is conveyed, do not prevail over ordinary decision-making arenas. If this were to happen, politicians as well as administrators and disaster technicians would run the risk of not only making bad decisions but failing to make decisions at all. As is well known, political and technical decisions about disasters and how to prevent and mitigate them are usually made in the backstage rather than front stages. More than the front stage, thus, it is backstage culture that must be properly maintained. And this requires fine-tuning scientific knowledge while at the same time encouraging a healthy and shared approach of social responsibility among scientists. Otherwise, it should come as no surprise if these spheres of responsibility become slippery and ambiguous, or if public communication becomes hazy and our role discredited.

In the current crisis of expert knowledge, eroded by the media, politics and grassroots social movements as well as the justice system itself, we must scrutinize the rhetoric used to make sense of a paradigmatic event like a disaster whether or not this rhetoric will ever be put on trial in a court of law. In an effort to create a reliable basis for their judgments, experts draw on stylized formulations with a precise narrative form. Anthropology is no exception. As highlighted by Federico Brandmayr, «expert witnesses tend to share assignments of responsibility and value judgments about the case with those who summoned them, and, consequently, belonging to a discipline (such as anthropology) or to the field of science in general is less important than the role the expert has in a trial» (Brandmayr 2016: 26). It is therefore imperative that those providing this type of consultation assume the stance of “critical ethnocentrism” so dear to many

anthropologists³⁰. This stance involves continually interrogating one's own analytical categories, not to reject them but to expose their historically determined character, revealing the limits that should apply when providing consultation.

Notes

¹ In distinguishing between deterministic and probabilistic methods, I do not refer to the statute of technical-scientific consultation required by the courts. Indeed, these valuations are always provided on a probabilistic basis; they do not produce exact and binding "predictions" regarding the *hic et nunc* of a given event. Furthermore, the consultation provided in the courtroom mainly involves ex post reconstruction rather than ex ante evaluations. Scientific assessments are a different matter. In seismological sciences, forecasting can be deterministic or probabilistic or even located on an intermediate point along this continuum. Although seismology has gradually lost much of its confidence in deterministic forecasting techniques since the days of Brady and Spence, researchers continue to work on strengthening the scientific premises of deterministic earthquake prediction. See, among others: Sgrigna, Conti 2012. The Geological Society of London's website provides a clear explanation of the difference between deterministic and probabilistic earthquake prediction, stating that: «geoscientists are able to identify particular areas of risk and, if there is sufficient information, to make probabilistic forecasts about the likelihood of earthquakes happening in a specified area over a specified period [...]; [however] it is not currently possible to make deterministic predictions of when and where earthquakes will happen. For this to be possible, it would be necessary to identify a "diagnostic precursor" – a characteristic pattern of seismic activity or some other physical, chemical or biological change, which would indicate a high probability of an earthquake happening in a small window of space and time. So far, the search for diagnostic precursors has been unsuccessful» (<http://www.geolsoc.org.uk/earthquake-briefing>).

² Giampaolo Giuliani worked as a non-degree-holding technician for the Institute of Interplanetary Space Physics at the National Laboratories of Gran Sasso branch and is now retired. In the pursuit of his own individual scientific interests, he has continued his studies into the correlation between the release of radon gas from the earth's crust and the occurrence of earthquakes, and set up a network of equipment positioned in various locations around the L'Aquila area. His predictions are based on the analysis of radon

emissions, which (together with other seismic precursors such as tectonic lifting and premonitory shocks) can be experimentally used in seismology to evaluate the possible occurrence of an earthquake.

³ Length limitations prevent me from discussing the controversy surrounding the case of Giampaolo Giuliani in the detail it deserves. It is important to note, however, how the reaction to his forecasts by both the scientific and political-institutional communities was remarkably rapid, uniform and single-minded, with Guido Bertolaso first pressing charges against him for sounding a false alarm and scientists then launching a campaign to discredit him.

⁴ This was the fact-finding meeting convened by the Civil Protection Department to monitor the degree of earthquake risk in L'Aquila and held March 31, 2009, which was subsequently the object of judicial investigations. As I will explain in more detail below, the meeting – which took place five days before the April 6 earthquake – resulted in a first degree indictment for Bernardo De Bernardinis, Giulio Selvaggi, Franco Barberi, Enzo Boschi, Mauro Dolce, Claudio Eva and Michele Calvi, who were initially sentenced to six years in prison for having provided reassuring information before and after the meeting (see note n. 11).

⁵ This phrase is taken verbatim from a recorded telephone conversation between Guido Bertolaso and the then-Regional Minister in charge of the Civil Protection Department in Abruzzo, Daniela Stati, as published by Repubblica.it (phone call from March 30, 2009: <http://video.repubblica.it/le-inchieste/bertolaso-e-il-terremoto--sia-un-operazione-mediatica/85961/84350>). During this telephone exchange, Bertolaso sought to bring Stati's attention to the inappropriateness of the institutional communications that had been circulating in the press, specifically the statement that "there will not be any tremors". «That is something you do not ever say, Daniela, not even under torture», the head of Italian Civil Protection Department commented via telephone. Bertolaso was later investigated for multiple counts of negligent homicide and negligent disaster in relation to the L'Aquila earthquake. This second trial, referred to as "Major Risks, the encore", recently concluded with the acquittal of Bertolaso for having not committed the crime. This ruling came just a few days before the period of limitations, which was set to fall on October 6, 2016, seven and a half years after the earthquake. Prosecutors had asked that the defendant be sentenced to three years in prison.

⁶ The contradictory nature of the information provided by members of the CMR is highlighted in the text of the ruling at first instance. The motivations behind the guilty verdict, issued October 22, 2012 by Judge Billi (2012:

2-3), state that: «By saying that “it is extremely difficult to make temporal predictions about the evolution of seismic phenomena”, “the fact that many small earthquakes have been observed does not constitute a precursory phenomenon” and, at the same time, [making] the opposite statement that “any forecast would lack a scientific basis”; “in Abruzzo, serious earthquakes have extremely lengthy return periods. It is unlikely that a strong seismic event such as the one in 1703 will occur in the near future, although this risk cannot be definitively excluded»», members of the Commission generated confusion in the victims, causing them to remain inside their homes, «contrary to established habits of caution, until the fatal outcome occurred» (*ibidem*).

⁷ As Federico Brandmayr notes in a recent article that analyses the role of social scientists in Court (2016: 8), «The peculiarity of the L’Aquila trial is how the causal relation between the phenomena under examination was placed within the realm of social sciences. Indeed, the opposing sides summoned specialists in criminology, anthropology, sociology, social psychology, and neurosciences».

⁸ For more details on Mario Morcellini’s expert advice during the L’Aquila trial see Brandmayr 2016. The same author also analyses the expert reports requested by the defense to other three scholars: Stefano Cappa (professor of neuropsychology), Enrico Smeraldi (psychiatrist), and Luciano Arcuri (social psychologist).

⁹ See note n. 4.

¹⁰ Italian government 1992: http://www.protezionecivile.gov.it/jcms/it/view_prov.wp?contentId=LEG1602.

¹¹ D.P.C.M. 3-4-2006 n. 1250, *Composizione e modalità di funzionamento della Commissione nazionale per la previsione e la prevenzione dei grandi rischi* (Repertorio n. 1250). Published in the Official Gazette of the Italian Republic October 9, 2006, no. 235.

¹² See the previous note.

¹³ The individuals involved were Franco Barberi (at the time, acting Chairman of the CMR), Bernardo De Bernardinis (at the time, deputy chief of the technical sector of the Civil Protection Department, headed by Guido Bertolaso), Enzo Boschi (at the time, President of INGV), Giulio Selvaggi (Director of the National Earthquake Center), Gian Michele Calvi (Director of Eucentre), Claudio Eva (Full professor of physics at the University of Genoa), and Mauro Dolce (Director of the Seismic Risk Office of Civil Protection).

¹⁴ As stated in the press release issued by the Italian Civil Protection Department the evening of March 30, 2009.

¹⁵ This clear shift in the way national and international media and leading scientific journals treated the issue has been documented by several authors. A prime example is the position taken by the journal *Science*, which initially circulated news about a crazed Public Ministry putting scientists on trial because they did not listen to the predictions of the “sorcerer” Giampaolo Giuliani (see the article by John Travis and Laura Margottini, published April 7, 2009). Even *Nature* got off on the wrong foot, expressing the indignation of the global scientific community (in an article by Nicholas Nosengo from June 22, 2010). About a month later, however, it the first comments by Fabio Picuti were made public, in which the prosecutor spoke broadly of risk assessment and how the scientists’ assurances had encouraged people to change their usual behavior with fatal consequences. It was at this point that the major newspapers and magazines began to revise their statements, correcting their previous distortions of the charges. See the articles published in *Nature* (Hall 2011) and *Science* (Cartlidge 2012; Miroslav and Juanchich 2012).

¹⁶ Italics added by the author.

¹⁷ Space limitations prevent me from developing in more detail the legal controversy that has arisen alongside the L’Aquila trial, a debate that has involved a number of experts in criminal law. To name just one of many possible sources, see: Notaro 2016. In this context, one of the key questions is whether or not it was legal for the Court of Appeal judge to employ the notion of empirical generalizations to prove the causal link.

¹⁸ See note n. 6.

¹⁹ Both Ciccozzi’s report and the first court ruling claim that the elimination of this filter, Civil Protection’s role in mediating between the CMR and local residents, served to make the message more reassuring. Basically, the procedures, modes and content of the information communicated to the public were not sufficiently measured and fine-tuned.

²⁰ Voices both inside and outside of the courtroom have echoed this accusation that Bernardo De Bernardinis lent his support to a purely media operation conceived of by Guido Bertolaso, staging his opinion in a nearly farcical way. One thinks, for instance, of the image of De Bernardinis in front of the camera shortly before the L’Aquila meeting who sought to reassure the population by suggesting they uncork a bottle of Montepulciano wine. However, while it has been established that De Bernardinis behaved irresponsibly, Bertolaso was acquitted for lack of evidence. During the trial, the wiretapped phone conversations between Bertolaso and the regional head of Civil Protection (“instead of you and I talking, let’s get the top seismology scientists to talk

about it" in order to "calm the people down") were, in fact, not given a legal weight.

²¹ The full text of the Court of Appeal ruling is available at the following url:
<http://www.giurisprudenzapenale.com/wp-content/uploads/2016/04/terremoto-sentenza.pdf>.

²² The concept of empirical generalizations also played a decisive role in determining causation in the case of an earthquake in relation to another Italian legal case, namely the Campobasso Appeal Court ruling in which various subjects (two builders, the architect, the municipal technical expert and the mayor) were found guilty of multiple counts of negligent homicide for having helped to create conditions leading to the collapse of the Francesco Jovine elementary school in *San Giuliano di Puglia*, where many students and teachers were killed during the October 31, 2002 earthquake in the Molise region (Santise, Zunica 2016: 205).

²³ This report, *Strengthening Forensic Science in the United States*, is available at the following url: <https://www.ncjrs.gov/pdffiles1/nij/grants/228091.pdf>.

²⁴ Also see Ciccozzi's article in this special issue.

²⁵ Stephen Hilgartner (2000), studying the socio-political aspects of science in cases of controversy about risk, draws on the work of classic authors such as Victor Turner (1974; 1980), Erving Goffmann (1959; 1963), Bruno Latour (1987; 1988) and *Science and Technology Studies* more generally (Latour and Bastide 1986; Latour and Woolgar 1979; Lowe and Williams 1982) in approaching expert consultation as an example of public drama. Employing the metaphor of performance, the author explains how widely and frequently governments currently call upon techno-scientific knowledge to justify a wide range of public decisions, creating a sort of "hybrid" between science and politics

²⁶ The ambiguous interplay of the legal and the moral during the L'Aquila trial was undoubtedly exacerbated by the tendency to attribute a "moral" character to disasters. The role neglect, error and human responsibility play in causing catastrophe often triggers moral debates which, thanks to the press and above all new social media, can have a powerful impact on public opinion (Dei 2015). The events following the Sarno landslide in 1998 are a good example of this. As the historian Hayden White has shown, even at the time the debate was dominated by tones of anger, resentment, accusation and recrimination, granting it a precise moral significance and opening the way to classifying the various representations of the event and people involved in terms of liability and negligence, nobility and baseness, guilt and innocence (White 2000).

²⁷ It is not surprisingly that this work of boundary demarcation is required to manage a situation that threatens public safety. In these cases, to maintain the recognisability of science's social role it is necessary to determine without a doubt who is most responsible, scientists or politicians.

²⁸ *Mani pulite* ("clean hands") was a nationwide judicial investigation into political corruption held in Italy in the 1990s that led to the collapse of the so-called First Republic. In the investigation, some of the most important political leaders of the time confessed to «having illicitly accepted massive sums of money from publicly and privately owned companies to fund their parties» (Giglioli 2001; Giglioli, Cavicchioli, Fele 1997).

²⁹ The anthropology of disasters, and the critical social scientific approach to disasters more generally, began to spread internationally in the early 1980s (O'Keefe, Westgate, Wisner 1976; Hewitt 1983, 1995; Oliver-Smith, Hoffman 1999; Hoffman, Oliver-Smith 2002). For a recent overview of these studies, see: Benadusi 2015; Faas and Barrios 2015; Faas 2016.

³⁰ For more details on the method of "critical ethnocentrism" introduced by the Italian anthropologist, folklorist and historian of religion Ernesto de Martino, see: Saunders 1993.

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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 Amadeo 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, Ogneva-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-useable 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.'s 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 of 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.

Concluding remarks

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, Ogneva-Himmelberger 2009; Petryna 2002, 2009; Prato 2005; Waldman 2011). Ethnographies conducted on this issue (Alliegro 2012; Agyeman, Ogneva-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 Bindisi. 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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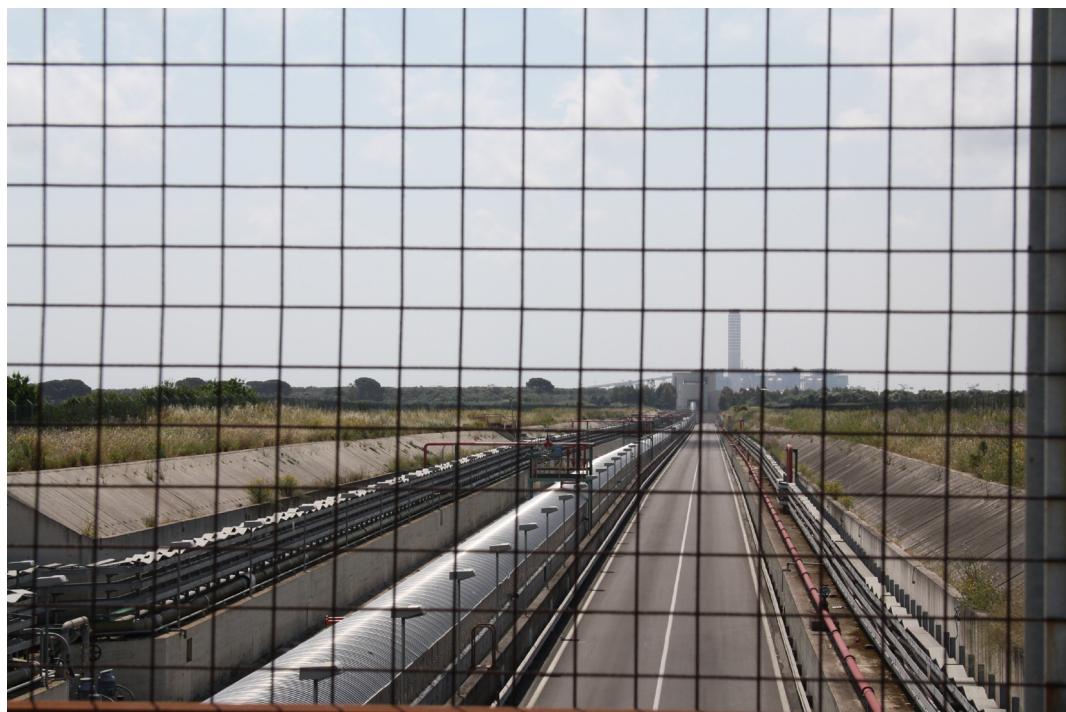
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Pict. 1 Conveyor belt (© Fabrizio Loce Mandes)



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)

Sandrine Revet

La tempête au tribunal.

Trajectoires de victimes et de prévenus au cours du procès de la tempête Xynthia en France

Introduction

Je voudrais dans cet article m'intéresser à la scène d'un procès en correctionnelle suite à une catastrophe dite « naturelle »¹. Parmi les travaux de plus en plus nombreux qui, en anthropologie, s'intéressent aux catastrophes, certains se sont centrés sur le traitement juridique de leurs conséquences (Fortun 2009 ; Zenobi 2014). Ces travaux, tout comme ceux de certains sociologues, (Barbot, Dodier 2015 ; Centemeri 2015) permettent notamment d'appréhender ces procès comme des espaces de revendication, de reconnaissance des victimes et de réparation des dommages provoqués par la catastrophe dans une perspective de « réparation ». Je propose pour ma part d'aborder ici le procès de la tempête Xynthia, en France, comme l'un des dispositifs du « gouvernement des catastrophes » (Revet, Langumier 2013 ; 2015), c'est-à-dire comme un assemblage de ressources – mais aussi de contraintes – hétérogènes permettant aux différents acteurs d'affronter l'événement, de le qualifier et de tenter de lui donner du sens. Je m'intéresserai plus spécifiquement aux interactions entre les acteurs –victimes mais aussi prévenus- et le dispositif judiciaire, pour comprendre plus précisément ce que le procès fait à la catastrophe. En m'appuyant sur la notion de « trajectoire » telle que travaillée par Anselm Strauss (1992), je propose de comprendre ces interactions avec le dispositif judiciaire comme un véritable *travail* réalisé à la fois par les victimes et par les prévenus, un travail qui s'ajoute à celui des professionnels du droit et qui contribue à transformer la catastrophe afin de lui permettre d'entrer dans le tribunal. Bien que dans le cas de Xynthia, le procès pénal ait été assorti d'une procédure civile², comme nous le verrons, je me centrerai dans ce texte sur la dimension pénale et notamment sur les audiences, sans entrer dans le travail important d'évaluation des dommages et de mise en équivalence censé conduire à la réparation des dommages.

En 2010, une tempête nommée Xynthia a frappé plusieurs pays européens entre le 26 février et le 1^{er} mars. Bien que ne présentant pas un caractère exceptionnel, sa concomitance avec des grandes

marées de coefficients supérieurs à 100 et avec la pleine mer l'a rendue particulièrement meurtrière, provoquant la rupture ou le débordement de nombreuses digues et des inondations impressionnantes. Sur les 59 morts provoquées par la tempête, 53 sont recensés en France, dont 29 dans la petite commune de la Faute-sur-Mer, sur le littoral vendéen. Une enquête est ouverte dans la foulée de la catastrophe par le Procureur de la république pour « recherche des causes de la mort », au terme de laquelle une enquête judiciaire est mandatée par le juge d'instruction, qui débute fin 2010 et dure trois ans. Durant l'enquête, le maire de la commune de La Faute-sur-mer, son adjointe à l'urbanisme, le fils de celle-ci, agent immobilier sur la commune et président de l'association responsable de l'entretien de la digue, ainsi qu'un agent de la Direction départementale de l'équipement et un entrepreneur de travaux local sont mis en examen, pour « homicides involontaires et mise en danger de la vie d'autrui ». Leur culpabilité est examinée en regard de différents points : leur connaissance du risque, la gestion de la crise, le défaut d'information, le défaut d'organisation préalable des secours, la délivrance de permis de construire irréguliers en zone inondable et le défaut de surveillance de la digue.

Courant 2010, plus d'une centaine de victimes et familles de victimes se constituent parties civiles, la plupart regroupées dans une association, l'Association des Victimes des Inondations de la Faute-sur-Mer (AVIF), et quelques-unes de façon individuelle, le choix de s'inscrire dans ou hors de l'association relevant à la fois de choix stratégiques et d'un certain positionnement dans l'espace social des victimes de Xynthia³. Le président de l'AVIF d'alors prend contact avec un cabinet d'avocats parisiens spécialisés dans le droit de l'environnement, connu pour avoir œuvré lors de grosses affaires environnementales en France. Une procédure civile est alors jointe au procès pénal, pour demander l'indemnisation des familles au regard de préjudices subis, tels que « l'angoisse de la mort », « la souffrance endurée » ou le « préjudice moral ». L'action publique et l'action civile seront traitées par le tribunal correctionnel, permettant ainsi aux

victimes de ne pas « subir » le procès en correctionnelle passivement en tant que simples témoins, mais de pouvoir en être les « actrices », comme parties civiles.

En août 2013, le dossier est renvoyé devant le Tribunal correctionnel des Sables d'Olonne. Le premier procès, fortement médiatisé, se déroule un an plus tard, pendant cinq semaines en septembre et octobre 2014, dans la salle des congrès de la ville des Sables d'Olonne, aménagée spécialement pour accueillir un public et une presse que l'on attend nombreux. Durant ces cinq semaines, cinquante victimes sont entendues parmi les 121 parties civiles, pendant 6 jours. Le jugement est rendu le 12 décembre 2014, qui condamne le maire à 4 ans d'emprisonnement, son adjointe à 2 ans d'emprisonnement et 75 000 euros d'amende, le fils de celle-ci à 18 mois d'emprisonnement, la société de travaux de l'entrepreneur local – décédé pendant le procès – à 30 000 euros d'amende, et relaxe le fonctionnaire de la Direction départementale de l'Équipement. Les prévenus condamnés font appel de la décision le jour même du rendu du jugement.

Un deuxième procès, en appel, se tient donc un an plus tard, en novembre 2015 à la Cour d'Appel de Poitiers pendant trois semaines. Nettement moins médiatisé à cause notamment du contexte particulier dans lequel il se déroule – puisque son ouverture était prévue deux jours après les attentats du 13 novembre 2015 à Paris – ce procès, par nature beaucoup plus technique que le premier, donne lieu à l'audition de cinq parties civiles uniquement. Dans son réquisitoire final, l'avocat général demande quatre ans de prison dont deux fermes pour le maire, assortie d'une interdiction définitive d'exercer tout mandat électoral. Pour l'adjointe à l'urbanisme, il requiert 2 ans d'emprisonnement dont 9 mois avec sursis et 75 000 euros d'amende et pour le fils de celle-ci, agent immobilier et président de l'association en charge de l'entretien de la digue, 18 mois d'emprisonnement dont 9 avec sursis. Le 4 avril 2016, la Cour d'appel prononce son arrêt, dans une salle d'audience du tribunal de Poitiers trop petite pour contenir les médias, toutes les parties civiles et le public, notamment les nombreuses personnes venues soutenir les prévenus. Sur les trois prévenus condamnés en première instance, deux sont relaxés – l'adjointe au maire et son fils –, le maire de la commune est quant à lui déclaré coupable d'homicide involontaire et de mise en danger de la vie d'autrui, mais sa peine est sérieusement revue à la baisse, puisqu'il est condamné à une peine d'emprisonnement de deux ans avec sursis et à une interdiction à vie d'exercer un mandat public. En outre, les parties civiles sont renvoyées devant le tribunal administratif pour leurs demandes d'indem-

nisation car les fautes du maire sont déclarées « non détachables de son service ».

Ces deux procès sont des « procès hors normes » tels que les qualifient de façon récurrente les médias, qui traitent d'une affaire « exceptionnelle » avec des moyens importants, qui ne reflètent pas l'ordinaire du monde de la justice en France. Des moyens importants ont été alloués à l'organisation de ces procès. Ainsi, aux Sables d'Olonne, où la salle du Palais des congrès a été mise à disposition et aménagée, des écrans géants diffusent en direct pour le public des gros plans des acteurs judiciaires, des salles spéciales ont été prévues pour le repos des différents acteurs (professionnels du droit mais aussi prévenus et parties civiles). Des salles attenantes ont aussi été ouvertes, dans lesquelles sont diffusées les audiences en cas de forte affluence du public, et une salle de presse avec de nombreux postes de travail et une connexion internet permet à de nombreux journalistes de travailler en même temps dans les meilleures conditions. Malgré leurs caractéristiques « extraordinaires », ces procès permettent pourtant de saisir une des dimensions importantes du dispositif judiciaire ordinaire, à savoir ses aspects dramatisés et ritualisés (Israël 1999). Il suffit de regarder comment, dans les deux cas, la salle d'audience a été préparée, afin de reconstituer toute la symbolique de la justice pénale et son caractère solennel, pour comprendre à la fois le caractère exceptionnel de ces deux procès et la dimension rituelle et symbolique de l'espace judiciaire ordinaire. Les espaces de la justice ont été recréés : estrades où siègent les magistrats, les greffiers et le Ministère public, barre mise en place pour accueillir les dépositions, banc des prévenus, espaces pour les avocats puis pour le public. Tous les aspects ritualisés du dispositif judiciaire sont présents et rythment les procès : une sonnerie annonce le début ou la fin de l'audience et l'entrée ou la sortie des juges, enjoignant l'ensemble des participants à se lever ; les acteurs judiciaires portent la robe noire ; des entrées séparées ont été prévues pour les prévenus et les parties civiles. Aux Sables d'Olonne un calicot portant la mention « annexe du tribunal de grande instance » est suspendu à l'extérieur de la salle du Palais des congrès. Comme le rappelle le président du tribunal à l'ouverture du procès, la salle d'audience n'est donc « pas une salle de spectacle » mais bien « une annexe du Tribunal de grande instance jusqu'à la fin du procès ⁴ ». A Poitiers, lors du procès en appel, l'aspect solennel est encore plus fortement rendu car la salle d'audience a été installée dans la salle des pas perdus de la Cour d'Appel, dont les sculptures et les vitraux produisent un effet saisissant sur le visiteur. Dans les deux cas, la dramaturgie de l'espace judiciaire a

été reconstituée, permettant de requalifier l'espace pour le transformer en salle d'audience. Nous nous situons donc avec ces deux procès à la fois dans une justice extraordinaire, loin des difficultés matérielles de la justice ordinaire, et dans les rituels et la dramaturgie qui caractérisent la justice en général (Israël 1999).

Je commencerai dans un premier temps par revenir sur ma propre posture au cours de cette enquête et sur les questions que pose l'ethnographie de ce genre de procès, avant de réfléchir sur ce que les procès font à la catastrophe, en me centrant sur les différentes interactions entre les victimes, les prévenus et le dispositif judiciaire que les procès permettent de saisir afin d'analyser ce que je désignerai comme les « trajectoires de procès » des personnes engagées dans ce dispositif.

L'anthropologue au tribunal

Lorsque la tempête Xynthia survient, en 2010, je viens de débuter mon enquête sur les mondes internationaux des catastrophes qui va me conduire de Genève à Lima en passant par Mexico, Port-au-Prince ou Sendaï (Revet 2016). Je n'ai pas prévu de détour par les côtes vendéennes françaises. Ce n'est qu'au printemps 2014, lorsque j'entends parler de la tenue prochaine du procès, que mon intérêt pour cette catastrophe s'aiguise. La problématique de la réparation, que j'ai peu traitée dans mon enquête en cours sur les dispositifs de gouvernement des catastrophes que j'étudie à l'échelle internationale, m'apparaît se poser ici dans des termes particulièrement intéressants, le procès posant en outre la question de la responsabilité pénale, assez rarement abordée lors de catastrophes qualifiées de « naturelles ». Je prends alors contact avec les parties civiles d'une part, par le biais de l'association des victimes, et fais quelques brefs séjours dans le village sinistré de la Faute-sur-Mer pour y rencontrer des victimes, des anciens habitants et des personnes qui soutiennent le maire accusé. Je demande en parallèle l'autorisation au président du tribunal d'assister au procès. Bien que celui-ci soit public, donc accessible à tous, je souhaite avoir un accès assuré et être incluse dans les dispositifs spécifiques, notamment le transport du tribunal sur les lieux du drame, et être informée, au même titre que la presse par exemple, du programme et des changements qui surviennent au jour le jour. Cette autorisation m'est accordée. Je réitère cette démarche en 2015 pour assister au procès en appel et obtiens une autorisation similaire, je suis traitée par le magistrat assesseur responsable des relations avec la presse comme une journaliste : je reçois ses mails, ses comptes rendus de séances

le soir et ses messages pour informer des éventuels changements de programme. Je peux me déplacer dans la salle d'audience comme je veux, mais ne peux accéder aux salles réservées aux parties civiles et aux prévenus.

L'ethnographie sur laquelle se base cette recherche se concentre donc sur huit semaines de terrain (cinq pour le premier procès et trois pour le second). J'ai également assisté au rendu des deux jugements et effectué à ce jour 16 entretiens avec les principaux acteurs du procès, avant, pendant et après les procès, aux Sables d'Olonne, à Poitiers et à Paris. J'ai également mené mes observations en dehors des deux salles d'audience, puisque j'ai résidé à chaque fois dans les villes où se tenaient les procès, observant également les à-côtés des audiences, les diners, la façon dont les personnes investissaient certains lieux de la ville, les alliances qui se tissaient en dehors du tribunal ou encore le travail des journalistes. Finalement, j'ai réalisé grâce à l'aide de collègues de mon laboratoire une veille du procès dans les médias et sur différents sites internet durant le premier procès qui nous a permis de collecter 490 documents qui parlent de ce premier procès⁵.

Je suis donc entrée dans le tribunal en suivant la catastrophe. Mais, contrairement à ce que j'avais pu faire dans mon étude d'une catastrophe au Venezuela, que j'ai étudiée dans sa longue durée (Revet 2007), je ne me suis intéressée à Xynthia qu'à partir du moment où elle entraînait au tribunal et n'avais par ailleurs aucun lien ni avec les victimes, ni avec les prévenus avant le procès. Ma présence dans le tribunal n'a pas non plus impliqué une posture particulière liée à une connaissance préalable du terrain, et je n'ai donc pas été, comme ce fut le cas d'autres collègues scientifiques, citée comme témoin ou comme experte par l'une ou l'autre des parties ou par le tribunal⁶.

Observer le procès s'avère à la fois chose facile – l'unité de lieu et de temps rend a priori l'observation aisée, il suffit d'être là, de regarder et de noter (parfois pendant dix heures d'affilée) ce qui se déroule sous mes yeux – et un exercice assez complexe, dans la mesure où je me rends assez vite compte que « tout » ne se joue pas sous mes yeux, que le droit est un exercice de l'écrit (le dossier du procès fait 25 tomes, il est présent aux yeux du public dans des armoires de la salle d'audience, c'est lui qui « dit » tout ce que l'enquête a permis de faire émerger) et que le procès est une procédure qui, par son caractère oral, doit permettre de faire émerger de nouvelles choses qui ne se trouvent pas dans le dossier. « Tout » le conflit n'est donc pas observable au cours du procès qui n'est que l'une des multiples scènes sur lesquelles il se joue. « Toute » la catas-

trophe n'entre pas non plus pas dans le tribunal, comme je vais le montrer plus loin. N'y entre que la partie qui peut être saisie par le droit pénal qui juge des fautes qui sont renvoyées devant ce tribunal : les fautes d'homicide involontaire et de mise en danger de la vie d'autrui. Ce qui se joue sur la scène du procès n'est en outre saisissable qu'en comprenant le contexte des relations sociales qui lient les acteurs du procès entre eux, comme l'anthropologie du droit l'a montré depuis longtemps. Le droit ne se dit pas dans une apesanteur sociale, mais est bel et bien ancré dans des situations, des rapports de pouvoir, des contextes (Baudoin-Dupret 2005).

J'ai tenté de tisser des liens avec les deux parties au cours des deux procès, ce qui, l'on s'en doute dans une telle enceinte n'est pas un exercice facile, tant les espaces, les postures, les positions sont séparés, contradictoires et antagonistes. Ayant en premier lieu rencontré plutôt des parties civiles, je n'ai eu aucun mal à instaurer un dialogue avec elles et leurs conseillers. J'ai en revanche éprouvé quelques difficultés, lors du premier procès, à m'approcher des prévenus, qui étaient enfermés dans une posture de méfiance vis-à-vis de la presse à laquelle j'ai été associée de fait, de par mon badge et mon placement dans la salle d'audience. J'ai malgré tout pu contacter les avocats des prévenus dès le premier procès et entretenir avec eux des relations plus soutenues lors du second procès, moins médiatisé et par conséquent moins tendu. J'ai choisi de ne rien publier « à chaud », afin de maintenir le terrain le plus ouvert possible, bien consciente qu'en l'état de polarisation de la population qui a vécu cette catastrophe, exacerbé encore par le procès, chaque mot de ma part pouvait être interprété comme une proximité avec l'une des deux parties aux dépends de l'autre.

La catastrophe au tribunal. Avant le procès : la catastrophe comme objet de droit

La tempête Xynthia, considérée comme une catastrophe « majeure », rentre dans le tribunal correctionnel, qui traite du droit pénal, de plusieurs façons et en empruntant plusieurs « portes ». Avant même de franchir la porte du tribunal – et de ce tribunal particulier –, la tempête, ou plus précisément le risque de tempête, d'inondation – était déjà *un objet de droit*. Le droit de l'environnement français et l'une de ses branches, le droit des risques naturels, s'en était déjà emparé, depuis le milieu des années 1990 (Sanseverino-Godfrin 2008 ; Laronde Clerac *et al.* 2015). Etre un objet de droit signifie que la catastrophe n'est pas vierge de toute pensée

juridique, qu'elle va être appréhendée en fonction d'un cadre qui définit pour les humains des obligations, des devoirs vis-à-vis des connaissances scientifiques sur les risques par exemple, mais aussi des droits et de la jurisprudence- soit une forme de mémoire juridique des catastrophes passées – à l'aune desquelles les acteurs en présence vont évaluer « cette » tempête précise et la façon dont les humains ont agi. Pour autant, afin de pouvoir entrer dans le tribunal correctionnel et devenir un objet de *droit pénal*, soumise au « rituel judiciaire » – soit l'ensemble des formes, des langages symboliques et discursifs sous lesquels la justice pénale est rendue (Garapon 2010) – la tempête va encore devoir subir un ensemble de transformations, puisqu'elle doit passer du statut de phénomène naturel à celui de phénomène humain ou social, impliquant la responsabilité pénale des hommes, en l'occurrence celle des prévenus. Ce travail de transformation de la catastrophe en un ensemble de données objectivables se fait en deux étapes : l'enquête judiciaire d'abord, puis les audiences durant le procès qui doivent confirmer cette enquête et faire apparaître de nouveaux éléments. Il relève du travail juridique et judiciaire, réalisé par des professionnels du droit, mais également comme on va le voir, d'un travail réalisé par les acteurs non professionnels impliqués dans le procès.

Jeux d'échelles

Durant ce processus de transformation, la catastrophe va être prise dans des jeux d'échelles multiples. Elle va être réduite d'une part pour pouvoir être saisie juridiquement, mais également être amplifiée par le procès, dans la mesure où celui-ci va en démultiplier les échos, en projetant les effets sur la scène nationale et même internationale.

La tempête qui entre au tribunal est une petite partie de l'événement qui s'est déroulé en 2010. Seule entre en compte dans le procès la portion de tempête qui relève d'une affaire pénale. Cette portion concerne le seul territoire de la Faute-sur-Mer, où 29 victimes ont été déplorées et même plus précisément, certains quartiers de cette commune, pour la plupart des quartiers de lotissements récemment construits. La tempête, elle, ainsi que la catastrophe qu'elle a provoquée, débordent largement ce cadre. Il y a d'abord tout ce que la tempête a détruit ailleurs qu'à La Faute-sur-Mer, mais aussi les personnes décédées ailleurs que dans cette commune et qui n'auront pas d'autre coupable que le vent ou les inondations. « Xynthia », c'est aussi ce temps d'après la catastrophe et les nombreuses mobilisations des habitants autour des « zones noires », ces zones déclarées dangereuses par le préfet et qui

seront détruites après avoir été rachetées par l'Etat, provoquant selon certains habitants une « seconde catastrophe » (Mercier, Chadenas 2012). Si tout cela n'entre pas au tribunal correctionnel, on le trouve néanmoins dans les rapports d'enquête -parlementaire et du Sénat- qui ont été réalisés avant le procès, dans la foulée de la catastrophe et qui constituent des pièces du dossier. Le procès va donc contribuer à cristallier l'image de Xynthia comme « la tempête qui a endeuillé la commune française de La Faute-sur-mer » alors que l'événement Xynthia déborde quant à lui amplement cela. De la même façon, le procès pénal opère une réduction de l'événement et de la chaîne de responsabilités en ne pouvant traiter des seules responsabilités des personnes privées ou morales qui sont renvoyées devant le tribunal pénal. L'Etat, par exemple, dont les responsabilités seront également mentionnées durant les audiences, notamment au sujet de la délivrance des permis de construire, n'a pas été retenu devant le tribunal correctionnel, sa responsabilité et celle de ses agents devant être examinée devant le tribunal administratif. Dès lors, c'est une partie seulement de la chaîne de responsabilités que peut envisager le tribunal correctionnel, ce que les avocats des prévenus tout comme certains médias ne cesseront de faire valoir durant les deux procès pour en dénoncer la partialité. Le procès opère donc une véritable réduction d'échelle en sélectionnant les données qu'il peut traiter pour juger de la responsabilité pénale des prévenus.

Mais la tempête est aussi prise avec ce procès dans d'autres jeux d'échelles, car en même temps qu'elle est réduite à sa portion pénalement saisissable, la catastrophe est aussi amplifiée et projetée à des échelles bien plus larges que celles où elle s'est produite. Le procès en lui-même contribue en effet à rendre la tempête visible à une échelle qui dépasse amplement la région vendéenne ou la France. Ainsi par exemple, les échos du procès se retrouvent-ils dans le rapport de l'ONU sur la réduction des risques de catastrophe en 2015⁷. Les médias, sous toutes leurs formes, qui reprennent les récits produits dans l'enceinte du tribunal et en produisent d'autres encore à sa sortie en interrogeant prévenus, victimes, avocats et experts, désenclavent Xynthia de son territoire vendéen et de la problématique pénale en soulevant des interrogations plus larges que celles que se pose le tribunal. Le procès est en effet l'occasion de parler aussi de la politique de gestion des risques en France et en particulier sur les littoraux, des problématiques foncières, de la question de la responsabilité des élus, de la décentralisation, ou de la responsabilité de l'Etat dans la gestion ou la prévention de Xynthia. Dès lors, on peut dire que le procès a également pour effet de faire subir à

Xynthia une projection et une amplification sur des scènes où elle n'aurait pas été visible autrement.

Le procès comme dispositif : processus de transformation

L'anthropologue des catastrophes, sauf quand il est amené à vivre dans sa chair la survenue d'une catastrophe sur son terrain, est le plus souvent initié à la catastrophe qu'il étudie par l'intermédiaire de récits de toutes sortes (Revet 2010; Revet, Langumier 2011). Ces récits sont ceux des habitants, patiemment collectés par l'anthropologue lors de ses séjours sur le terrain, mais aussi ceux des médias et des réseaux sociaux qui sont désormais bien souvent les premiers producteurs de récits de catastrophes (Begin 2011), les récits des rapports d'experts, ceux des artistes, des autorités religieuses ou de toute autre personne ou institution qui produit une parole ou un regard sur l'événement. Entrer dans une catastrophe à travers son procès ne déroge en ce sens pas à la règle, puisque c'est par un récit que le procès débute.

Dans le cas de Xynthia, le premier jour du procès s'ouvre par la « synthèse du dossier », lue par le magistrat qui préside le tribunal, un long récit qui dure plusieurs heures et qui débute par un portrait de la tempête :

Dans la nuit du samedi 27 février au dimanche 28 février 2010, une tempête baptisée Xynthia a atteint les côtes françaises. Elle a pris naissance au Sud-Ouest de l'île de Madère, sous la forme d'un vaste tourbillon accompagné de vents violents, de pluies et de fortes vagues. Elle a suivi une ligne courant du Portugal jusqu'à la Scandinavie, en traversant la France à partir de zéro heure le 28 février, selon un axe Sud-Ouest/Nord-Est.

Cette tempête a touché la Vendée dont les côtes connaissaient une pleine mer de vives eaux d'équinoxe de coefficient de 102, prévue à 4 heures 27 le matin. [...]

Ce portrait, centré sur l'aléa naturel dont il tente de saisir la démesure, se poursuit par l'histoire de l'urbanisation de la ville de La Faute-sur-mer, inspirée des travaux de recherche d'un historien de l'environnement cité comme témoin et que l'on entendra à la barre le lendemain. Viennent ensuite la description de l'arrivée de l'eau et ses conséquences, puis le détail des agissements – et des absences d'agissements – des différentes autorités durant la tempête. Il est ensuite question de la digue qui protégeait la commune, de son état de dégradation avant la tempête, puis de la question de la

connaissance du risque par les habitants, avant de conclure sur la prise en compte ou non du risque dans les plans d'urbanisation de la commune.

Ce long récit est le fruit d'une *instruction*, une longue enquête au cours de laquelle un juge et des enquêteurs assemblent des matériaux de différentes sortes : récits, photographies, enregistrements sonores, vidéos, factures, rapports, mesures, courriers, comptes rendus de réunions, témoignages... Le procès lui-même sera l'occasion d'apporter de nouveaux éléments à ce récit, par le biais essentiellement des auditions des parties civiles, des prévenus, des témoins et des experts « cités » par l'une ou l'autre des parties. Le récit « final » – qui pourtant ne parviendra pas à clore l'affaire, prend la forme du *jugement*, dans ce cas un document de 316 pages, dont une partie sera lue oralement pendant plus d'une heure lors du rendu du jugement et qui sera rendu public par de nombreux participants au procès – médias, parties civiles, association des victimes, fédération nationale des associations de victimes...

Par certains aspects, le procès s'apparente donc à la production par la justice d'un récit sur la catastrophe, un récit qui a ceci de particulier qu'il cherche à établir des fautes mais aussi, par l'intermédiaire de chaînes de causalités, des responsabilités, et finalement des formes de réparation. Ce récit « c'est la capacité de sélectionner certains faits, de les qualifier, de les réunir dans une trame commune pour les mettre en intrigue de façon à y apporter un dénouement : c'est la fonction figurative de la peine. Le sens de la peine est étroitement lié à une mise en mots du mal du crime et à une mise en scène de sa résolution » (Garapon 2004: 266). Ce récit ne repose pas seulement sur l'assemblage de textes, mais également sur des dimensions sonores, gestuelles, physiques, émotionnelles, qui patiemment assemblées jour après jour, depuis l'instruction jusqu'au rendu du jugement, parviennent à composer une image de la catastrophe. Les producteurs en sont à la fois des acteurs judiciaires : le « parquet » (les juges), le « siège » (le procureur de la république), les avocats (des parties civiles et de la défense), les « parties » (parties civiles et prévenus), les experts et les témoins mais aussi des acteurs non judiciaires tels que les médias.

Pour penser cet assemblage d'éléments hétérogènes, je propose de m'appuyer sur la notion de *dispositif* telle qu'elle est travaillée par Janine Barbot et Nicolas Dodier dans leur recherche sur le procès lié au drame sanitaire de l'hormone de croissance contaminée. Ils définissent le dispositif comme « un enchaînement déjà préparé de séquences, lui-même assuré par des entités hétérogènes, destinées pour les unes à qualifier des états de chose, ce qui suppose donc de s'appuyer sur des « épreuves », et

pour les autres à transformer des états de chose.» (Barbot, Dodier 2015 : 92).

Qualifier la catastrophe : prendre et donner la mesure

Le procès constitue un espace de prise de parole spécifique (Naepels 2012) et les récits de la catastrophe qui sont produits à la barre du tribunal sont à la fois libres et contraints par le format. Les parties civiles, par exemple, ont dans un premier temps le loisir de parler sans que le tribunal ne les interrompe, et leurs récits sont dans un deuxième temps complétés par les questions posées par les différents acteurs judiciaires. Les magistrats du tribunal, le procureur, puis les avocats des deux parties peuvent s'ils le souhaitent leur poser des questions. La plupart des parties civiles qui viennent déposer à la barre ont perdu des membres de leur famille ou ont vécu la catastrophe de façon dramatique en étant confrontées par exemple à la mort d'un voisin. Dans ce cas, leur récit est rarement interrompu, laissé à lui-même et à l'émotion qu'il produit sur l'ensemble de la salle. Dans ces cas-là, en première instance, les avocats de la défense choisissent souvent de ne pas relancer de question, comme sidérés par l'émotion produite par le premier type, qu'ils laissent généralement se manifester sans presque intervenir. Quand ils le font, plus volontiers au procès en appel qu'en première instance, ils s'excusent parfois des questions qu'ils posent par un « il n'est pas question de vous faire des reproches » ou par un « c'est terrible ce que vous avez vécu ».

Dans certains cas, des personnes moins gravement affectées par la tempête viennent déposer à la barre. Elles n'ont soit pas été inondées – les habitants parlent de « ceux qui ont baigné » et de « ceux qui n'ont pas eu d'eau » –, soit été inondées mais sans avoir perdu de proches dans la catastrophe. Leur déposition alors s'articule autour d'autres dimensions de la catastrophe, l'avant – les alertes non ou mal prises en compte par les prévenus selon elles – ou l'après – le manque d'action, puis de compassion et de signes de sympathie manifestés par les prévenus après la tempête. C'est sur les dépositions de ces parties civiles que les avocats de la défense choisissent d'intervenir un peu plus activement, avec moins de précautions oratoires qu'envers les premières.

Outre le fait que chaque personne cadre son récit de la catastrophe à partir d'un type de « discours » renvoyant à différentes attentes – légales, morales ou thérapeutiques – (Merry 1990)⁸, chaque récit de la catastrophe en propose aussi une mesure. Pour les victimes ce sera la hauteur d'eau dans la maison (et son évolution rapide), sa propre taille ou celle

des victimes décédées, son âge ou l'âge des proches touchés ou perdus dans la catastrophe, les pertes matérielles et symboliques, et toutes les maladies, séquelles, peurs, ruptures dont elles attribuent la responsabilité à la catastrophe. Donner la mesure de la catastrophe passe pour elles par le récit au singulier d'une souffrance individuelle rendue publique sur la scène du procès.

Les prévenus donnent aussi leur propre mesure de la catastrophe. Pour le maire de la commune par exemple, Xynthia est avant tout un événement naturel, exceptionnel, impossible à prévoir mais également impossible à maîtriser.

Ca a été expliqué par les chercheurs, les scientifiques, ce sont des phénomènes très rares avec beaucoup d'incertitudes. Vous avez entendu comme moi que ce sont des phénomènes centennaux.⁹

C'est ce caractère démesuré qui lui permet d'affirmer qu'il n'aurait pas pu éviter la catastrophe. Sa ligne de défense consiste avant tout à cantonner la tempête à sa temporalité de l'urgence, sans vouloir la relier à l'ensemble des dispositifs de mesure du risque ou de prévention dont le tribunal lui reproche d'avoir freiné la mise en place sur son territoire pendant des années. Pour lui, tout comme pour ses avocats, la catastrophe est constituée par ce moment extraordinaire, cette nuit au cours de laquelle des forces naturelles exceptionnelles se sont alignées pour produire ce drame. Ses avocats n'auront également de cesse de souligner le caractère « improbable » ou « imprévisible » de la tempête, la « violence des éléments », désignant la tempête comme un « cataclysme », un « ouragan » :

Il faut un responsable et peu importe que finalement, ce drame soit d'abord le fruit d'un sort funeste et improbable, d'une nature qui se déchaîne, d'une mer qui s'élève [...].¹⁰

Ces différentes manières de prendre et de donner la mesure de la catastrophe sont assemblées par le tribunal au cours du procès, afin de tenter de qualifier l'événement et les niveaux de responsabilité. Par exemple, l'inondation n'est pas seulement mesurée en hauteur d'eau maximale atteinte une fois que l'eau qui a débordé par-dessus la digue s'est déployée sur l'ensemble de la cuvette, mais également en vitesse de courant en cas de rupture de la digue – en mètres/secondes –, et en volume total d'eau déversé dans la cuvette ou encore en vitesse d'écoulement de l'eau aux points de débordement. Ces mesures permettent de donner à comprendre la façon dont les personnes ont eu à affronter l'inondation : le courant étant très rapide, elles n'ont pas eu

le temps de se mettre à l'abri et dans de nombreux cas, l'eau les a enfermées à l'intérieur de leur maison, la force du courant emportant meubles et véhicules sur son passage, les blessant parfois mortellement. Ainsi, évoquer les questions de débit et de rapidité de l'inondation permet au tribunal d'en arriver aux « renards hydrauliques », ces petites brèches dans la digue responsables de ces entrées rapides d'eau, qui font elles-mêmes émerger la question de la responsabilité de l'entretien de la digue, soulevant à son tour la problématique de sa gestion associative – et non municipale. De là découlent des questions sur les liens unissant les principaux prévenus : le président de l'association de gestion de la digue, également agent immobilier dans la commune, sa mère, également adjointe à l'urbanisme à la mairie et le maire de la ville. Cet assemblage, réalisé par le tribunal au cours des audiences, rend visible des liens qui unissent des personnes, des événements, des objets et lui permet de qualifier les faits. Le procès est donc à la fois une production de récit et une opération d'assemblage de menus faits qui doivent permettre *in fine* de reconstituer une chaîne de responsabilité pénale.

Trajectoires de procès : parties civiles et prévenus face au dispositif

Ce travail d'assemblage est routinier pour les professionnels du droit, mais demande aux prévenus comme aux parties civiles un important effort et une certaine préparation, réalisée en amont avec l'aide de leurs avocats afin de les préparer non seulement aux enjeux du procès, mais également à y tenir leur rôle. Anselm Strauss a analysé dans le domaine médical l'imbrication des tâches réalisées par les professionnels de santé et par les malades pour faire face à la maladie en s'appuyant sur la notion de « trajectoire de maladie » (Strauss 1992). Je propose de reprendre ce cadre afin de penser l'ensemble des tâches que le procès implique, à la fois pour les professionnels du droit, mais aussi et surtout- dans le cadre de cet article- pour les non professionnels, qu'ils soient parties civiles ou prévenus, afin de pouvoir gérer le procès. L'intérêt de cette perspective est de ne pas partir de la catastrophe, mais du dispositif judiciaire mis en place pour l'appréhender. Cette attention aux « trajectoires de procès » permet en outre de rendre compte du travail qui doit être réalisé pour endosser les différents statuts juridiques que le dispositif assigne aux personnes : victimes, témoins, parties civiles, prévenus, coupables...

Cette perspective ne semble pas aller de soi pour certains professionnels du droit. Ainsi, pour l'un avocat des parties civiles la chose est entendue : ce n'est pas le droit qui « transforme » ces

personnes en victimes, mais la catastrophe : il s'agit d' « une bascule, y'a avant et après, y'a pas un processus qui vous amène à devenir la victime que vous n'étiez pas¹¹ ». Lui comme moi savons bien que de nombreuses personnes qui ont vécu la catastrophe ont pourtant décidé de ne pas se porter parties civiles. Dans ces cas précis, les interactions entre ces personnes et le dispositif judiciaire se bornent à ce refus, cette distance, voire cette méfiance dans certains cas. Les raisons qui conduisent les personnes à ce choix sont diverses¹². Le fait pour certains d'avoir subi uniquement des dégâts matériels alors que d'autres ont perdu des êtres chers les empêche de se considérer comme des « victimes », et ne les autorise pas, selon eux, à porter plainte ou à demander des réparations (« je n'ai pas assez souffert pour me porter partie civile », « de quoi je vais aller me plaindre ? »). Pour d'autres encore, les indemnisations financières reçues à la suite de la catastrophe par le fonds d'urgence dit fonds Barnier et le rachat par l'Etat de leur maison leur semblent couvrir les dommages subis (« ils ont été assez généreux »), et la perspective d'une plainte au pénal et d'un procès ne leur paraît ni nécessaire ni souhaitable. Certains ne souhaitent simplement pas être associée à une image de « victime » qu'ils jugent dénigrante et dévalorisante. D'autres enfin voient dans ce procès une « histoire politique » montée pour évincer le maire, voire « une histoire financière » pour toucher plus que les indemnisations initiales.

Quand elles se mettent en place, comme c'est le cas des personnes qui se constituent parties civiles au procès – mais également sans que cela ne relève de leur choix, des prévenus – les interactions avec le dispositif judiciaire se construisent progressivement, à travers un long apprentissage qui prend des formes diverses en fonction des personnes et des personnalités.

La place des victimes

Dans la salle à manger coquette de leur petite maison rénovée après les importants dégâts provoqués par l'intrusion de l'eau dans leur intérieur, B. et G. sont formels : la procédure pénale n'est pas de leur fait, c'est l'Etat qui convoque des citoyens (les prévenus) pour leur demander des comptes sur cette catastrophe, et les 130 parties civiles – dont ils font partie – ne sont que des « pièces rapportées » dans cette affaire juridique. Pour eux, il n'est pas question de dire que ce sont les victimes qui font un procès aux prévenus, comme le maire le proclame à qui veut l'entendre¹³ : le Ministère public fait son travail et recherche d'éventuelles responsabilité pour les 29 personnes décédées des conséquences de la tempête, les victimes ne viennent qu'ensuite

rajouter à la procédure pénale une action civile en se constituant « parties civiles ». Selon G., l'Etat a « besoin des parties civiles », mais celles-ci doivent jouer finement afin de ne pas se faire manipuler « comme des jouets ». Pourtant, force est de constater que les parties civiles occupent au final un rôle central dans les deux procès et plus spécifiquement le premier, durant lequel une semaine entière a été consacrée à leurs dépositions, et au cours duquel la presse leur a accordé une part importante de ses comptes rendus.

Quant au dispositif judiciaire, il a intégré les transformations récentes de la place des victimes dans le système pénal, qui ont conduit à la mise en œuvre de différentes initiatives censées les repérer dans un système initialement conçu pour les écarter, afin de « juger à l'abri des logiques de vengeance »¹⁴. Le tribunal organise par exemple en 2014 pour la préparation du procès deux réunions avec les avocats de celles-ci, et accepte dans ce cadre que 50 personnes déposent en première instance¹⁵. Ce « temps pour les victimes » est, en première instance comme en appel, circonscrit dans le plan d'audience, constituant ainsi l'une des phases du procès à laquelle succèdent des débats plus juridiques ou techniques. La présidente de la Cour d'appel rappellera ainsi à l'une des parties civiles venue déposer qui s'excuse de « prendre de son temps » : « Non, vous ne me prenez pas du temps, c'est votre temps¹⁶ ».

Pour les responsables de l'association des victimes, il s'agit donc, à partir de l'ouverture de l'instruction, de se former et de former les autres parties civiles, afin de comprendre les enjeux – pour les victimes, pour le village, pour la future gestion du risque – de ce procès et de se déplacer des marges du procès vers son centre, pour ne plus en être véritablement les « pièces rapportées », mais en devenir des acteurs centraux. Se constituer partie civile fait partie de cette stratégie, pensée juridiquement comme une façon pour les victimes de ne pas « subir » le procès pénal dans lequel elles n'ont une place que de témoins, en intégrant plus activement la scène judiciaire.

Des victimes expertes et dignes

Au cours du processus de préparation du procès, puis pendant le procès lui-même, certaines parties civiles deviennent de véritables experts non seulement de la catastrophe et de la gestion du risque, mais également de la scène judiciaire. Parmi les membres de l'association, certains se vantent de connaître le dossier presque aussi bien que les juges du tribunal, dans ses moindres détails juridiques,

dans ses moindres pièces. Avant le procès, ces nouveaux experts, préparés par leurs avocats, forment à leur tour, et expliquent aux autres ce qui va se passer, comment les choses vont se dérouler, ce qui devra être dit – ou non –, comment la parole sera prise. Ils jouent un véritable rôle d’intermédiaire, de passeur. Bien conscients que le procès constitue une scène sur laquelle les parties civiles auront à interpréter des rôles, ils se placent, durant le procès, en « portes paroles » de l’association devant les médias, choisissant parmi leurs adhérents ceux qui peuvent parler afin de faire entendre une seule voix. Cette préparation doit permettre en premier lieu de présenter un visage uni des parties civiles, pour ne pas donner de prise à d’éventuelles tentatives de déstabilisation.

Un autre des enjeux réside dans le maintien de la « dignité » des audiences et des victimes. Avec ce terme, qui revient souvent, les parties civiles et leurs avocats évoquent tout ce qui relève de la contention de l’émotion lors des audiences, un enjeu repéré dans d’autres contextes judiciaires. Ainsi Sally Engel Merry parle de “*domesticating feelings in order to contain their chaotic potential*” (1990: 148). Ne pas donner trop de place ni à l’émotion, ni aux détails jugés « sordides » relatifs à la nuit de la tempête, ne pas brandir de photos des personnes décédées ou encore ne pas réagir violemment aux propos tenus par les parties adverses sont les consignes que le groupes de parties civiles tentera de suivre pendant les deux procès. « Garder sa dignité » est donc lié au fait de ne pas pouvoir être accusés de nourrir ce que certains chroniqueurs judiciaires de la presse nationale dénonceront dès les premiers jours comme la « dérive compassionnelle » du tribunal, jetant ainsi le discrédit sur le travail des juges et sur la portée juridique du procès¹⁷. Ces débats sur la compassion du tribunal s’inscrivent, il faut le rappeler, dans un contexte français où la place des victimes et leur traitement divisent (Fassin, Rechtman 2007), les uns se réjouissant de cette part enfin accordée aux victimes dans les enceintes judiciaires, les autres déplorant la « victimisation » de la société et du droit. Janine Barbot et Nicolas Dodier parlent pour désigner ce contexte de « crise des victimes » (2009). L’enjeu est central pour les parties civiles, comme pour le tribunal, puisque cette éventuelle « dérive compassionnelle » entacherait la décision juridique d’un soupçon d’injustice que les prévenus pourraient mettre à profit pour contester le jugement. C’est la raison pour laquelle le président du tribunal, le jour de l’ouverture en première instance, après avoir rappelé que la salle « n’est pas une salle de spectacle mais bien une annexe du tribunal » a demandé à tous « calme, dignité et respect »¹⁸. Les parties civiles et leurs avocats se félicitent d’ailleurs,

que les choses n’aient pas « débordé » : pas d’insultes ou d’invectives à l’encontre des prévenus, pas de démonstrations d’émotion (colère, tristesse, vengeance...) dans les rangs des parties civiles :

Il n’y a pas eu d’incidents, des journalistes nous l’ont dit, pour le procès du Queen Mary, y’avait des parties civiles qui hurlaient dans la salle, qui s’insultaient qui en sont venues aux mains avec les prévenus, on me l’a rapporté. Là, y’a rien eu, c’est resté digne, y’a pas eu d’incident majeur, y’a pas eu entre les avocats de cris, de hurlements, enfin moi je pense que ça a été vécu dans le respect¹⁹.

Le procès se présente donc comme une scène censée à la fois permettre aux victimes de prendre la parole et de « témoigner » de leur douleur, tout en cadrant de manière très formelle la démonstration de celle-ci afin qu’elle « ne déborde » pas. La peur du « débordement » est sensible dans les récits que j’ai pu récolter sur la préparation du procès, aussi bien de la part du tribunal que des avocats ou de certaines parties civiles, comme s’il fallait, pour que le procès soit réussi, pour que le processus judiciaire fonctionne, rentrer dans les règles fixées par l’arène judiciaire, et ne pas en sortir, ne pas laisser l’émotion entacher le dispositif. On est ici à l’opposé du « tribunal des larmes » analysé par Sandrine Lefranc dans le cadre des commissions Vérité et Réconciliation en Afrique du Sud (Lefranc 2013), dans lesquels l’on attend des émotions exprimées publiquement par les victimes un pouvoir cathartique et où la parole qui « déborde » est au contraire celle qui renvoie aux dimensions politiques du drame.

Trajectoires de prévenus

Les parties civiles ne sont pas les seules à accomplir une trajectoire et à accomplir un véritable travail au cours de ces procès. Les prévenus sont également sous le feu des projecteurs – médiatiques et judiciaires – et doivent eux aussi apprendre à se comporter au mieux en fonction des attendus de la justice. Apprendre à entrer dans le tribunal sous le regard inquisiteur des caméras et des appareils photos de la presse, avides de montrer le visage des « coupables », apprendre à répondre aux questions des juges et des avocats, à réagir aux témoignages des parties civiles et des témoins, tout cela demande un important processus d’acquisition de compétences que les prévenus doivent notamment réaliser, accompagnés eux aussi de leurs avocats. Il est par exemple jugé essentiel que les prévenus fassent preuve de cette fameuse compassion dont le tribunal ou les parties civiles sont, eux, censés faire

l'économie. L'une des prévenus débute ainsi son interrogatoire en première instance par ces mots qu'elle prononce dans un sanglot :

Depuis 4 ans et demie, j'ai cette nuit en tête, je vis avec ça, j'y pense chaque jour. Je comprends la douleur des familles²⁰.

Quant au maire, il lui est assez vite reproché, à la fois par les juges et par les parties civiles, de ne pas avoir su démontrer sa compassion à ses administrés après la tempête – ne pas avoir envoyé des couronnes de fleurs, ne pas avoir demandé de leurs nouvelles aux familles endeuillées, ne pas avoir organisé de commémoration localement... Le maire décide après les journées d'audition des parties civiles, de demander « pardon », pour une partie de ses agissements²¹ :

Monsieur le Président, je souhaiterais dire quelques mots après ces premières journées d'audience consacrées aux victimes et au drame qu'elles ont vécu. Je ne me suis pas reconnu dans l'homme qu'on vous a décrit. Je ne pense pas être cet homme-là, et pourtant c'est comme cela que les parties civiles me voient. C'est dur, très dur à entendre. Depuis le début de ce procès, je m'interroge sur ce que j'ai pu faire, dire, ne pas dire, pour blesser et choquer chacune et chacun d'entre vous. Certains diront que c'est trop tard. Mais je veux quand même vous dire qu'au lendemain de la catastrophe, j'étais K-O debout devant l'horreur du drame qui vous frappait. Je n'ai sûrement pas eu les mots qu'il fallait, je m'en excuse. [...] Je reste persuadé que j'ai sûrement eu tort. Il y avait, sûrement, dans la profondeur de la douleur et de la souffrance, le temps du deuil et de la compassion. Je m'en rends compte très fortement aujourd'hui, et pour cela, je veux bien vous demander pardon.²²

Cette déclaration, dont les parties civiles estiment qu'elle n'est pas « sincère », mais guidée – voire écrite – par les avocats du maire, témoigne de ces efforts et de ce travail que le procès demande aux prévenus pour construire un personnage acceptable à la fois pour la justice, pour les victimes et pour l'opinion publique. Cet effort est d'ailleurs reconnu par la Cour d'appel de Poitiers qui dans son arrêt et pour justifier de la peine moins lourde décidée à l'encontre du maire signale :

[...] malgré ses réticences à en faire aveu et des difficultés à communiquer inhérentes à sa personnalité (le prévenu) a manifesté lors de l'audience devant la cour ce qui apparaît comme une évo-

lution favorable dans sa prise de conscience de ses responsabilités quant aux conséquences du désastre et dans l'expression de sa compassion pour les victimes et parties civiles, en faisant état d'une « blessure humaine », de « pleurs » lorsqu'il est seul chez lui, de son émotion lorsqu'il a dû aller identifier les victimes décédées et de son sentiment « qu'on aurait pu faire mieux²³.

Bien que préparés à se confronter à cet univers auquel ils sont étrangers, à ces façons de parler, aux termes juridiques, aux protocoles, prévenus comme parties civiles montrent régulièrement les difficultés qu'ils ont à accomplir ce travail et à agir dans l'enceinte du tribunal en suivant les règles du dispositif.

Il arrive ainsi que les personnes agissent à la barre en oubliant qu'elles sont dans un tribunal. Le dispositif se rappelle alors à elles, comme dans cet échange entre un des avocats des parties civiles, une femme qui a perdu des proches (Mme U.), et la présidente de la Cour :

L'avocat cherche à faire parler Madame U. à propos de la réputation sulfureuse du maire.

Mme U. : « (...) je n'ai pas envie de parler de lui »

La présidente insiste : « répondez »

Mme U. : « je vais vous répondre.... »²⁴

Ces rappels à l'ordre touchent aussi les prévenus, comme quand l'un d'entre eux se retourne pour répondre à son avocat qui se situe derrière lui, oubliant qu'il est censé s'adresser à la Cour. La présidente de la Cour le rappelle à l'ordre par un « regardez la Cour », auquel le prévenu répond « pardon Madame la présidente »²⁵.

De même les parties civiles vivent particulièrement difficilement toutes les interventions des avocats de la défense qui cherchent à montrer les failles dans le système de l'accusation, en faisant ressortir leurs éventuelles incohérences ou la responsabilité des habitants dans le choix de la construction ou de l'achat du logement, ou encore d'autres responsabilités que celles qui sont traitées lors du procès, notamment celle de l'Etat. Elles manifestent alors leur inconfort par une série de gestes et de réactions plus ou moins silencieuses : elles bougent sur leurs chaises, se regardent entre elles, écarquillent les yeux pour montrer leur indignation et réagissent par des « oh ! » des « qu'est-ce qu'il faut pas entendre ! » ou des rires étouffés. Ces réactions prennent de l'ampleur dès que l'audience est suspendue pour manifester leur désaccord voire leur incompréhension, notamment auprès des journalistes présents, témoignant ainsi de la bonne connaissance que les parties civiles ont du dispositif et des consignes de « dignité » qui leur

ont été formulées en amont par les professionnels du droit et par les leaders de l'association. On peut les comprendre, à la suite de Merry (1990) comme une forme de résistance de la part des victimes à l'injonction de dignité formulée par le dispositif. “*The assertion of feelings, the insistence of having them heard, is then a form of resistance to all three discourses, to the requirement that talk be calm and rational*” (1990: 148).

Conclusion

Le procès qui se déroule dans le sillage de la tempête Xynthia est l'un des nombreux dispositifs censés contribuer au gouvernement de la catastrophe, dans la mesure où il agit, dans la temporalité de l'après, comme un assemblage de ressources – mais aussi de contraintes – hétérogènes permettant aux différents acteurs d'affronter l'événement, de le qualifier et de tenter de lui donner du sens. Cet assemblage, pourtant, se fait au prix d'un important travail, de la part des professionnels du droit, mais aussi – et surtout dans le cadre de cet article – des prévenus et des victimes, afin de pouvoir interagir avec ce dispositif en suivant les règles que celui-ci leur impose.

Ce faisant, victimes comme prévenus entament une trajectoire qui les engage dans le procès non pas seulement comme spectateurs mais comme des acteurs à part entière. Le procès leur permet de produire leur récit de la catastrophe, d'investir les rôles que la scène judiciaire leur impose et de participer au dispositif judiciaire et à la transformation de la catastrophe Xynthia en un objet de droit pénal. On peut juger de l'importance de ce travail notamment au regard des quelques scènes au cours desquelles un rappel à l'ordre est nécessaire, qui témoignent de la difficulté à intégrer les codes du tribunal pour ces acteurs non professionnels, voire des résistances que ce travail suscite (Merry 1990).

Le dispositif judiciaire, à travers son rituel et sa symbolique, mais également à travers l'important travail qu'il impose aux personnes qui doivent interagir avec lui, est un dispositif de transformation. Il transforme certains habitants d'un village en parties civiles, puis, au terme des décisions rendues, en victimes. Il transforme d'autres habitants du même village en « mis en examens », puis en prévenus. A la fin de la procédure pénale, l'un d'entre eux est finalement désigné « coupable », alors que les deux autres redeviennent des habitants, ils sont « relaxés ». Ces transformations se font au prix d'un important processus de familiarisation et d'en-cadrement qui constitue pour tous une véritable trajectoire. Le dispositif transforme finalement la

catastrophe Xynthia en une affaire pénale, à la fois réduite à sa portion judiciaire et amplifiée dans son écho médiatique.

Le procès tente finalement de produire une forme de vérité sur certains pans de la catastrophe Xynthia, qui serait idéalement lisible à la fois dans le récit produit au cours du processus et à travers les différentes nuances et désaccords apportés à ce récit au cours des audiences. Pourtant, la réduction même de la catastrophe à sa portion pénalement saisissable, et la réduction de la complexité que le dispositif opère de fait, notamment dans la complexité de la chaîne de responsabilité (Jouzel, Prete 2015; Decrop 2003) interrogent sur la valeur pédagogique du procès. En effet, la logique juridique qui cherche à qualifier la nature de la faute et à attribuer des responsabilités tranche singulièrement dans cette complexité, réduisant finalement cette chaîne à une seule personne : le maire déclaré coupable et condamné. Les enseignements en termes de politiques de prévention des risques en sont ainsi considérablement réduits.

Notes

¹ Je parle de catastrophes dites « naturelles » et place des guillemets autour de l'adjectif, dans la mesure où les sciences sociales ont montré depuis les années 1970 le caractère anthropiques de toutes les catastrophes provoquées par des phénomènes naturels (O'Keefe, Westgate, Wisner 1976).

² En France l'organisation juridictionnelle attribue aux juridictions pénales (notamment, et dans le cas de l'affaire Xynthia, le tribunal correctionnel) la compétence pour juger les personnes accusées d'avoir commis une infraction pénale. Seules les juridictions pénales peuvent infliger des peines d'amendes et/ou d'emprisonnement. Les juridictions civiles ont compétence pour trancher les litiges entre personnes privées. Quand une personne privée cause à une autre un préjudice à l'occasion d'une infraction pénale, la réparation prend la forme d'une remise en état, quand elle est possible, ou de l'allocation de dommages-intérêts. Cette réparation est en principe prononcée par une juridiction civile, mais il est permis à la victime d'une infraction pénale de demander à la juridiction pénale de statuer sur ses intérêts civils : dans ce cas, le juge pénal, une fois prononcée la sanction pénale, “se fait” juge civil pour statuer sur les intérêts civils de la ou des victimes. Cette possibilité explique la notion de “partie civile” : elle est le titre donné à la victime d'une infraction pénale qui a saisi le juge pénal d'une demande de réparation civile.

³ La sociologie du groupe des victimes ayant participé au procès n'est pas l'objet de cet article, mais il est important de souligner que d'importantes disparités sociales le traversent, que les niveaux d'instruction, le rapport à l'autorité et au savoir, les âges et les origines sociales des personnes sont très différents d'une personne à l'autre. Il est en outre probable qu'être représenté par les avocats de l'association recèle certains avantages, puisque les coûts sont partagés et que cela a permis de travailler avec un cabinet d'avocats spécialisé et reconnu dans le domaine de l'environnement. Pourtant, certaines personnes ont choisi une démarche individuelle, sans pour autant qu'elles ne soient à part pendant le procès.

⁴ Notes d'audiences, 15/09/2014.

⁵ Ce travail de veille a été réalisé par Myriam Tazi et Dorian Ryser du pôle documentation du CERI-Sciences Po entre le 12 septembre 2014 et le 26 février 2015 et traité sur un site dédié par Jean Pierre Masse et Grégory Calès du pôle documentation. Ces documents proviennent de la presse (nationale et locale), de pages internet (sites, billets de blog), et de rapports sur la tempête.

⁶ Durant ce procès, deux scientifiques ont été appelés à la barre, l'un, un historien de l'environnement, spécialiste de la côte vendéenne, cité comme « témoin » par les parties civiles, le second, un ingénieur en océanographie, cité comme « expert » par le Ministère public. A propos des différentes façons dont les sciences sociales sont saisies par la justice, on peut consulter le dossier « Chercheurs à la barre » coordonné par Laetitia Atlani-Duault et Stéphane Dufoix (2014).

⁷ UN-ISDR, 2015, *Réduction du risque de catastrophe : Bilan Mondial*, p. 130, un encadré intitulé « Répercussions légales après la tempête Xynthia » se base sur des sources venant de la BBC, d'un site scientifique en anglais et du journal *Le Monde*.

⁸ Sally Engel Merry (1990 : 110-114) définit ainsi le discours comme un “act of power” : “The naming of an action or event within a particular discourse, thus interpreting the event's meaning and assessing the motives behind it, is therefore an act of power. Each naming points to a solution” (1990 : 111) distingue trois types de discours avec lesquels les personnes apportent leurs problèmes dans les tribunaux : le discours légal, le discours moral et le discours thérapeutique.

⁹ Notes d'audience de la FENVAC, 7/10/2014.

¹⁰ Plaidoiries de la défense, procès en appel, Poitiers, 2/12/2015.

¹¹ Entretien, 3 mars 2015.

¹² Dans une perspective comparée, sur le travail normatif engagé par les victimes autour des dispositifs de réparation (indemnisations financières, dispositifs judiciaires), voir Barbot et Dodier (2015).

¹³ Sur une base pas totalement infondée par ailleurs, puisque certaines victimes ont porté plainte contre X dans les semaines qui ont suivi la catastrophe et que leur plainte a été jointe ensuite à la procédure engagée par le procureur.

¹⁴ A propos des évolutions de la place des victimes au procès penal, on pourra se rapporter à Barbot et Dodier (2014) et à Barbot et Dodier (2011).

¹⁵ Ce nombre, bien qu'important, n'est toutefois pas exceptionnel dans ce type de circonstances en France. Ainsi, lors du procès de l'affaire dite de l'hormone de croissance contaminée, pas moins de 6 semaines à raison de trois demi-journées par semaines ont été consacrées aux auditions de plus d'une centaine de personnes, proches des 116 enfants victimes de l'hormone de croissance (Barbot, Dodier 2011). Dans le procès de l'incendie du tunnel du Mont Blanc en 1999, ce sont 30 parties civiles qui ont été autorisées à parler au tribunal de Bonneville, dont les dépositions ont été circonscrites sur une seule journée. En revanche, pour le procès de l'explosion de l'usine AZF de Toulouse, qui s'est tenu pendant 4 mois en 2009, seules deux journées ont été consacrées aux auditions des familles de victimes, alors que plus de 200 personnes s'étaient constituées parties civiles.

¹⁶ Notes d'audience, 19/11/2015.

¹⁷ Voir par exemple « Au procès Xynthia, les débats s'égarent dans une dérive compassionnelle. A l'empathie à l'égard des parties civiles, le tribunal oppose une extrême dureté face aux prévenus », Pascale Robert-Diard, *Le Monde*, lundi 22 septembre 2014, p. 10 ; « Procès Xynthia : face aux témoignages des rescapés, le tribunal peine à trouver le ton juste », Stéphane Durand-Souffland, *Le Figaro*, jeudi 18 septembre 2014.

¹⁸ Notes d'audience, 15 septembre 2014.

¹⁹ Entretien avocat, 3 mars 2015.

²⁰ Notes d'audience, 08/10/2014.

²¹ Sur l'usage fréquent des excuses au sein du tribunal, voir Israel (1999 : 405-406)

²² Notes d'audiences de la FENVAC, 29 septembre 2014.

²³ Arrêt n° 16/00199 de la cour d'appel de Poitiers du 4 avril 2016.

²⁴ Notes d'audience du 19/11/2015.

²⁵ Notes d'audience du 23/11/2015.

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Antonello Ciccozzi

Forms of truth in the trial against the Commission for Major Risks: Anthropological notes

«I reassured my family, reassured them until a quarter to one that night, the same night I remember the quake, because I was convinced, also on the basis of decisions, conclusions by the Commission for Major Risks on March 31, that there would not be any strong tremor, I don't mean that there would not be any more tremors, because we had felt the tremors since December, but at any rate the magnitude of those tremors wouldn't be so strong as to cause the catastrophe that later took place».

(From testimony at the trial against the Commission for Major Risks)

Introduction

In this article I present a reasoned synthesis and critical-analytical overview of the cultural anthropological consultation I provided as part of an internationally significant legal case. On the basis of this documentary itinerary, I seek to adopt a theoretical-methodological and interpretive perspective in order to highlight two key issues: the first regards the practicability of using an anthropological approach in juridical contexts to provide cultural expertise about the issue of mental causation; the second is a reflection on the problematic relationship between rational knowledge and irrational beliefs that continues to permeate the social uses of scientific knowledge.

From the former perspective, in the following pages I seek to demonstrate that the role of cultural anthropological expertise might be crucial for understanding the legally relevant events that occur in situations where the value-oriented habitat (the semiosphere, the context of common sense and so on) in which actors move represents a variable that is decisive and hence cannot be bypassed using other approaches; as such, it constitutes an element that must be considered in its entirety and through specific forms of technical expertise if we are to acquire the most cogent possible understanding of the object discussed in the courtroom. This not only means that a reading of the cultural anthropological frameworks in which certain events occur might be useful for understanding the meaning of these events, but that this reading is actually essential for such an understanding. This is because,

ultimately, forcluding the cultural dimension from the mechanisms for explaining anthropologically positioned facts leads not simply to a lower or more approximate degree of understanding but to misapprehensions, misunderstandings and mystifications around the meaning of the behaviors juridical devices set out to assess. Indeed, the Western legal world is currently ever more aware of and interested in understanding the cultural-anthropological variables of human behavior. Although presently limited to the front lines of culturally oriented crimes, this interest may expand in the direction of understanding the cultural motivations and factors that can condition and steer phenomena to a lesser or greater degree – and, therefore, the legally relevant links in the chain of mental causation.

As for the second issue mentioned above, the case addressed in this article shows how, when forms of scientific knowledge are put to social use, they run the risk of generating a mystique of truth more or less removed from the empirical-experimental foundations that would grant them the status of actual science. Indeed, in complex, secularized societies the evocation of scientificness has the potential to constitute a system of cultural persuasion that manifests in two closely-interconnected levels of governmentality. The first is aimed at the population and functions through the production of social representations of reality that may appear misleading in that they are based less on empirically-grounded knowledge and more on unfounded beliefs. In the second level, targeting institutions, the recognition or refutation of scientificness acts as a stamp of approval which legitimizes or de-legitimizes the content in question and thereby serves to ensure that hegemonic apparatuses enjoy a monopoly on interpretations of the truth; these apparatuses, having been invested with an aura of sacredness, impose a disciplinary politics aimed at ordering and normalizing the opinions of the populations, the bodies of individuals and social reality in general. In view of this, it could be argued that an anthropology of institutions capable of examining the social uses of expert knowledge may help in understanding the

ways in which an underground folklore of science bolsters and fuels the production of forms of mystique around what constitutes truth. Precisely by virtue of the pseudo-scientific-ness they contain and convey, these forms of mystique come to be dangerously disconnected from the ideal of knowledge from which they derive their authority.

Juridical truth

After three instances of legal proceedings¹, the trial against the Commission for Major Risks (CMR), also known as the “L’Aquila trial”, concluded on November 20, 2015. The Court of Cassation ruling confirmed the Court of Appeal ruling, which established the legal truth that only one of the seven experts² sentenced in the first instance was responsible for having reassured the inhabitants of L’Aquila through a pseudo-scientific diagnosis according to which the crescendo of daily quakes that had frightened the citizens for months was an «earthquake swarm», that is, a «positive release of energy» capable of diffusing an otherwise disastrous earthquake over time; in the end, however, the earthquake did take place a week after this assessment was made, on the night of April 6, 2009, killing more than 300 people. In other words, Italian jurisprudence essentially acknowledged that an erroneous expert prediction that quickly spread as an element of common sense lowered the risk perception of the population and thereby increased the residents’ exposure to the danger of collapses and contributed to causing the earthquake to prove fatal for several people.

I am caught up with this case both personally and professionally because, in addition to having experienced the earthquake firsthand, I was called on by the Prosecution to provide anthropological consultation aimed at illustrating whether and to what extent the information provided by members of the CMR led the population of L’Aquila to decide to stay in their homes the night of the earthquake despite the two strong tremors that had occurred a few hours before the disastrous final one. In the report that I prepared (titled “Reassure-ism, an anthropology of scientific communication in the L’Aquila earthquake”), I explained how, through a disastrous act of reassurance, a diagnosis of non-hazardousness promulgated by the sphere of expert knowledge altered the “emic risk perception” that would otherwise have generally led residents to act with caution in the face of shocks that were felt quite strongly even if they were not powerful enough to bring down buildings (given that this city had already suffered other telluric de-

struction over the centuries, there was an “anthropological culture” of earthquakes⁴ that augmented local people’s immediate impulse to exit their homes). Whereas in other cases many of them had responded to strong tremors by leaving their homes and stayed outside for several hours, on the night of the earthquake many remained in bed because they had incorporated the reassuring diagnosis according to which the substantial prediction was of a non-earthquake; a diagnosis that owed much of its persuasive weight to the scientific authoritativeness of the sphere from which it was issued.

Against the background of a general principle drawn from the anthropology of risk⁵ – that decreasing the (cultural) perception of risk increases (social) exposure to danger when facing an impactful event (natural, in this case) – I formulated my thesis on the basis of a series of anthropological and cultural assumptions⁶. I drew specifically on the theory of social representations developed by Serge Moscovici⁷, employing these interpretive aids as a general theoretical framework to deductively grant comprehensibility to the specific cases outlined in victims’ relatives testimony about the risk communications issued at the level of expert knowledge. In particular, I sought to use Moscovici to point out that, in contemporary societies, common sense (or, we might say, anthropological culture⁸, understood as a protocol for the everyday and generally uncritical decoding of human experience) tends to be produced by the “reified universes” of the scientific world that are directed toward the “consensual” worlds of everyday life through their function of normalizing the disturbing aspects presented by new events; this process of normalization occurs through procedures of “anchoring” (affixing a term or name to new phenomena) and “objectification” (attributing a meaning to that name). I opted to employ this theory because of its heuristic relevance in relation to the case examined here: Moscovici’s theory served to reveal how the act of anchoring the ongoing telluric phenomenon to the term “seismic swarm” and objectifying it with the reassuring meaning of a “positive release of energy” constituted a social representation of reality that was highly persuasive, capable of altering the conduct of people by changing the common sense – that is, the cultural anthropological habitat of meanings people use to interpret the reality around them – in which L’Aquila locals were immersed on a daily basis⁹.

At the end of the first instance trial, by finding all the experts guilty, the Court fully embraced the argument I put forward as an expert consultant. Indeed, the Court used my argument in two different ways to establish the criminal responsibility

of the defendants through a connection of “mental causation”¹⁰. Specifically, Judge Marco Billi found that the causal chain between the conduct of the defendants (the reassuring diagnosis that the situation did not represent a danger) and the destructive event (remaining in their homes despite two strong tremors that preceded the fatal one) both fell under the deductive-nomological or Covering Law model of scientific explanation¹¹ identified in the theory of social representations and correlated with empirical principles and common sense generalizations made on the basis of ideas about the cultural nature of humans and the persuasiveness of science in Western societies¹².

In the second instance trial, the judges instead found only the deputy head of Italian Civil Protection, De Bernardinis, responsible; he was found guilty of having acted of his own volition to reassure the population of L’Aquila before the CMR meeting in an interview in which he described the ongoing telluric event, stating that, according to the scientific community, it was only a release of energy which was not only not dangerous but even beneficial. The other defendants were acquitted on the grounds that they had not participated in any way in formulating either this diagnosis or any other kind of reassuring message. The third and final instance of judgment ended with a confirmation of the Court of Appeal’s ruling.

The legal truth that was established absolved six of the seven defendants on the grounds that, during the meeting, they did not talk about the “energy release” theory, that no other experts had been involved in any way in that particular representation of the situation (and that it could therefore be attributed solely to De Bernardinis, who had outlined it all on his own in an interview before the meeting began). The court reasoned that they had not in any way made reassuring statements concerning the ongoing seismic phenomena and, on the contrary, had only made not-at-all reassuring assessments inspired exclusively by the best science available at the time of the meeting. The concept of “mental causation” was acknowledged, however, and understood as lying at the convergence between consolidated and observable empirical generalizations, on one hand, and the contribution provided by probative evidence and the contingencies of the case on the other.

In making these acquittals, the Italian justice system found that no reassuring function was played by the fact that – as trial documents show – Franco Barberi explicitly asked other members of the CMR to account for the “theory of energy release” during the meeting and none of them refuted it; or that, during a press conference immediately

after the meeting, De Bernardinis stated that «an increase in magnitude is not expected» and none of the three other CMR experts who were present contradicted him; or, again, that over the course of the meeting statements were made such as «this seismic sequence does not herald anything» (Franco Barberi) and «I would rule out that this seismic swarm is preliminary to other events» (Enzo Boschi, after having declared that «we cannot predict earthquakes»)¹³. In this context, in order to locate this series of events within the political frame that gave rise to it we must necessarily recall the shadow cast by the wire-tapped telephone conversation with the head of Civil Protection, Guido Bertolaso, that emerged during the first instance trial. In this conversation, Bertolaso declared that would send «the leading earthquake experts» to L’Aquila to stage a «media operation» in order to «reassure people» – who were alarmed not only by the quakes but also by the forecasts of a local, self-styled scientist – by persuading them it this was «a normal situation, these are phenomena that occur, better 100 tremors measuring four on the Richter scale than silence because 100 shocks serve to release energy, and there will never be a quake, the one that causes damage»¹⁴.

Scientific truth

As for the consultation I provided, the grounds for the second instance ruling later reaffirmed by the Court of Cassation formally rejected the position I put forward; at the same time, however, there was a substantial and unmistakable reaffirmation of the arguments I presented, such as when these same arguments were used to confirm the final guilty verdict against De Bernardinis. The circumstances were thus paradoxical, to say the least. Rising above the annoyance one naturally feels at being obliged to defend one’s scientific respectability, I believe these unusual circumstances deserve to be addressed in detail. Specifically, the Court of Appeal resolved to wholly disregard the deductive-nomological model of scientific explanation put forward by the “theory of social representations”¹⁵ – a theory which was (erroneously) credited to me and depicted as merely the fruit of my own personal experience (271) – on the grounds that it lacked scientific validation by virtue of being deficient in significant criteria of “controllability,” “falsifiability” and “verifiability.” This was in formal agreement with the Attorney General’s office, which publically exposed itself by taking an explicit position in support of the defendants’ innocence and holding only the media responsible for conveying reassuring messages. Indeed, the Attorney General’s office discredited my

expert testimony on the grounds that it was based on a model lacking in a «statistical coefficient determined in quantitative terms» (thereby establishing that such a feature is to be regarded as a *condicio sine qua non* of scientific-ness in the socio-cultural sphere) as well as «lacking any empirical support» (evidently the documents and testimonies were not considered adequate). It furthermore downplayed the “theory of social representations” as an «interpretative category useful for the purposes of an anthropological study, but certainly not a scientific law»¹⁶.

From a logical-theoretical point of view, it should be noted that the work I presented was refuted by avoidance – that is to say, rejected *en bloc* without critically analyzing either the core of the argument or any other element of the theses it entailed – through *argumentum ad hominem* and *argumentum ad verecundiam* rhetorical strategies. While the first focused on delegitimizing the expert testimony I had prepared based on personal experience, the second probably originated from a vague, hasty excommunication pronounced during the hearing by Stefano F. Cappa, an expert consultant for the defense and professor of neuropsychology with a biomedical background. He stated that «I read the expert testimonies with interest, I would say it is a document possessed of impressive narrative impact and, from that point of view, unquestionably to be appreciated; I think [however] that the document lacks references of an experimental and objective type». This excommunication contains a hint of the kind of disciplinary imperialism that manifests in the hierarchical presumption of evaluating anthropological work only on the basis of parameters drawn from the hard sciences. It was subsequently disseminated as if it were a clear repudiation and used as it were a scientific evaluation free of conflicts of interest. Here, I would like to clarify a point that has often been arbitrarily misunderstood: it was neither my job nor a necessary element of my work to epidemiologically quantify the relative incidence of a belief in the harmlessness of the ongoing seismic swarm among the population of L’Aquila as a whole. What I was tasked with doing was making comprehensible the cultural anthropological and psycho-social factors on the basis of which certain individuals developed this belief.

Looking back at the historical (and enduring, albeit in different forms) epistemological tension between nomothetic and idiographic approaches, between naturalism and historicism, between sciences based on explanation (according to general schemes) and sciences based on understanding (beginning from specific phenomena), it seems that certain positions evoke a proto-positivistic reduc-

tionism according to which the human sciences ought to be completely absorbed into the natural sciences. This prejudice has come back into style nowadays thanks to the growing hegemony of the biomedical field at the expense of the psychological field, a supremacy that can be seen in the way neurosciences are spreading in the field of behavioral sciences¹⁷. This prejudice affects the humanistic sphere as well, and can be seen in the confusion between sociometric-type quantitative methods and qualitative methods such as the cultural anthropological approach that guided my consultation¹⁸. According to these precepts, any science that does not fall within laws that can be quantified in physical-mathematical terms and objectified in a strictly empirical sense should be banned from the courtroom. On the other hand, jurisprudence has long employed expert consultancy regarding connections of mental causation which are not, of course, empirically verifiable¹⁹.

All of this gives us cause to reflect on the way that the paradigm of truth ascertainment flaunted by the “hard sciences” sometimes rests not on grandiose empirical-experimental foundations but on «epistemological rituals»²⁰ that stage and spectacularize specific manifestations of authority. These manifestations are often conditioned by the enduring legacy of positivist approaches against the lingering background of the myth of absolute objectifiability that harkens back to the Weberian illusion that we can separate the subject from the object in the field of culture as if the cultural world were a chemistry laboratory²¹. With this in mind, I wonder if or to what extent the method used by the Court of Appeal to strip my work of any character of scientific-ness was itself objective, disinterested or scientific. I wonder, indeed, if this was instead a case of the kind of methodological ethnocentrism and disciplinary imperialism – fostered by the high stakes in the courtroom – that allows some sciences to assert universalistic positions over other sciences based on an implicit principle of superiority that leads them to imagine their categories of evaluation apply in all other fields as well.

As mentioned above, this case was quite singular. First, because the theory of social representations is not the fruit of my own personal experiences; indeed, all I actually did was apply it by matching its postulates with the empirical variables of the specific case of L’Aquila. In reality it was developed by the illustrious scholar Serge Moscovici (who is never indicated in the second instance and Cassation rulings) and has been a pillar of social psychology for twenty years now, appearing in practically all the relevant manuals both within and beyond the discipline. Second and even more surprising is the

fact that, after having de-legitimized my work, the Court of Appeal went on to use precisely the arguments I myself had presents based on Moscovici's theory to establish De Bernardinis' guilt. It did so, moreover, by drawing on these arguments just as they had been formulated by the first instance judge, who quoted my testimony word for word.

Let us examine this in more detail. The written grounds of the second instance ruling (270, 272) state that, regardless of the «social representations» model, the following assumptions of the first instance ruling were reaffirmed in establishing a causal relationship: «a) the 'credibility' and 'authoritativeness' of a message are proportionate to the source from which it comes; b) in modern Western societies scientific experts enjoy particular authority». These arguments, both the exclusion of the social representations model and the recognition of persuasiveness of scientific authority, also reappeared in the grounds of the Court of Cassation ruling. Indeed, these grounds state that the Court of Appeal was correct in the way it framed the ascertainment of causality (87), recognizing,

rightly so, that, within the horizon of experiential knowledge, there is a principle that tends to grant significant (in that it possesses significant credibility and authority) psychologically conditioning value to messages publicly issued by institutional authorities when they are based on the premise of validation provided by scientific knowledge, and the resulting influential impact can be observed in the behavior of recipients (89).

The point is that, in the part of the grounds of the first instance judgment that was upheld on appeal and confirmed by the Court of Cassation, Judge Marco Billi explicitly drew on exactly my arguments in his effort to clarify these elements (667-671). He stated:

regarding this point, professor Ciccozzi noted that "studies on persuasion have shown that the persuasive value of any allegation is directly proportional to the authority that the recipient attributed to the issuer" [regarding a]; professor Ciccozzi demonstrated that scientific institutional information has a special quality, asserting, in a completely reasonable and widely accepted argument that, in Western societies, institutional communication from scientific authorities is the one the masses consider to be "the highest expression of authority" and which therefore has "a potential for maximum persuasiveness, which is expressed in the ability of scientific thought to result in social representations that limit collective

responses" [regarding b]).

It is clear that these arguments are essentially the core of the theoretical conclusions I drew from Serge Moscovici's theory of social representations. So, papers in hand, in the second instance and Court of Cassation rulings, the position I presented as a consultant – which served as the foundation for convicting all the defendants in the first instance trial – was formally rejected through partial and erroneous judgments; at the same time, however, it was "covertly" used as a key tool for confirming the conviction of one of the defendants. Through this sentence, moreover, it was also used to assert the rationale behind the trial as a whole (the existence of a causal link between an expert opinion and life-threatening behaviors).

On methodological grounds, I was accused of having published an article on local online media platforms²² before being officially brought in as a consultant that hinted at the arguments I then presented in the courtroom (it was this article, among other things, that triggered the process that led the PM Fabio Picuti to entrust me with the position of technical adviser in the legal proceedings). In this article, I clarified a misunderstanding that was spreading throughout the city, the mistaken tendency to "anchor" the fact of being reassured by the diagnosis that the seismic swarm going on was non-hazardous in the expression "failure to warn". The core of the thesis I presented was the following: if "failure to warn" means "not predicting a disastrous event," then "predicting that a disastrous event will not occur" means providing a reassurance that proves to be disastrous when the event in question does actually occur. Since not providing information is quite different from providing incorrect information, not predicting an earthquake (failure to warn) is quite different from predicting a non-earthquake (disastrous reassurance). I hypothesized that this misunderstanding might arise from a semiotic detail: our lexical repertoire does offer a true opposite of the term "alarmism," a lemma composed of the noun "alarm" (meaning to make [someone] aware of a danger) and the suffix "ism" (which in this case indicates a doctrinal nature, an unfounded fixation often having to do with collective behavior) which together indicate "a tendency to worry in the absence of compelling reasons to do so". There is no word that means "unfounded reporting of normalcy": terms like "calming" or "reassurance" do not have the connotations of being unfounded²³. The signifier "reassurance-ism" might therefore be useful in understanding that, in L'Aquila, it was not simply that a lack of alarmism led to a failure to warn but that, going so far as to engage in reassurance-ism, institutional representa-

tives produced a disastrous reassurance whose persuasiveness stemmed from the manifest scientific authority of its source.

While the PM viewed my anthropological interest in this matter as a sign that I would make a good consultant, the Courts of Appeal (271) and Cassation (88) ruled, in line with the defense, that I had selected testimony by individuals who specifically described being persuaded by institutional assurances in order to prove a preconceived thesis. And yet, should a preconceived thesis be considered false *a priori*? In this particular case, I would rather say that, while witnesses who testified to feeling reassured gave a concrete shape (through practices and social action) to theories describing the persuasive ability of authority, on the other hand those theories about the persuasiveness of scientific authority grant a rational, logical content to the personal accounts of those who testified to having incorporated a reassuring diagnosis with disastrous results. It is true, in some respects my thesis was “preconceived”, but it was preconceived on specific theoretical and empirical foundations. This does not detract from the fact that, as I will argue below with the concept of framing, selecting witnesses to include those who were effectively persuaded is not only appropriate but necessary to demonstrate my point: not that this process was pandemic but rather that it took place to a significant degree. The thesis was preconceived in relation to the trial and my being called as a consultant by virtue of the simple fact that I had already been working on this issue. It was thus developed before the events in question, namely the earthquake and risk communication carried out during the catastrophe’s incubation period. And, while on one hand courtroom testimony confirmed this thesis, on the other hand and through a circular effect, the theoretical apparatus I presented made the testimonies attesting to persuasion intelligible in light of a broader framework of understanding. If we apodictically assume that a “preconceived” argument is false, we lose sight of this circular movement between theoretical and empirical dimensions that I have mentioned here for a specific purpose. We lose sight of the fact that my goals as a consultant were not to prove my thesis but to use my research to establish the sense behind certain behaviors (and, it bears repeating, it was not entirely “my” theory but rather a theory inferred from a selection of well-respected theoretical sources). We lose sight of the fact that I did not set out to show that all the citizens had felt reassured (in which case I would indeed have had to consider all the witness statements): rather, my task was to demonstrate that some (some, not all) L’Aquila citizens would have survived had they not been per-

suaded that no destructive earthquake was to occur that night.

Unsurprisingly, I also came under methodological attack for having prepared my report on the basis of a selection of testimony that included both reassuring elements in the experts’ statements and statements from victims’ relatives that confirmed their having assimilated these reassurances in their households, and this fact was held up as grounds for rejecting my arguments. I described my methods from the beginning of my consultation, making it clear that, as an expert witness for the prosecution, my goal was to highlight both the fact that the CMR being convened in L’Aquila produced a specific framework of meaning according to which the overall communicative performance generated reassuring content, and the effect this content had on the population. All the while specifying that, unlike effective scientific communication characterized by unity, consistency, clarity and an unequivocal message, this case involved a diagnosis that was generally cacophonous, disorganized, confused and contradictory. Taken as a whole, this communication simultaneously stated that earthquakes cannot be predicted and that a non-earthquake was predicted. It stated that it was impossible to exclude the possibility of an earthquake but that the experts’ diagnosis foresaw no increase in magnitude or even a positive discharge of energy; it underlined the dangerousness of the area even while conjecturing that the circumstances of the moment presented no particular danger²⁴.

This brings us to the issue of framing strategies²⁵: the selective construction of the context of meaning, that is, the framework that provides the inferential conditions for formulating a judgment. Since there is no narration without selection, however, the question revolves around a specific point: to ensure that science does not degenerate into ideology, argumentative correctness requires an expository selection that does not accidentally become a form of «aberrant decoding». Such aberrations in decoding can even take the form of «semiotic guerrilla warfare» involving a misleading manipulation of the issuer’s message and strategies to delegitimize the issuer²⁶. In this case as well, I was amazed by the fact that, in terms of framing, the same point that had been surreptitiously challenged in relation to my selection methods was then used, just as surreptitiously, to delegitimize my work. It is one thing to select elements of guilt from a series of events with the goal of establishing legal responsibility, it is quite another to claim to disprove a thesis by carrying out a process of selection geared at attacking the person presenting the thesis and his personal experiences. Indeed, in this case the defense raised

questionable objections in terms of methodology all the while avoiding the theoretical core of my argument only to then go on using this same thesis “covertly”. Therefore, considering that my goal was to show that the expert communications had given rise to some reassuring content (not that all its content was reassuring) and that some L’Aquila residents had incorporated that content (not that all of them had incorporated it)²⁷, it seems to me that the accusation of cherry picking – eliminating any significant counterevidence in order to support a specific thesis – might more appropriately be directed to the arguments of the defense.

At this point it makes sense to say a few words about the use of an *argumentum ad hominem* rhetorical strategy to delegitimize my expert testimony. According to the methodology that drove the de-legitimization of my work, none of the statements in the thesis I presented were subjected to rigorous critical analysis²⁸, and so the grounds for the Court of Appeal (271) and Court of Cassation rulings (88) dwelt on the details of my personal experience, neglecting and obscuring the work I had conducted on the basis of these experiences. I specified in the courtroom that I, like most of my fellow citizens, had been influenced by those assurances, and, like most of my fellow citizens, I survived together with my family only because the house where we lived, despite having suffered serious damage, stopped just short of collapsing altogether. Therefore the fact that I had personally survived the earthquake was judged to represent an element capable of divesting my work of any possible credibility. It was arbitrarily assumed that being embedded (having experienced the event being analyzed first-hand) necessarily generates bias, an emotional conditioning that leads the observer away from the truth of the facts. The rulings refused to consider that personal involvement does not always or only generate distortions in one’s perspective and that it might instead be a harbinger of new possibilities for understanding that would be difficult to access without having witnessed forms of truth revealed through direct experience²⁹ (which, ultimately, is what grants the ethnographic method its scientific character)³⁰.

Once again drawing a few lines from the article I posted on media platforms, the defense also interpreted my observation that more and more citizens felt dissatisfied with the institutions involved in emergency management as a personal expression of «suspicion and negative opinions about the defendants, almost implying that their conduct had been aimed at benefitting from the future, predictable destructive quake» (271). It is true, I never made any secret of my being engaged in a movement of

grassroots active citizenship mobilized in response to a governmental system of post-earthquake management that took the form of a biopolitics of emergency fueled by the framework of disaster economics in which, among other things, three members of the CMR were immediately tasked with handling enormous amounts of money³¹. At any rate it should be noted that, before being called as a consultant, I addressed these issues – which are not relevant to the legal proceedings but are significant for an anthropological analysis of emergency institutions in the framework of the “shock economy” – in an academic setting and in a manner much more complex than the “suspicion of suspicion” scenario through which my detractors sought to simplify the issue³². Even admitting that I was emotionally involved in the events, I would ask: is this bias, be it real or alleged, really enough to subsume and discredit in its entirety the analytical content of my work without even taking it into consideration, or is it simply a rhetorical device? Is this a case of rebuttal or excommunication? Did this refutation hinge on critical-analytical approaches or gossip? Furthermore, in keeping with the prospective I have just identified, I was accused of having «expressly excluded the possibility that anthropological science be required to submit the theses it put forward to any kind of verification» (271). In the absence of any references whatsoever that would substantiate this insinuation, I do not know what to respond. I do realize that some trials end up becoming wars between expert opinions in which fairness and professional integrity are often not the most effective weapon, so I imagine that this alleged position was the fruit of some objection I raised about qualitative parameters being used to measure quantitative approaches, as outlined above.

Finally, I find it significant that this selective search for external details to be used in assessing the relative scientificness of my work somehow missed the fact that this same work was reviewed by the National Committee for Scientific Qualification, part of the Ministry of Education, University and Research, in 2012 (two years before the Court of Appeal judgment) and earned a unanimously positive response, with the following reviews:

the monograph “Rassicurazionismo” is particularly noteworthy in terms of quality as well as impact, also outside the academy [...] an interesting and, in some respects, significant work that moves with a certain degree of self-confidence and expository efficacy between the anthropology of disasters, that of science and the media and that of institutions [...] “Rassicurazionismo” is a commendable document in the anthropological

analysis of institutional contexts [...] the candidate skillfully presents anthropological analyses of debates regarding responsibilities in cases of disasters and phenomena in which institutions and modern mass communications systems play an important role.

In conclusion, I notice the following paradox: using vague procedures of biomedical excommunication cloaked in the authority of scientific to judge my thesis (in which I cite authoritative theories about the persuasiveness of science to explain how this knowledge is often considered a form of supreme and unchallengeable truth in Western culture) as entirely lacking in scientific dignity – even going so far as to launch personal attacks in tabloid-worthy tones – is tantamount to staging an evocative ritual about the charisma of science as the sole source of indisputable truth. It therefore substantiates the thesis I proposed³³. More generally, implicitly assigning an aura of sacredness to science prevents us from considering the extent to which science (especially in its social uses) is caught up with politics. Above all, it prevents us from seeing how much it depends on its own anthropological culture made of rituals and beliefs and permeated by a kind of institutional tribalism that fosters corporatist tendencies to autopoietic maintenance, that is, the self-preservation of its own structures. This ought to help us understand how invoking science in the field of human events sometimes involves a mystique of absolute truth rather than providing effective verification based on logical-experimental principles. This mystique gives rise to a rhetorical strategy aimed at granting plausibility to discourse and opinions in which authoritarianism is camouflaged as authoritativeness. When courts set out to judge scientific validity across the board, then, we have to wonder if, given their social and political weight, these seals of scientificness that the legal system confers on other disciplines might not actually represent a parallel system of scientific evaluation, a system that ends up establishing procedures of theoretical-methodological legitimacy and hierarchies of prestige whose reliability is questionable.

Cultural truth

Examining the social processes of truth construction in this case, we are led to ask whether, to what extent and for how long the legal truth – the only one established in a definitive manner – will influence scientific truth and what implications this might have for the formation of cultural and, consequently, historical truth³⁴. It would be useful, for

example, to clarify the value of the axiom according to which an ongoing seismic swarm absolutely does not constitute a precursor to a disastrous earthquake, in view of the fact that this axiom was legally elevated to the status of science by the juridical judgment stating that the meeting participants (a meeting which, according to the judges, did not count as official³⁵) «did not formulate any assessment that might be said to be scientifically incorrect or unduly reassuring» (183). The question is interesting given that it appears to run counter to the datum – recognized by seismologists all over the world for at least twenty five years now – that a seismic swarm increases the probability of a peak event by 100 to 1000 times³⁶. As we cannot rule out the possibility that this represents an effort to take shelter in a paradigm (in the Kuhnian sense³⁷), I imagine that it will be up to the international seismological community to establish over the next few years whether this assertion is to be considered science or a corporatist way of twisting science to bolster these experts' statements through legal validation. In the latter case, Italian seismology would run the risk of degenerating into an idiolect (if only in order to support or, conversely, hide, the curious theorem according to which there is no chance that an ongoing seismic swarm is the precursor to a destructive earthquake).

Another significant point is that the relationship between the Italian and international seismological communities has been impacted by moves to misrepresent the grounds of the trial. Indeed, distorted depictions of the court case have repeatedly framed it as being about a “failure to warn” and absurd and shameful accusation of “not having predicted the earthquake”. A communicative arc can be observed spanning from the beginning of the legal proceedings to the end. It began with an international appeal signed by 5,000 people, all high-ranking as scientists, convinced by a skewed account of the trial grounds claiming that «the heart of the accusation is that a state of alarm was not issued». The Attorney General's office then took a position, cautioning that «earthquakes are not predictable»³⁸. The arc can be traced through various scientific spokespeople³⁹ to comprise the statement by Enzo Boschi describing the acquittal as «a memorable landmark regarding the fact that no one in the world can predict an earthquake»⁴⁰. Does it really make sense for the “world” to go on being fueled by this mistaken understanding of the grounds of the trial?

The hoopla about a “trial against science” even compared it to the trial against Galileo, thereby hinting at the mystique of its origins by evoking the historical figure of one of its founding heroes. On

the basis of this réclame, the indictment of seven experts turned into a story about all science through a metonymic process driven by the poetics of absolute authority, which is capable of being highly persuasive at the level of common sense (to put it another way, in our secularized cultural sphere no one would react to a priest accused of pedophilia by talking about an attack on religion or God). In view of this transfiguration from entities to ideals, from individuals to forms of knowledge, an article written by two administrators at the INGV struck me not so much for its content as for its title: "The arguments of science in the L'Aquila trial". In this publication the authors, complaining of «accusations addressed to the entire scientific community», excommunicate my work on the grounds that the «scientific community» had questioned its lack of «rigor in the collection and selection of data». On the basis of this data, they claim, I argued that people received the reassuring message from the experts and not, as they assert, exclusively through distorted representations generated by the media coverage⁴¹. Through this use of rhetorical metonymy, the authors of the article explicitly raise their arguments to the level of the "arguments of science"; they cast themselves as prophets embodying and giving voice to divinity and depict the seven defendants as the entire scientific community. In the face of this rhetoric, I feel obliged to note one more time that the legal truth has confirmed the validity of my interpretation, albeit while finding only a single expert responsible (a fact which does not affect the substance of the arguments I presented).

This obstinacy in misrepresenting the case is surprising because at the indictment, during the trial and in the grounds of the sentence of first instance it was repeated *ad nauseam* that no one was accused of not having predicted the earthquake⁴²; rather, the accusation was of having made an «approximate, generic and ineffective» assessment of seismic risk «with regard to [their] duties of prediction and prevention» by providing «incomplete, incorrect and contradictory information» that ended up reassuring the population and convincing them to stay at home despite the severe tremors that preceded the deadly quake. The first instance ruling does not contest the fact of not sounding the alarm (predicting the earthquake) but, on the other hand, it goes beyond «generic reassurance-ism»: it states that the conduct of the defendants in terms of risk prediction was enough to convict them, specifically their not having alerted people about the danger of the situation and going so far as to reassure, that is, to predict an absence of risk (363-365). The Court of Appeal, in contrast, found this distinction between «prediction of risk» and «pre-

diction of the actual earthquake» to be «artificial» (203). In my opinion this is one of the most questionable elements of the second instance ruling, the move to equate the risk of an occurrence with the occurrence itself. This framing blurs the difference between the (scientific) possibility of making probabilistic forecasts and the (pseudoscientific) pretension of making deterministic predictions. It entails the brazen move – as legally authoritarian as it is scientifically unfounded – of razing the entire scientific domain of risk analysis to the ground⁴³.

Moreover, the stereotype of a trial for "not having predicted the earthquake" is reminiscent of an allegation that has been leveled against the citizens of L'Aquila on various occasions: they have been accused of trying to make blameless scientists into scapegoats in order to shift their own guilt for having structurally unstable buildings. Indeed, there is a "scientific" saying that represents a sort of totemic motto in the seismological community: "earthquakes don't kill, buildings do". Now, if we move beyond its glib and propagandistic uses, the concept of "scapegoat" indicates (as discussed in the second hearing) a sacrificial victim who is surreptitiously loaded with all the blame for a disastrous event and then killed to purify the community⁴⁴. With this in mind, it should be noted that, while the prosecution never ascribed all the blame for the deaths to an expert diagnosis of non-hazardousness (people died *in part* because they had been reassured), a recurring rationale for discrediting the trial was that it assigned all responsibility for the deaths to the structural vulnerability of the buildings (people were dead *solely* because the houses collapsed). It turns out, however, that L'Aquila's vulnerability had been overstated (in fact, the incidence of death was sporadic that night because, although almost all the buildings in L'Aquila suffered serious damage, they ended up saving the people who remained inside them, often on the basis of reassuring expert assessment) and was used as a scapegoat to take on all the blame for the deaths.

In keeping with the prosecution's case, the first instance ruling based its rationale on the basic principle of disaster studies, namely that a disaster results from the intersection of an impactful agent and factors of vulnerability and exposure ($D=Ix-VxE$). In this case the disaster was the result of earthquake as agent combining with the factors of vulnerability represented by the buildings' seismic resistance and factors of exposure comprising the reasons that led people to stay inside their homes even after two strong tremors. Just as some experts failed to understand that, in reality, "it is earthquakes, houses and being inside them that kills"⁴⁵, so they missed the fact that decreasing people's per-

ceptions of risk increases their exposure to danger. The point is that, on the night of the earthquake, the official reassurance may have played a role akin to that of a structure in violation of anti-seismic building codes in exacerbating the earthquake's disastrous impact. Of course, generally speaking, taking measures to reduce the seismic vulnerability of housing is always the first priority of prevention in any high seismic risk area, but this should not justify an act of technocentric reductionism that leads the sciences guiding risk prevention policies to overlook factors of exposure when conducting their analyses.

The last and perhaps most important question in terms of constructing historical truth about this case concerns the confluence of two forms of responsibility, scientific and moral. Did the experts always express themselves in a scientifically correct way, never unduly reassuring the population, as the legal truth would indicate? Was excluding a possible connection between seismic swarms and earthquakes, stating that there is no reason to expect an increase in magnitude and not refuting the "energy release" theory, scientifically correct and therefore morally irreproachable? The question of whether certain pronouncements may be regarded as autonomous units of meaning, if and to what extent they should be contextualized in a broader communicative frame, and whether or not they might be perceived as having a reassuring meaning and with what social consequences are not the purview of seismology. Rather, they are a phenomenon to be investigated using the tools of semiotics and the anthropology of risk, ranging into semantic, pragmatic and cultural fields. This is because the natural sciences are imbricated in language and, therefore, in society: they engage with acts of speech that have variously collective consequences. It should be clear, therefore, that experts might talk "nonsense" not only when basing their communication on mistaken theories, but also when communicating on the basis of accurate theories yet in an inappropriate way. The content, theories and models of seismology are the rightful concern of seismologists, but the use and social consequences of these theories cannot concern seismologists alone.

In terms of this point, as we move outside the immediate orbit of a strictly corporatist consensus it seems clear that we cannot be satisfied by the legal truth. We can look, therefore, to the meaning of some of the many diagnostic utterances, confusingly made that day, to find the thematic crux of moral responsibility. Reducing the issue to its essence in a logical-philosophical sense and in view of the fact that «an agent is responsible if he does not try to interrupt the inertia of a course

of events»⁴⁶, I would ask: could the experts have refuted the energy release thesis? Could they have formulated some of their statements in a different way? As a matter of fact, they could have repudiated the "energy release" thesis when it was presented at the meeting, but they did not⁴⁷. It would have been sufficient to say: "energy release? That's ridiculous!". And indeed this affirmation was made after the fact, during the first instance trial, when they declared before the judge that they never heard this absurdity uttered at the time (despite its being recorded in the minutes) or even that they had interpreted it as a joke (139-141, 259). As a matter of fact, it would have been sufficient to correct De Bernardinis when he declared publicly and in front of three other members of the CMR that «an increase in magnitude is not expected». Or, if Boschi had added a negation to his conclusions, the message would have been that "I would DO NOT rule out the possibility that this seismic swarm is preliminary to other events", as opposed to his actual statement, «I would rule out that this seismic swarm is preliminary to other events»⁴⁸. At this point, keeping in mind that a science that seeks to affirm both a proposition and its negation at the same time is pseudoscience, which of these statements – between seismology and semiotics⁴⁹, and in the careful perspective of the anthropology of risk – is actually correct?

Conclusions

Going beyond this specific case, the question remains as to what function anthropological and cultural knowledge might play in the field of legal consultation in terms of detecting cultural variables in phenomena of mental causation, under what circumstances and to what extent. To play such a role, anthropologists would need to achieve two forms of recognition: they would need to find ways to be formally recognized in an institutional role by "other" forms of expert knowledge, which implies the preliminary move to recognize this possibility in "ourselves".

Pursuing this end would also involve an epistemological commitment the nature of which I can only briefly mention here, a move to address the outcomes and excesses of a decades-long and well-established historical-methodological approach based on a radical rejection of the culturalist paradigm. Although it was based on a laudable attempt to move away from a series of deterministic twentieth-century postulates that often proved to be harbingers of social stereotypes more than scientific knowledge, the fact that this rejection was

carried so far has often led contemporary cultural anthropology to reject, scorn and be intimidated by the prospect of investigating and understanding the connections between individual behavior and anthropological culture. This position is closely caught up anthropatology's embrace of an often radically antiessentialist disciplinary aesthetic which, yielding to the temptation of absolute indeterminism, has ended up crippling the heuristic potential of cultural anthropology. Although I would never suggest a return to the positivist temptation to essentialize local cultures or interpret the relationship between cultures and individuals in a deterministic way, we should remember that the link between people, cultures and places does exist in some way, albeit in ways that are different than those conceptualized around the second half of the 1900s. The relationship exists in nuanced forms: it does not follow the implicit Aristotelian logical principles of identity, non-contradiction and excluded middle; rather, it follows causal trajectories and procedures of objectification, better described using fuzzy logic⁵⁰, that invoke a vibrant intertwining of relations and entities, of bodies and worldviews. Here, in a constitutive dimension of fluidity and in the spaces that open up between probabilism and fuzziness, we might have a chance to grasp the meanings of social action.

Notes

¹ In addition to the initial lower court, the Italian legal system involves two appeals courts: a lower court in which cases focus on the merits of the case (Court of Appeal) and a supreme court in which cases focus on a point of law (Court of Cassation).

² The defendants were (accompanied, in parenthesis, by the position each held at the time of the events): Enzo Boschi (president of INGV - Istituto Nazionale di Geofisica e Vulcanologia, National Institute of Geophysics and Volcanology), Franco Barberi (deputy chairman of the CMR), Bernardo De Bernardinis (deputy head of the technical department of the Civil Protection Department), Giulio Selvaggi (director of the National Earthquake Center), Gian Michele Calvi (director of Eucentre), Claudio Eva (physics professor at the University of Genoa) and Mauro Dolce (director of the Seismic Risk Office at the Civil Protection Department).

³ The expression "emic risk perception" refers to local conceptions of risk in a given culture (Ligi 2009).

⁴ The Aquilan historian Alessandro Clementi noted that the devastating earthquakes that struck the city over the centuries (in 1315, 1349, 1456, 1461, 1462, 1498, 1646 and 1703 respectively) have «produced, at the level of collective consciousness, an earthquake 'culture'» (Clementi 2009: 153).

⁵ Thanks to a socio-anthropological approach to risk analysis, an awareness has been spreading for several decades now that disasters result from the correlation between natural factors and human, social and cultural factors (see Quarantelli 1978; Douglas, Wildavsky 1982; Oliver-Smith 1986). This basic premise gives rise to a series of combinatorial formulas that set out from different starting points to converge in addressing risk by focusing on these variables or, more specifically, on the different weight these factors take on in each different disastrous circumstance.

⁶ I employed a number of general theoretical premises about the cultural nature of humans to clarify the link between social communication and individual behavior (Ciccozzi 2013: 79-83), drawing in particular on the semiotic definition of culture formulated by Clifford Geertz (Geertz 1973). This was intended to show the Court that humans are immersed in a habitat of meanings which – at various, more or less localized levels – serves to pre-codify the way we experience the world, influencing our perceptions, decisions and actions (this was intended to refute a naive model of free will presented by the defense in which individual choice was depicted as wholly independent of social frameworks and the individual as completely impervious to cultural conditioning).

⁷ See Moscovici 1984.

⁸ It should be clarified that Moscovici engages the theoretical field of social psychology and this does not explicitly speak of anthropological culture, but his concept of common sense refers to what is understood as anthropological culture in complex societies (Herzfeld 2001). It goes without saying that, since these disciplines share several fundamental aspects in terms of their object of study, the boundaries between cultural anthropology and social psychology often blur, fuzzy and overlap. Well-reasoned interdisciplinary crossings useful for understanding the phenomena under investigation can therefore be epistemologically stimulating and heuristically profitable.

⁹ The concepts of "anchoring", "objectification", "reified universe", "consensual universe" and the "normalization" of disturbing elements are borrowed directly from the theory of social representations (see Moscovici 1984; Jodelet 1991; Grande 2005). In a nutshell, Moscovici's theory might be said to show that, in complex

societies, common sense (and thus anthropological culture) is permeated to a large extent by the runoff of scientific knowledge which flows from the reified universes of expert knowledge into the consensual universes of the world of everyday life.

¹⁰ In the Italian legal field *causalità psichica*, mental causation, comes into play when there is a nexus or connection in the form of an etiologic link of conditioning between the communicative conduct of those issuing the communication and the behavior, active or by omission, of those receiving the communication (see Brusco 2012). As recently noted, the Court of Cassation ruling «has, among other things, affirmed the configurability of so-called ‘mental causation’ even in the case of crimes of negligence, a causality to be reconstructed on the basis of established and maximum generalizations drawn from experience, which must necessarily be followed by rigorous and timely critical feedback from probative evidence and the contingencies of the individual case» (<http://www.giurisprudenzapenale.com/2016/04/01/terremoto-laquila-la-sentenza-della-cassazione-sulla/>). Clarifying that in this case the generalizations drawn from experience concern forms of common sense collectively consolidated through social representations that spread through local anthropological culture, it can be argued that the L'Aquila case shows how mental causation can arise from cultural anthropological variables. It is also necessary to make a clarification about the reason why in this article I have translated the Italian legal concept of “causalità psichica” as “mental causation”: in relation to this recent field of legal reflection, it should be noted that the choice to use the adjective “psychic” instead of “mental” in the Italian context is perhaps not entirely appropriate given that – in addition to straying from an already substantial scientific literature on mental causality – the term “psychic” refers more to the field of personality than of consciousness.

¹¹ Given that, in the field of jurisprudence, a defendant can only be considered guilty of a crime if and only if a certain behavior (active or by omission) is causally related to an adverse or dangerous outcome, in the contemporary criminal law (deterministic or probabilistic) deductive-nomological laws are used to establish the existence of this causal link. These laws are derived from scientific theories which are considered relevant for the task of proving a regular succession of antecedents and consequences. In this sense, the criterion of being subsumed under laws of science (which occurs by combining a scientific generalization based on abstract principles with the concrete elements of the particular court case) is a tool that can be used to identify the causal links in solving doubtful cases, in order to formulate rulings about criminal responsibility (See Stella 1975; Palazzo 2005).

¹² In relation to this issue, during the trial the lawyer Petrelli invoked Popper to challenge me regarding the idea of the authority and persuasiveness of science; he argued that, today, the prevailing view of science among educated people is characterized by skepticism. I do not doubt that a segment of the well-educated Western population, having read Popper, Kuhn, Feyerabend or Latour, begin from the scientific truth asserted by these authors to view science in terms of skepticism, anti-dogmatism, uncertainty, fallacy and so on. The point is that the epidemiology of such beliefs is far from pandemic; conversely, especially for a large part of the population with an average level of education, the word of science is, often rightly, considered the hegemonic source of truth. To cite an example: there are many more people who – almost always to their benefit – uncritically follow the doctor's directions than who advance more or less sensible objections (and, in contrast to those who have read and understood Popper, there are people who uncritically associate the whole of official science to various plots and rant about curing cancer by drinking carbonated lemonade). I did not deny the existence of forms of skepticism, nor did I resort to claiming that all the inhabitants of L'Aquila were convinced by a reassuring diagnosis presented as scientific. What I did was illustrate, on the basis of Moscovici, the process of cultural conditioning that a part of the population had experienced as a result of persuasion of experts who presented themselves as authoritative scientists; I sought to highlight the anthropological and cultural consequences of a situation in which a pseudo-scientific diagnosis of non-hazardousness appeared to be cloaked in the aura of the “word of science” (Ciccozzi 2013; Ciccozzi 2014).

¹³ It seems obvious that these specific claims have been proven inaccurate by the “reality test” (namely the earthquake that devastated L'Aquila a week after the meeting). Moreover, as I will argue at the end of this article, clarifying the meaning and social consequences of certain lexical expressions is a task not for seismology but for semiotics and the anthropology of risk. I might also be useful to keep in mind that, a few months after the L'Aquila earthquake Boschi, in disagreeing with Bertolaso, released the following statement: «the idea that I could ever have excluded [the possibility of] severe shocks in Abruzzo at any moment during my professional life is simply absurd» (from the letter written by Boschi to Bertolaso, dated September 16, 2009, published in the newspaper *L'Espresso* in December of 2009).

¹⁴ Bertolaso has denied responsibility for making this unequivocally reassuring diagnosis, testifying in the first instance trial that he heard it «from the scientific community». On September 30, 2016, the trial commonly referred to as “Major Risks, the encore” with Bertolaso as defendant ended in an acquittal. This precluded the possibility of clarifying the details and significance of

this “buck passing” regarding what agency (the INGV or Civil Protection) had authored this pseudoscientific diagnosis of “energy release”. Already beginning with the Court of Cassation ruling in the “L’Aquila trial”, the justice system had definitively determined that the experts attending the meeting were not aware of what Bertolaso intended to do. Lastly, I would point out that this diagnosis overlaps to a large extent with the one media outlets attributed to Concetta Nostro, head researcher at the INGV, in an article in the local newspaper *Il Centro*. In this article, published over a month before the meeting, the theory of “energy release” made its first appearance in L’Aquila. According to the interview, «a [seismic] swarm, no matter which one or how long it lasts, is never and I repeat never a precursor to large-scale seismic events [...], better many small movements than one big and abrupt one that results in considerable damage, even destruction and death. In a certain sense these sequences that last so long should reassure people because it means that the underground energy is being released spread out over time». In the hearing, Nostro distanced herself from these statements (asserting that the concept of “energy release” is a «thesis widely agreed-upon in the scientific world» but only in reference to the geologic faults in California which, «however, are characterized by therefore having small earthquakes and no large ones»). Nonetheless, according to her testimony, although at the time she did read the article right after it was published, she did not move in any way to retract such a reckless and pseudoscientific diagnoses disseminated dangerously in the public sphere: she expressed dissatisfaction with the journalist through an email telling him that she would have been more specific if she had known it would be published, but she did not make any statement clarifying that she did not subscribe to the theory of “energy release”.

¹⁵ The Court of Appeal fully affirmed the argument presented by the defense lawyer Alessandra Stefano who, criticizing the judge in the first instance trial for having failed to take into account the neuropsychological opinions presented by the defense, asserted that «the so-called model of social representations» was an anthropological theory «lacking any evidence that would grant it a minimum of scientific validity based on the criteria of verifiability, method, falsifiability, submission to verification by the scientific community, knowledge of the error rate and general acceptance; on the contrary, it displays elements that clearly divest it of any scientific character, without addressing the credibility and reliability of the technical advisor for the prosecution who had supported that model» (135). Hence the Court concluded that to condemn De Bernardinis «it is not necessary to resort to the theory of social representations» (270), which «is derived from the consultant’s personal experience» (271).

¹⁶ Grounds of the Court of Appeal ruling, pp. 158-165.

¹⁷ Regarding neurobiological-type naturalistic reductionism in the cultural sphere, it is significant that – in a version of the L’Aquila case according to which the statement that “earthquakes cannot be predicted” was «the only shared element in a flow of contradictory information reported by the press» – Stefano Cappa argues that analyses of peoples’ decision to stay at home the night of the earthquake despite two severe shocks can be reduced in some way to «the conditions of a laboratory experiment». According to this argument, while methodologies that «measure the volume of gray matter in a specific brain region» can «predict the profile of risk propensity», on the other hand, «little is known about possible external influences on decision-making mechanisms in conditions of risk». The scholar concludes (without, however, citing a source) that «social psychological studies have shown that factors of a cultural nature, such as media communication, are certainly capable of producing intense emotional involvement, but they are not enough to produce profound and long-lasting cultural changes such as those that are required to prevent and effectively deal with natural hazards such as seismic events» (Cappa 2015: 221-226). Given that nowhere in the indictment does it suggest that a profound and long-lasting culture change would be required for people to take on a belief in “energy release” in the span of a single week, the underlying thesis – that, essentially, cultural factors are not enough to produce cultural changes – is rather astonishing.

¹⁸ What statistical explanations and biomedical tests would be needed to assess the cases of parents who claim to have lost their children because the night of the earthquake they stayed at home despite two strong quakes owing to the fact that they had been persuaded by a reassuring expert diagnoses? On what possible basis could an ethnographic understanding of those lived experiences and the anthropological culture of the local context, developed on the basis of proven theoretical apparatuses, be judged wholly devoid of scientific value?

¹⁹ See Holden 2011: 1-37 for a discussion of the status of cultural expertise in the legal sphere and the problems generated by the tension between cultural discourse and legal discourse.

²⁰ See Gargani 2009.

²¹ See Borutti 1999 regarding the issues inherent in social scientific procedures of objectification.

²² This article, titled *Il valore dei termini: mancato allarme o rassicurazione disastrosa* (The value of terms: failure to warn or disastrous reassurance-ism), was published in June of 2010 on the sites www.abruzzo24ore.tv and ilcapoluogo.com

²³ In the report I drafted, I provided a few examples to help readers better understand this subtle but crucial difference, one of which was the example of the traffic light: a failure to alarm is a broken traffic light that does not light up (lack of information), while a disastrous reassurance is a broken traffic light that shows green when it should show red (the presence of incorrect information). It should be noted that, while an unlit traffic light suggests caution, a traffic light displaying the opposite signal decreases people's perception of risk, thus increasing their exposure to danger. In short, a disastrous reassurance consists of providing a reassuring signal in a dangerous situation.

²⁴ While those who defended the decision to acquit the experts alluded to the "uncertainty of science" (Greco 2015) in judging what transpired during the meeting to be scientifically above reproach, it should be noted that the information the experts communicated to the population in L'Aquila consisted largely of contradictory certainties rather than uncertainty as such. This information was expressed through ambiguous and cryptic communication, the polar opposite of what would constitute scientific correctness (in the minutes of the meeting and the draft communication, Enzo Boschi simultaneously reminded people that earthquakes cannot be predicted and, in addition to ruling out the possibility that the ongoing seismic swarm might be a precursor to a strong earthquake, specified that «the state of knowledge» enabled him «to make certain affirmations». He was accompanied by Franco Barberi, who stated that «there is no reason to say that a sequence of low magnitude shocks can be considered a precursor to a strong event»). It is simply incorrect and misleading to confuse contradiction with uncertainty.

²⁵ Goffman 1974.

²⁶ Eco 1994; Volli 2006.

²⁷ The trial did not involve all of the over 300 victims of the earthquake, it concentrated on the deaths of 29 people and the injuries of four. The fact that someone in town might not have felt reassured does not detract from the fact that others did feel variously reassured, and that this belief may have led to a deadly outcome for some of them. Likewise, the fact that some of the pronouncements set forth in the experts' evaluative-communicative performance were scientifically accurate do not exclude the pseudoscientific nature and, above all, the danger, of the inaccurate ones. In fact, a large part of the report I prepared was dedicated to explaining how the belief of non-dangerousness both manifested among the expert diagnoses and spread and propagated among citizens in a way that was not homogeneous and uniform but rather blurry, fuzzy (See Ciccozzi 2014; Kosko 1993).

²⁸ Clearly, a methodologically sound process of refutation would have addressed the content of the expert testimony, its key assertions beginning with the ones incorporated into the grounds of the first instance ruling (a few pages out of a total of 120 comprising the entire report, pages containing the arguments that, it bears repeating, were paradoxically used at a later moment to justify the condemnation of De Bernardinis).

²⁹ See Rosaldo 1989 for a discussion of the «value of personal experience as an analytical category».

³⁰ If I did develop at some point before the trial the idea that forms of expert knowledge held a moral responsibility in the matter of the disastrous reassurance conveyed to L'Aquila's population, this idea did not derive from an irrational frenzy in search of scapegoats, but from a critical analysis in which I examined data drawn from both documents and direct experience in light of a theoretical-interpretative apparatus. Operating on the premise that legal truth is different from scientific truth and that, especially in the cultural sphere, it is difficult if not inappropriate to define this value in absolute terms (especially in cases involving political interests that affect the historical processes through which this truth is socially constructed), I self-ethnographically discussed aspects of my personal involvement in terms of "observant participation" in Ciccozzi 2013: 21-34, 169-180.

³¹ The total cost of managing the immediate post-earthquake emergency in L'Aquila was approximately 3 billion euros.

³² I analyzed the elements of the shock economy inherent in post-earthquake emergency management in L'Aquila in Ciccozzi 2010 and Ciccozzi 2011, and also dealt with this issue in the book I published shortly after the first instance judgment (Ciccozzi 2013: 180-186).

³³ Overall, I had the impression that the effort to discredit the thesis I presented at the trial was pursued by launching a complex and systematic process against me personally that in many ways resembled a degradation ritual, that is, a practice that essentially involves redefining the social identity of an individual by lowering his or her social status (see Benadusi *infra*).

³⁴ It is worth noting that, at the completion of the trial proceedings, the legal truth – which fully confirms the substance of the accusations even while restricting liability to a single defendant – was covered by the international mainstream media in a misleading way, under the prevailing banner of "scientists acquitted" (thus erroneously suggesting that the charges driving the trial had been refuted *in toto*). In the collective imaginary, therefore, the depicted trial (the one against the scientists who had failed to predict the earthquake, according to the

pattern of a failure to warn) overshadowed the actual trial (the one against the experts who had predicted a non-earthquake, according to the pattern of disastrous reassurance).

³⁵ From the Court of Appeal ruling onward, it was asserted that the meeting in question had not been a meeting of the CMR (and therefore not part of a framework of shared institutional responsibility) but rather a private consultation by members of the CMR with equally private content. This assertion was made despite the fact that the event was presented to the citizens as an official meeting of the CMR (which suggests not a mitigating factor but rather an instance of influence peddling). It also failed to address the question of why such a private meeting was not only not held not in Rome (which would have been more convenient) but was actually accompanied by public fanfare around the experts' relocation to L'Aquila, the precise place undergoing the seismic phenomenon they were to evaluate. This fanfare had a disruptive symbolic impact thanks to the ceremonial significance people granted to the epiphany of the great scientists who had been brought in specially from the capital. The population, panicked and hungry for explanations, responded with visceral interest (not to mention that these explanations were provided at a press conference held to publicly communicate the outcome of the private forum through the diagnosis that there would not be an increase in magnitude, that is, by reassuring the population with the prediction of a non-earthquake).

³⁶ I address this point in Ciccozzi 2015 from the perspective of cultural perceptions of risk; for other discussions of the issue, see Console 2001; Console, Montuori, Murru 2000; Console, Murru 2001; Grandori, Guaganti 2009 (specifically regarding the L'Aquila earthquake); Jordan, Chen, Gasparini *et al.* 2011; Kagan, Jackson 1991; and Wyss, Console, Murru 1997.

³⁷ From Kuhn onwards it has been demonstrated that groups of scientists tend, more or less consciously, to deviate from the anti-dogmatic and skeptical principles that ought to guide them. Then, similar to the behavior of tribal communities immersed in magical-religious horizons, they tend to autopoietically defend their research habitat. That is, they seek to bend representations of reality to correspond to the theoretical tradition they have produced, which tends to take on the form of a founding myth that delimits both a cultural horizon of value operability and a domain of political and economic interests (see Kuhn 1999).

³⁸ [http://www.ilfattoquotidiano.it/2014/10/18/terremoto-laquila-lavvocatura-del-lo-stato-assolvete-i-7-della-grandi-rischi/1159796/](http://www.ilfattoquotidiano.it/2014/10/18/terremoto-laquila-lavvocatura-dello-stato-assolvete-i-7-della-grandi-rischi/1159796/)

³⁹ For example, in a recent text on the relationship be-

tween science and society that devotes all of three or four lines to the L'Aquila trial, the CMR was supposedly condemned «for not having recommended the city be evacuated» (yet another variant of the “failure to warn” cliché) as part of a «search for scapegoats» (Corbellini 2013: 115-116). False conclusions drawn from false premises.

⁴⁰ Statement taken from a public interview in “Il Tempo” (November 11, 2014).

⁴¹ See Amato, Galadini 2013. Speaking of rigor as well as sociometric and quantitative methods, I assume that, in order to feel justified in referring to “the entire scientific community”, the authors surveyed the mood of the inhabitants of this “village” one by one before issuing a sort of tribal call to arms.

⁴² Regarding this point see De Marchi 2013.

⁴³ Regarding the distinction between “event prediction” and “risk prediction”, the following example (which I introduced in the second hearing and which can also be found in the grounds of Judge Billi’s ruling, 310) may be useful: a cardiologist cannot predict the exact moment when a heart attack will come but, according to a number of indicators, he or she can predict a patient’s level of risk. A good cardiologist would never tell an overweight patients with alarming blood values that the pain in their left arm is a positive sign of stress relief, advising them to go for a jog. This can help clarify why distinguishing between the event and the risk is anything but contrived: on the contrary, it is the foundation of risk analysis.

⁴⁴ See Girard 1982.

⁴⁵ The point is that the seismologists’ saying “Earthquakes don’t kill, Buildings do” is pseudoscientific insofar as it reduces a multifactorial phenomenon to a single-cause explanation, subsuming the variables I and E under the variable V (since D = IxVxE and not D = V).

⁴⁶ Gozzano 2013: 56.

⁴⁷ Although the Court of Appeal found that the experts did not interject regarding the notion of “energy release” during the meeting, it should be noted that, especially in a formal setting such as a technical meeting, not responding to a question (and not just any question, but the most crucial one) nonetheless constitutes a communicative act. We would do well to recall the first axiom of human communication: «One cannot *not* communicate. Activity or inactivity, words or silence all have message value: they influence others and these others, in turn, cannot *not* respond to these communications and are thus themselves communicating» (Watzlawick, Beavin, Jackson 1967: 49).

⁴⁸ It seems appropriate to point out that, at the same hearing in which she distanced herself from the concept of “energy release”, Concetta Nostro of the INGV declared that «a seismic swarm is a series of earthquakes that can also include a strong earthquake». Comparing this statement with that of Boschi, we can see how critical the boundary between seismology and semiotics really is. Indeed, the same is true of the dividing line – along with the specific hierarchical ranking it gives rise to – that we continue to claim to draw so clearly between the natural sciences and social sciences.

⁴⁹ It is telling that, in order to acquit the defendants, the judges established a principle of semiotic authority according to which the diagnostic utterances pronounced as part of the CMR meeting which exhibited an apparently reassuring meaning (at this point) did not actually have a reassuring meaning. According to this perspective it is scientifically accurate to reject any link between an ongoing seismic swarm and a disastrous earthquake, and if anyone hearing this diagnosis were to perceive it as reassuring it is because they misunderstood its meaning.

⁵⁰ Kosko 1993.

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Irene Falconieri

«Foreseeable yet unforeseen events»*: Ethnography of a trial for unpremeditated disaster

Introduction

Over the last thirty years, Italian courts have staged a series of criminal cases that raise important public issues, thus offering a valuable window into shifts in collective perceptions of complex social phenomena such as risk and environmental disaster. Scholars studying risk from a socio-cultural perspective may employ a diversity of approaches, but they agree that the concept of risk has come to permeate life in Western societies and become a central element of human subjectivity. The contemporary meaning of the term, they remind us, alludes to the concepts of choice, responsibility and guilt and the belief that it is crucial for humans to intervene in order to manage and mitigate risk (Douglas 1991, 1996; Giddens 1994; Luhmann 1996; Beck 2000). In late modern society, «the actual nature of risks is a matter of continuing conflict» (Lupton, 2003: 75) between those in charge of defining it (the experts), those tasked with using these definitions and the lay public. A judgment about risk is, at the same time, also an implicit moral judgment about society and such judgments may generate destabilizing political effects in the local contexts where these risks manifest in the form of disasters.

Recent years have seen a dramatic increase in collective court cases in view of the proliferation of global risks due to rapid technological development and climate change, the concrete negative effects these shifts have on specific local contexts, and citizens' increased awareness of environmental issues. Particularly in European legal frameworks, the fact that victims are granted the right to bring civil actions and take part in judicial cases (Barbot, Dodier 2014: 407) has offered them new opportunities to establish themselves as active subjects with the power to intervene in social processes of reality construction (Thorsen 1993)¹. In some cases, the presence of these victims has turned courtrooms into battlegrounds in which the plaintiffs struggle to express visions of local areas and expectations for the future that conflict with prevailing institutional management practices. Through victims' participation, trials are able to provide reparations

for damage and injustice. This function not only plays out through economic compensation; often, the victims also invest expectations and resources in the hope of achieving a form of justice that is powerfully therapeutic. As shown by conversations I have had with the relatives of victims of serious environmental, natural and technological disasters in Italy over the last twenty years², it is not uncommon for survivors to embark on an often painful path of seeking public recognition of the factors that caused the tragedy. This process of identifying the responsible parties also represents a process of stitching back together the universes of meaning torn asunder by traumatic events. The words of the president of *Il mondo che vorrei*, which was founded following a train accident in Viareggio (Tuscany) on June 29, 2009 in which the woman lost her young daughter, are exemplary in this regard:

In Viareggio a trial has just begun, a trial that is likely to go on without identifying the guilty parties, as many others for natural disasters and workplace accidents have done [...]. In these days, those in Rome are working hard to make sure not even we get to have a trial, us like many others. There is this thought that destroys me, it torments me, it terrifies me like nothing else: the idea of having a minimum, just a little piece of truth, to be able to look them in the eyes some day and tell them you, your politics of course, you killed my daughter and 31 other people. Not that such a thing would make us happy, but still, I would feel more worthy of looking at my daughter when I visit the cemetery [...]. I refuse to take part in these games anymore. I do not like this world anymore; we must do something to make sure it changes. There will be stonewalling, but nothing could be worse than the way things are (April 6, 2011).

In these cases, criminal proceedings represent a well-thought-out effort to comprehend and link up dramatic events and political responsibilities. They serve as a mirror to reflect the social conflicts that often arise around disasters, offering researchers

the opportunity to understand how social systems and the law interact.

This article focuses on a criminal case initiated by the Public Prosecutor of Messina following a “natural” disaster – flooding accompanied by mudslides – that destroyed a number of villages in the Ionian province of this Sicilian city in October of 2009, causing 37 fatalities³. In terms of its formal features, I approach this trial as a competitive communicative interaction (Carzo 1992) expressed through a highly structured ritual. In keeping with insights into the pragmatics of communication, I analyze the interactions I observed during the hearings as situated social activities that can only be understood by uncovering the structures and procedures that influence them as well as the participants’ motivations and forms of rationality (Boholm 2008).

From a social and political perspective, I treat the trial as a device in the sense proposed by Barbot and Dodier (2014, 2015), that is to say, a preordained concatenation of sequences that establishes limits and contributes to shaping the possible action of the various subjects involved. As such, the device functions to both describe the reality in question (on the basis of a system of proof and evidence) and modify it.

My interest in the plaintiffs’ representations of disaster is part of a broader ethnographic research project that I began in the months following the 2009 flood. As part of this research I took an active part in the political and social life of the villages affected by joining a local committee and participating in its activities. Employing the interpretive tools offered by anthropological theories, I observed – and later described – the discursive practices through which this «physical phenomenon» was turned into a complex and conflict-ridden «social event» (Revet 2010: 43-44). In so doing, I sought to reveal the multiple instances of rhetorical manipulation the concept of disaster lent itself to in this particular case, and the political aims underlying these instances.

In the 1970s, anthropology embarked on a process of rethinking the notion of disaster (Oliver-Smith, Hoffman 1999). Driven by a critical spirit that permeated physical and engineering definitions as well as the analytical perspectives hitherto adopted by the social sciences, anthropologists and geographers questioned the technocentric approach that gave rise to scientific narratives of disaster (Benadusi 2015: 38). From that point, researchers have used the concept of vulnerability to shift attention from the event itself to the conditions that contributed to producing it. It has become increasingly common to interpret disasters

not only as a breakdown in the social order caused by an external agent, but rather as a consequence of the social order itself (Herwitt 1983), «the result of heavily entrenched historical and social processes that helped generate vulnerability well before the destructive physical event occurred» (Benadusi 2015: 39).

Working within this tradition of study, in the first part of the article I show how inhabitants of the flooded villages as well as national media outlets (albeit with divergent motives) both produced representations of the flooding that immediately triggered a process of “denaturalizing” this catastrophic event. The disaster, by becoming part of a criminal trial and thus coming to constitute a legally relevant event, ended up being subjected to a different, more highly structured system of representations. My aim in this article is to shed light on this regime of truth in order to reveal the processes through which the event was objectified and the instances of responsibility asserted by victims’ testimony were subjectified.

My choice to address processes of legal truth construction was also dictated by my personal involvement in the events discussed in the courtroom. I suffered physical and property damage due to the flooding and thus requested compensation. This gave me the opportunity to sit on the witness stand and take an active part in the legal proceedings. This dual involvement, both intellectual and personal, led me to adopt a reflexive, auto-ethnographic stance and an approach based on practices of «observing participation» (Soulé 2007). In this article I discuss the implications of my personal involvement in the events covered by the trial in terms of both methodology and ethics. I then go on to analyze the procedural documents in order to clarify the discursive practices through which the disaster was narrated, deconstructed and reassembled during the course of the hearings, an analysis aimed at uncovering the complex web of knowledge and expertise that contributes to shaping contemporary public perceptions of disaster. Lastly, I investigate the strategies victims used to assert their own truths and participate in establishing the causal connection between actions and facts that is required for assigning individual legal responsibility.

A lengthy, drawn-out disaster

The Messina Public Prosecutor’s investigation reconstructed the recent environmental history of the flooded villages in order to ascertain what role human action might have had in producing the catastrophic effects of the disaster. In fact, although

flooding could be considered a natural disaster, the effects of floods and mudslides are frequently attributed to human intervention in the local environment (Ugolini 2012). We also have a more accurate understanding of the physical and geological laws that govern these phenomena, and the kind of empirical observation that is possible in relation to flooding and mudslides lends itself to very different possibilities of prediction and forecasting than in the case of seismic swarms or earthquakes (Petrilli 2015: 12).

In the case presented here, the idea that the disaster might have been foreseen constituted the cornerstone of the prosecution's case and was buttressed by the temporal sequence of the events leading up to the flood. As early as 2007 the same areas had been subject to similar flooding, though of lesser intensity, along with recurring instances of hydrogeological instability that had adverse effects on local economies and inhabitants' daily lives. The idea took root that a catastrophe was imminent, a state of affairs that Beck argues is typical of the contemporary *conditio humana* (2009). As a result, risk became a ubiquitous element in the daily lives of residents and helped generate a widespread awareness of the environmental and social vulnerability of local areas⁴. In the years between the two floods, groups of residents organized into committees, along with single individuals, pushed to mobilize collective protests and file individual complaints with local agencies and public institutions in an effort to convince these public bodies to carry out environmental rehabilitation and take measures to make the area safe (Falconieri 2011). Their efforts were not successful in stimulating institutional action, however, and the political and administrative class' inefficiency and inability to heed the warnings from local residents and the environment was identified as a significant contributing cause of the 2009 flood⁵.

Similarly, the charges proposed by the Public Prosecutor – causing an unpremeditated disaster, manslaughter and unintentional injury – targeted incompetence and recklessness in the actions of political and institutional actors and expanded the scope of responsibility imagined by the inhabitants of the flooded villages. The investigations focused on different types of institutional actors: technicians and experts, particularly engineers, geologists and architects working as consultants for the Office of Land and Environment of the Region of Sicily and municipalities of Scaletta and Messina, charged with having overlooked «the dangerousness of phenomena of flooding, sediment transport and debris flow and consequently underestimated the risk associated with them» (Final Brief: 34); functionaries

and directors in the same office, in their position of overseeing the coordination of technical activities; the deputy commissioner appointed to emergency management after the events of 2007, for having failed to ensure work was carried out to adequately protect the town; the mayors of the municipalities of Scaletta and Messina for having failed to take the necessary steps to safeguard and protect the town and failed in their duties of emergency management, in particular that of warning and evacuating the inhabitants of the at-risk areas (*ibidem*: 35). The Prosecutor argued that the erroneous assessments variously produced by the above parties contributed a new risk factor to the causative process leading up to event of the crime.

The judge for the preliminary hearing affirmed nearly all the grounds presented by the Prosecution and its consultants and, on March 18, 2013, 15 of the 18 suspects were indicted and attributed responsibility in terms of «omissions, delays, errors and biased interpretations of the danger» which should instead have been regarded as «concrete, given the previous landslide in 2007». During the same hearing, the judge accepted the requests of 168 individuals to take part in civil proceedings as plaintiffs and formally concluded the preliminary would potentially stage of the trial. From that moment onward, a lengthy period of judicial stalemate began, characterized by repeated postponements of the hearings; many victims saw these delays as a deliberate attempt to cause the statute of limitations for the crimes in question to expire, and publicly declared their lack of confidence in the Italian judicial system. It was not until January 2014 that the main hearings for the trial finally began. At this point, the trial took a sudden turn when a new single judge was appointed, a judge widely admired in the tribunal of Messina for his seriousness and precision in the courtroom. Beginning with the very first hearing, the judge set a busy schedule and established rules delimiting the range of actions the various parties could take⁶. He also decided to forbid audio and video recordings during the hearings in order to ensure the issues addressed in the courtroom would not be turned into a spectacle. This decision turned out to be particularly influential in determining the relative importance of the trial in local and national public debate. As a lawyer for the plaintiffs argued, this choice on the part of the judge reflected his negative view of the role the media tends to play in criminal proceedings. In the legal sphere, many commentators see today's increasing media interest in criminal proceedings as evidence of a sensationalist tendency that may have a negative effect on the process of determining legal truth (Barbot, Dodier 2011). In agreement with

this view, the judge deemed that having video cameras in the courtroom distort the «genuineness of the trial», upset the «tranquility» of all the parties involved and exert undue pressure on the objectivity of the final ruling (trial transcript, 29/1/2014).

The history of the flood is characterized by an adversarial relationship between the media and local actors. As a matter of fact, the disaster was not able to elicit empathy and attract the attention of Italian opinion. Press and television outlets only became interested in the days immediately following the event, and their narratives of it reproduced negative stereotypes about the area and its inhabitants as part of a rhetorical process that transformed the victims into perpetrators (Falconieri 2015b). This media silence was exacerbated by a gradual withdrawal of the national political-institutional class. While these factors resulted in a form of biopolitical governance of the disaster (Marchezini 2015: 363) that was less stringent than those seen in other contexts, at the same time it also fuelled local peoples' perceptions that they had been abandoned by state institutions, a sensation they had already felt strongly in the years leading up to the disaster.

Public accounts of trials represent tools for claiming individual and collective rights that the various actors involved can use to grant more power to their political action. By dampening national and local media interest in this particular trial, the judge's ban on filming once again deprived the victims of the chance to assert, in a wider context, a narrative of the disaster that diverged sharply from that presented by officials. The resulting feeling of disillusionment significantly affected their participation in the proceedings. During the two years of hearings, only six of the plaintiffs were regularly present in the courtroom, while just over 10 of them took part occasionally. The lack of interest in the trial was in keeping with a more general distrust of institutional and collective measures that could be seen in the post-disaster reconstruction period. In those years, locals' forms of resistance often took individual paths and were rarely expressed in collective forms capable of bringing together subjects with common interests (Falconieri 2015b). Similarly, when the trial did begin, citizens' committees choose not to bring a civil action. Some victims from the town of Scaletta viewed the decision to take part in the civil proceedings as plaintiffs as a «moral duty»; many others, although they considered the possible condemnation of the defendants to represent a powerful «political signal», did not believe they had any power over the judge's final decision.

Reflections on method and positioning

By taking part in criminal or civil trials, anthropologists are ever more frequently putting into practice the discipline's potential for advocacy⁷. Although it did not entail the direct application of anthropological knowledge in the trial dynamics or participation based on the social and political activities I had previously carried out in the flooded areas, I conceptualized the research I conducted in the courtrooms of the tribunal of Messina as a particular way of putting anthropology to «public use» (Dei 2007; Falconieri 2015a)⁸. As Mara Benadusi notes (2015: 46), it is not uncommon for anthropologists' analytical interest in disasters to follow the trajectories of their private lives, either because the ethnographic terrain where they are conducting fieldwork is struck by natural disasters or because they themselves are victims. The cases of Anthony Oliver-Smith and Susanna Hoffman are emblematic of these two forms of involvement. In my case personal experience, with its burden of suffering, disorientation and anxiety, translated into a powerful urge to intervene in both processes of representing events and processes of emergency management and post-disaster reconstruction. Motivated by the hope that solid ethnographic research might help reveal the gap between the perception of risk the local populations expressed in the years leading up to the disaster and the underestimation of these same factors by the agencies in charge, I dived «headlong into crisis» (Checker *et al.* 2014: 408), fully aware of the ambiguities and criticisms my multi-faceted positioning might generate⁹. It was only thanks to the status of plaintiff that I acquired the right to express “my own truths” about the disaster. I therefore took advantage of the spaces I was able to access thanks to my personal position to give voice to the collective demands that I shared with many residents of the flooded villages, who were plaintiffs in the trial like me. While in the past the identity of victim had been confined to private spheres and analyses, on this occasion it was necessary to construct and publically stage this identity, and to do so I was required to engage in an endeavor of reflexivity, especially on the level of emotions.

Just as the disaster left profound marks on the bodies and emotional lives of people – permanent injuries, scarring, sleepless nights and protracted states of anxiety – the trial proceedings likewise engaged these same bodies and emotions over the course of the hearings and long hours spent listening to the testimony of the other witnesses. However much I sought to maintain a participatory yet detached stance, when listening to accounts

of the event provided by experts and technicians and the stories of the other plaintiffs I could not help but re-live, both mentally and physically, the emotions I experienced during the flood and long reconstruction period. These fears, hopes and expectations helped me to empathically comprehend the unspoken feelings of those who had shared this overwhelming experience with me, emotions and assumptions that also served to clearly position me within the geography of relations played out in the courtroom. Since I was myself a witness, I was not allowed to sit in on the statements of the witnesses who took the stand before me; I could only access them by reading the official transcripts of the proceedings. Nonetheless, I decided to attend the trial from inside the courtroom. The other individuals scheduled to testify in the same hearing as me waited outside the courtroom until they were called to the stand. Forced to deal with a ritual that was unfamiliar to them, the witnesses sought to allay their more or less pronounced but nonetheless visible anxiety and kill time by engaging in lengthy conversations that repeatedly evoked the disaster through accounts of their own personal experiences. Over the course of the trial, the anteroom of the Court of Assizes became an ethnographically dense space in which I was able to engage with the witnesses' expectations and concerns about the outcome of the trial¹⁰.

In order to understand the discursive practices through which the disaster was represented in the courtroom, I had to immerse myself in a new field of study and adopt the stance of someone who was about to embark on an initiation process, a process that would open the door onto the rhythms, symbolism, languages and behavioral norms of a new ritual. Anthropologists who choose to engage with research objects that are as multidimensional and dynamic (Anthony Oliver Smith 2011: 26) as a disaster often find themselves working in highly multidisciplinary contexts. In order to translate multi-faceted phenomena into a unified yet not simplified picture, researchers must remain constantly open to new forms of knowledge that might often be quite unlike their habitual disciplinary backgrounds. I consulted with engineers, geologists and architects, and these privileged interlocutors aided me in acquiring the minimum of knowledge I needed to understand both the physical phenomenon that gave rise to the disaster and how to relate to the various actors in charge of emergency management with a better familiarity of the issues involved. When the flood then became an object of legal attention, I struck up a relationship of ongoing collaboration with two young female lawyers who acted as my main guides and teachers. Thanks

to their patience in listening to and, in some cases, critiquing my ideas and answering the countless questions I had over the years of ethnographic fieldwork, I learned to navigate in a world that I was only partially familiar with and to think about the disaster using new, unknown tools of interpretation. The analyses and interpretations of the trial I present in this article are fruit of this exchange as well as a continual though less intense dialogue I maintained with two other lawyers for the prosecution.

*Discourses and representations of the disaster
between science and law*

JUDGE: Take it for what it is, but I believe that a trial is a technical process. It is a process based on the evaluation of technical and legal issues. From a brief, superficial overview of the witness lists, it seems to me that a number of witnesses will not provide us with testimony on these issues that is particularly weighty. And so I urge the Parties, and the Public Prosecutor first and foremost, to assess whether all the witnesses on the list are really necessary [...], to collaborate with me in ensuring that the evidentiary stage of the proceedings is effective in relation to the specific aims of assessment, in other words, to narrow the focus wherever possible ... I have never restricted anyone's rights, I think that you know that about me. However, if these proceedings were to go forward, if we could just focus our attention on that which is truly useful to the purposes of these proceedings (trial transcript, 29/01/2014: 100).

Communicational dynamics in the courtroom are shaped by an asymmetrical model that is in turn based on a disparity of power between the parties. The judge's speech not only provides information, it also requires the parties to act, obliging them to do or not do certain things. In this case, the judge's proposal that the parties review the witness lists laid the "truth conditions" (Latour 2007: 356) within which the legal narratives of the disaster were framed. The fact that discussions of technical issues are granted a central place in proceedings gives criminal trials a distinct character. In these settings, it is common for communicative practices to simultaneously reference the abstract, formal rules of law and the pragmatism of scientific discourse. In the trial I observed, this was clear in the progression of the defendants' appearances in the courtroom and the defense strategies they adopted: the mayors of Messina and Scaletta, the only political defendants, did not participate in the hearings and both of them waived their right to testify, entrusting their defense

exclusively to their experts and lawyers. In contrast, the technical defendants were always present along with, albeit less frequently, the regional functionaries. Not only did these defendants provide in-depth testimony, addressing the specifics of the scientific issues brought out during the process, they also actively contributed to the construction of their own defense, in some cases steering the questions posed by their own lawyers.

The choice to hold a technical trial was motivated in equal parts by the specific nature of the Prosecutor's investigative activities and the legal and social concept of disaster. Just as Western societies have developed explanations of disaster that are ever more rooted in scientific technical rationality and attribute forms of responsibility within a «risk scenario» (Revet 2010: 50), legislators in Italy have been driven by the rapid development of new and increasingly powerful technologies to prioritize new possibilities for forecasting these events thanks to the creation of new forms of scientific and technological knowledge (Cadoppi *et al.* 2010: 18). In the Italian legal system, until the end of the '80s judges were not asked to follow a deductive-nomological model of scientific reasoning in establishing a causal link between facts. Rather, this link was to be established exclusively through the independent opinion of the judge (using an individualizing model), with the judge required to perform a task similar to that of a historian by observing the temporal sequence of events in order to trace the etiological links between them¹¹. Subsequently (with the 1990 Stava judgment), the Italian system adopted a model in which the task of establishing the correct succession of phenomena was entrusted to scientific laws (Cadoppi *et al.* 2010: 98). It was only in the first years of the 21st century that the arguments put forward in a well-known judgment (2002 Franzese judgment) led Italian jurisprudence to settle on a synthetic approach: the decision of the interpreter (the judge) should not be guided by scientific law alone, but by the criterion of "high logical probability and rational believability". This premise allows the judge to use scientific parameters to investigate the issue of causation in relation to a specific situation but without being bound by them.

In this trial, although the Public Prosecutor's closing briefs continually referenced the criterion of high logical probability and rational believability, the case the Prosecutor presented throughout the trial depended almost entirely on the technical statements and courtroom testimony of well-known geologists, geomorphologists and hydraulic and structural engineers in order to prove causation. On one hand, their analyzes served to establish the succession of events and the causal relationship be-

tween individuals' actions and the disaster; at the same time, they also served to substantiate legal concepts of prevention and predictability based on the idea that harm is measurable and scientific knowledge trumps other forms of knowledge (with the correlate assumption that humans are capable of controlling natural phenomena). In the trial analyzed here, to construct a legal ruling natural and human facts were put into order following the deductive model of explanation typical of scientific reasoning, which is based on experiments, tests and demonstration.

To demonstrate that the floods could have been predicted, the prosecution's experts performed a double operation. To begin, they deconstructed the disaster by breaking it down into the individual physical phenomena that caused it. In particular they distinguished the weather-based events from debris flows and further divided the former (rain) into two distinct phenomena – light, prolonged rain followed by intense precipitation – the combination of which was considered the factor that triggered the landslides that destroyed these areas. At the same time, they outlined the state of the art of scientific knowledge about the phenomena in question, indicating conferences, specialized publications and research carried out by public and private entities as a result of similar events that took place in Italy, and argued that the events of 2007 were a clear sign of the fragility of these areas. The combination of these two types of analysis allowed them to state that there was sufficient awareness of and knowledge about these phenomena in the period prior to the disaster as to be able to establish an accurate degree of statistical predictability. In contrast, they asserted, an analysis of urban planning and structures in the flooded waterways show «the lack of a perception of the existence of risk associated with these events» (trial transcript, 24/09/2014: 67).

In the expert witnesses' analysis, the event that inhabitants identify and refer to as "the October 1st flood" was divided into individual events, related but distinct. This helped to deconstruct the very concept of natural disaster: rather than an exceptional occurrence, it was presented as the result of careless political and technical choices. To support their hypothesis, the consultants stressed that the inhabitants of the flooded villages plainly displayed a clear understanding of the risk, as evidenced by the fact that private individuals took various mitigation measures aimed at protecting their homes. While on their own these small construction projects failed to stem the flood, if they had been included as part of a more general construction plan they might have succeeded in limiting its scope. On

the basis of the analyses presented by the expert witnesses the Prosecutor was able to assert that:

The 2009 event, both when viewed through the hydrology and environmental engineering methodology proposed by the Hydro-Geological Layout Plan and when viewed through the methodology of Meteorology, leads to the same conclusion: specifically, that it was statistically predictable [...]. What is relevant for our purposes here: no single phenomenological-chronological "portion" of the event can be regarded in any way as absolutely exceptional in character [...]. The evidence of direct observation, at any rate, might have been sufficient (trial transcript, 7/10/2015).

While scientific analysis and the «evidence of direct observation» may overlap in that they both reach the same conclusions, they were granted different amounts of space during both the investigative phase and the trial itself. Some lawyers for the plaintiffs considered this excessive focus on the discussion of technical and scientific issues a 'mistake' on the part of the Public Prosecutor who, «in the face of a very detailed illustration of the technical and environmental aspects», presented a «much less in-depth analysis of the conduct of the defendants» that granted the defense lawyers a great deal of leeway to dismantle the causal link between the conduct of the individual defendants and the effects of the catastrophic event (Lawyer for the plaintiffs, trial 10/28/2015).

The special power granted to «the word of science» (Ciccozzi 2013) in trial proceedings reflects a belief, visible since the mid-1900s, that it is possible to analyze and understand every aspect of social life by consulting with experts. It is common for physicians, biologists, engineers and psychiatrists to be called in to objectify complex and multi-faceted aspects of the matters discussed in the courtroom, reducing them to a cause/effect formula (Rainer 2014). When it comes to assessing environmental issues, this choice often leads to a paradox. In fact, in this field more so than for other social issues, the task of defining the problems depends on scientific information that, far from providing absolute certainties, are actually controversial and uncertain (Checker 2007). The pervasiveness of scientific discourse and the paradox that accompanies it have granted criminal law the form of a duel between experts from the same disciplinary fields in which judgment is cast far and wide, beyond the behavior of individual defendants¹². In this trial, scientists and lawyers fought over a specific form of power, a power they asserted by providing genealogical reconstructions of both the events and the scientific

knowledge explaining them. In the course of the trial proceedings, the experts for the defense produced evidence and data that conflicted with the "truths" presented by the prosecution in an effort to construct a scientific interpretation of the events that framed the disaster as wholly "natural". The prosecution's case did not focus on demonstrating that there had been a widespread perception of risk among the inhabitants of the flooded villages. The defense, in contrast, insisted on specifically underlining the absence of such a perception, at the same time stressing that probabilistic calculation systems and existing technological tools are simply unable to predict and control exceptional catastrophic events (which, they argued, the 2009 flood should be considered an example of). The testimony of one defendant, an engineer who designed some of the construction work carried out on one of the waterways flowing into the municipality of Scaletta to mitigate hydro-geological risk, provides an example of this:

DEFENDANT: As a result, there had never ... there had never been a problem of this kind over the years. I would also note, not to be argumentative but just to make an observation, in chapter 5 of his ... of his report, Professor S.M. lists approximately 10, 12 events that occurred in the Messina area since 1600 [...], not in reference to the area of Scaletta, his account is limited to the Messina area. We know very well that the (climate of the) Messina area is completely ... if it rains in Messina there might be good weather in Scaletta and vice versa. So, he does not provide historical references [...], the area was perfectly stable and there was not the least indication that something like what occurred 12 years later might have occurred. Because it is true that the event occurred 12 years later (trial transcript, 11/02/2015: 17-18).

The defendant raised doubt about the validity of methodological procedures and the soundness of the prosecution's data; the only element granted the status of certain fact was the dramatic nature of the event and its consequences. For the defense team as a whole, «October 1, 2009 represents the dividing line about human knowledge of the power of nature before and after the occurrence of such powerful and unpredictable event» (trial transcript, 21/01/2015: 23). This definition was aimed at disrupting the etiological chain connecting the 2009 flood to events occurring over the course of the two previous years and erasing the historical and procedural density of the disaster within the explanatory categories of exceptionality and unpredictability.

The judge was given a particularly onerous task: the hearing dossier contained an enormous amount of evidence – an entire room in the Prosecutor's Office was dedicated to this trial – expressing divergent truths about the disaster, truths that provided the foundations for an equally numerous set of visions regarding the role politics and science should play in governing these phenomena. In order to make his ruling, the judge was required to explain the event in relation to a single legal truth that at the same time also expressed a judgment about the reliability of the various scientific positions represented in the courtroom.

Silent victims and practices of resignifying the disaster

In the next section I describe the contours of the discursive context within which the plaintiffs delivered their testimony and argue that these witness statements can be seen as the fruit of a gradual process in which locals acquired an increasing awareness of landslide risk in their area. This growing awareness manifested in the production of a large quantity of audiovisual and photographic documents which were later used as evidence during the trial. Together with brief statements in the courtroom, these images and documents were used to highlight points of comparability between the series of devastating events that occurred from 2007 onward and the disaster in 2009.

In the Messina Court of Assizes courtroom, the rationality of scientific and legal analyses framed the disaster in terms of its materiality, dissected it into countless fragments and dragged every one of its manifestations into the light. Science and law, systems of knowledge and power characterized by specific techniques of subjugation and particular truth discourses, gave rise to narratives in which the experiences and bodies of the victims were reduced to mere data and constrained the space set aside for their testimony within a rigidly structured mechanism. During the trial discussions, any little slide towards the more dramatic aspects and moments of the disaster was immediately corrected, bringing the debates back onto the rails of neutral discourse. This can be seen for instance in this interrogation of a relative of one of the victims:

ATT.: Instead, as regards your sister, did she die immediately after the flood, or a few days later?

JUDGE: Attorney, attorney, are these questions really necessary?

ATT.: Judge, it seems that the report does not specify.

JUDGE: Yes, I do not doubt that, but are they truly necessary? I think that is documentary evidence. I do not know what kind of, how can I say, bearing it might have here, I do not know what kind of impact these questions might have, especially on the witness. If you believe they are useful questions.

ATT.: I will stop with this line of questioning, if the witness answers.

JUDGE: Fine but I do not think she does not want to answer, I believe this question is useless in some respects because it is indicated in the documents, and in some ways is certainly not pleasant for the witness, right?

ATT.: All right, Judge.

JUDGE: It's up to you.

ATT.: No more questions (trial transcript, 12/03/2014: 69).

In moments of public consultation that bring citizens face to face with experts, the fact of being consulted does not necessarily involve a corresponding position of power (Soneryd 2003; Bohm 2008). In contrast, testifying in court allows the injured party to intervene actively in the process of deliberation and influence its outcome. The fact that the victims were not allowed to recount their subjective experiences of the disaster, however, meant that their participation in the criminal apparatus of the trial was limited in terms of time and their performances as witness were constrained by rigid and unfamiliar codes of communication. Indeed, the processes for establishing responsibility often emerged through personal memories and were enmeshed in a web of cross-references that could only be disentangled, laboriously and with great difficulty, by deploying legal-technical rationality. In these cases, bodies and emotions can come to represent tools for affirming one's own truth and reacting to the condition of social distress generated by having endured the disaster. These tools proved particularly important for the injured parties in the trial I analyze here because they had opted not to present technical reports in support of their position, instead entrusting such scientific discussions of risk to the prosecution's experts¹³.

The few residents of the flooded villages who chose to participate in the trial viewed the expression of their physical and emotional experiences as a means for expressing criticism about the actions of local political and administrative actors, criticism they had already begun to voice after the events of 2007 and which emerged even more vociferously during the post-flood reconstruction period. The plaintiffs sought to employ these tools despite the limited space granted them in the trial proceedings.

The victims used their statements to introduce

new elements into the hearings in an effort to outline in more depth and detail the local historical and social context in which the disaster's effects manifested. For example, some of them argued that local residents had begun to perceive that their local area was in imminent risk even earlier than the moment identified by the Public Prosecutor.

WITNESS - Yes, in '96 there was the flood, and I remember that at the time my father-in-law filed all the necessary statements about what had happened, they carried out inspections and verbally reported that [...] there were run-off canals that needed periodic cleaning because for the moment there were no problems for the population, but if these drainage canals were not cleaned there would have been major consequences for the population over time. But they never did anything [...]. Let's say the only action they took involved rebuilding the low walls downhill from my house, but downhill not uphill, so uphill they did not change anything. In terms of warnings, we never got any except in 2007. After the flood of 2007, they told us to leave our homes temporarily [...]. Ten days later they told us that we could return to our homes (trial transcript, 12/03/2014: 23-24).

Throughout his statement, this witness described how local people had tried to prod institutions into taking action but met with little or no response. Although he had refused to participate in local committees and associations, this witness had waged a personal battle for many years to make public bodies aware of the dangerous situation he was forced to endure. When his entire family was killed in the 2009 flood, he sought to transform his pain into an additional instrument of condemnation. For example, he deliberately deployed his status of victim and played up the genuine tragedy of his personal experiences to acquire the degree of media and institutional visibility that would allow him to open up additional spaces for expressing his dissent and voicing cutting critiques of the way the institutions had handled matters.

On many occasions during the trial proceedings, the lawyers for the prosecution acted to interrupt the technicality of expert witnesses' courtroom performances and instead raise key political and administrative issues:

So why could it have been predicted? It is true that in 2007, although the event only happened in 2007, something could have been stopped between 2007 and 2009, because in two years something could have been done. But the event did not

only occur in 2007, we found out in 2007 that the land was fragile. We have discussed this at length, going back to '96, going back even further, as early as '96 they had understood [...]. So in all these years, this is another paradox and I said so during the discussion, why do we always have to take action after the fact? Why not ever before? I said in the discussion: "President, how is this possible?" At this point it almost makes me laugh and cry when I see these millions and millions of euros spent [...], but why didn't you do it earlier [...]? We always have to wait for casualties, always! And it's impossible, there's no intention of taking action, nothing is done and then they make a bunch of statements. So ... something could have been done. They could have done construction work, they could also have evacuated, they could have installed sirens (05/03/2016).

The lawyer I interviewed was also the president of one of the citizens committees formed after the 2009 flood. During my doctoral research we repeatedly crossed paths. Together, we had made public statements calling for state officials to revisit the urban plans and environmental policies implemented locally, regionally and nationally with a view to prioritizing prevention and taking into account the specific traits of the local areas and the needs of their inhabitants. Albeit in different ways, during the trial we both tried to use our acquired skills and knowledge to show that the only way local knowledge might have acquired legal significance was if the scientific technical interpretations presented during the hearings were contextualized within a broader interpretive framework capable of incorporating the experiences of individual victims in the processes of defining the disaster.

As I have tried to show, during the trial the "lay witnesses" – the term the judge and Public Prosecutor used to distinguish the plaintiffs from expert witnesses – were often forced to remain silent. During the trial, for example, it was only thanks to my testimony that the court was made aware of the series of protests that had been held between 2007 and 2009 in an effort to hold regional and local institutions accountable as well; likewise, courtroom testimony never addressed the cases in which local residents' previous experiences with similar events enabled them to take the preventive measures that protected them from the most dramatic effects of the disaster.

In order to grant weight to their physical presence in the courtroom and reposition themselves as active subjects within the dynamics of the trial, the victims stated that they had the ability to predict the phenomena. They requested that a series of documents be filed – petitions, police reports, au-

dio-visual and photographic documents – demonstrating their engagement over time and asserting a form of technical and experiential knowledge about the risk which, they argued, might have mitigated the dramatic consequences of the flood had it been taken into account sufficiently. A clear instance of this can be seen in their response to a statement by one of the defense attorneys who wrapped up his closing argument by declaring: «It might be useful to the *victims* (italics mine) to know that there was no human responsibility, to grant them a modicum more of peace of mind» (trial transcript, 20/01/2016). This statement immediately provoked angry reactions among the plaintiffs present in the courtroom, as I was able to observe from their distressed expressions and confirm right afterwards through conversations. All of them agreed that, although a guilty verdict and consequent sanctions would not diminish the pain of their losses, it would represent the most important chance to obtain a form of personal justice with significant political weight.

The sentence: an initial interpretation

When the judge read the verdict, the Messina Assizes courtroom was more crowded than it had been at any point during the years of the trial and enlivened by a melting pot of emotions that turned the air thick with palpable tension. In addition to the individuals directly involved in the trial, many lawyers from the municipal court were also present. «Look, the entire Prosecutor's Office is here. This is an extremely important ruling», commented one of the lawyers who represented me at the trial free of charge. In his opinion, the fact that the magistrates were so interested confirmed the legal and socio-political significance of the verdict.

As he read out the verdict, the judge's voice betrayed slight faltering and moments of hesitation that could only be perceived by those of us who had become familiar with his firm and decisive manner and admirably thorough work over the years. At the conclusion of this “technical trial” only the two mayors were found guilty, while their technicians, planners and public officials were acquitted of all charges. The verdict was only issued a few days ago and it will be several months before the grounds for the ruling are made public, so I cannot yet offer a detailed analysis of the outcome. The thoughts I present here are the fruit of personal reflections that I brought to the attention of several lawyers for the prosecution on the day of the last hearing (27/04/2016). The two mayors were convicted of manslaughter, probably because it had been shown

that they had engaged in instances of criminal and reckless conduct that led to ineffective management of the emergency. As I have tried to show, the prosecutor chose to base his case almost exclusively on technical and scientific analysis at the expense of a clear legal formulation of the charges. This decision was determined in part by the nature of the crime in question, but at any rate it made it particularly challenging to demonstrate the causal relationship between human behavior and events necessary to hold individuals responsible for having caused the disastrous events. By accepting the defense's arguments, the judge effectively froze the disaster in the moment of the emergency and embraced an interpretive paradigm based on «an epistemology of limited knowledge» (Benadusi 2011: 98) according to which existing scientific knowledge and technological tools are unable to predict or control unforeseeable phenomena such as natural disasters¹⁴.

The fact that the crime of causing a disaster was not proven and the defendant representing the emergency preparedness and risk prevention agency (the agency local residents had filed complaints against) was acquitted meant that risk management and territorial planning actors could not be held responsible. Common-knowledge elements, local understandings of the phenomena and the battles waged by the inhabitants of the flooded villages that the plaintiffs introduced during the trial in an effort to make them count as influential elements of the prosecution's case: all this failed to significantly impact on the judge's decisions. «It is as if 2007 never happened», was the disappointed response of the lawyer/activist mentioned above. The families of the victims voiced similar sentiments.

Conclusions

The progression of this criminal trial and the motivations driving the behavior of the actors involved are in keeping with the story of the disaster itself; indeed, they serve to highlight certain key features. Both the 2009 flood and the subsequent trial failed to trigger public debate at the national level, and in both cases only locally affected individuals and areas recognized the relevance of the issued being raised. At the same time, the relative disinterest of the media and public opinion was countered by the fact that the world of technical/scientific expertise recognized both the flood and the issues addressed in the courtroom as offering an enormous potential for improving our understanding of these phenomena.

In the eyes of the law, disasters present two different faces: they are antithetical to law and order in

that their concrete manifestations subvert the very concept of order; at the same time, however, they are generative of law (Douglas *et al.* 2007: 4). Indeed, such events can become «powerful legal epiphanies with the capacity to show how the law really works or what assets and values it protects» (Nitrato Izzo 2013: 170). In this case, the investigations and technical consultation were given connotations of novelty and complexity that transformed the trial into a debate/clash over the definition of the concept of predictability and, by extension, the possibility of implementing effective prevention policies. Many of the lawyers and most of the lay witnesses are convinced that establishing that a crime had been committed (that of causing disaster) and holding the directors, technicians and emergency preparedness officials responsible would set a precedent for other legal proceedings to be brought in response to the kind of hydro-geological events that affect Italy ever more frequently. At the same time, this official recognition could have guided the future political actions of local administrative bodies and public institutions.

The acquittal of all the defendants accused of unpremeditated disaster reinforced what I have termed an «emergency-oriented model» for managing public life, a model that shapes our thinking until we see the practices of local administration exclusively in terms of urgency and immediacy. By critically reconstructing the dynamics I observed in the courtroom, I have tried to illustrate the limits of a technocentric approach to understanding complex phenomena such as the 2009 flooding. Whether in the case of risk management and post-emergency response policies or the courtroom, analyzing disasters using only the tools of technical-scientific rationality cannot effectively bring to light the procedural and historical character of these phenomena, an aspect that the social sciences have been trying to reveal for over fifty years.

In the trial I analyze here, supplementing technical analyses with a socio-anthropological reading of the issues addressed in the courtroom might have helped to critically reconfigure the concept of disaster, thereby strengthening the prosecution's case and granting more weight to the evidence presented by the plaintiffs. For example, anthropological consultation might have served to organize the numerous documents filed by the victims and presented by the prosecution into a systematic corpus from which the judge could have gleaned an immediate socio-historical context for the events being discussed in the hearings. Furthermore, a careful ethnographic analysis could have demonstrated how everyday experiences of risk helped residents develop a local concept of the predictability of hy-

drogeological phenomena and drove private citizens to take steps to prevent damage. Positioned within a solid theoretical-interpretive framework, both of these elements would have helped the Public Prosecutor in proving that the disaster was «non-exceptional and predictable».

For some time now, forms of cross-contamination among anthropological and legal disciplines have given rise to specific sub-disciplines (Anthropology of Law, Law and Anthropology, *Antropologia giuridica, Antropologie juridique*). And yet this encounter has often been treated as a purely intellectual exercise involving only academics in which anthropology is understood as a tool for studying and understanding the law. In contrast, I believe that the social sciences – and anthropology in particular – can potentially provide law with tools for understanding reality.

Unlike the Anglo-American world, in Italy anthropology has not yet achieved recognition as a form of “expert knowledge” that would endow the advice produced by anthropological scholars with the status of evidence, thus legitimizing a role for them in the courtroom. For this to occur, I believe we would need to employ a broad approach and make room for critical-interpretive perspectives on contemporary phenomena in public debate. At the same time, academic institutions and individual researchers would need to join forces in order to more effectively valorize the potential applications of disciplinary knowledge. Although this process is still in its initial stages, the first fruits are already visible. Indeed, the establishment of two national associations and a public anthropology journal represent significant signs of a collective resolve to open the discipline up to a direct and participatory dialogue with the socio-political realities we study and to put into practice scholars' potential to act as advocates. If we understand anthropology as a tool of critical knowledge and social action, then taking part in criminal proceedings represents one of its most stimulating applications.

Notes

* The statement in the title above was used by a lawyer on the side of the side of the plaintiffs to define the disaster described in this article. I want to thank the two anonymous referees for the patience and meticulous care with which the reviewed my paper. Their critical feedback and the many stimuli they offered contributed substantially to improving a text which was not yet fully mature in its first version.

¹ One of the main theoretical-analytical contributions anthropology has made to our understanding of the social effects of disaster lies in its reconsideration of the role of victim. While the *pensée de l'urgence* (Revet 2007) approach characterizing humanitarian aid interventions tends to lump all victims together, objectifying them as part of specific categories, anthropological studies have instead shown that “victims” have agentive capacities and exercise agency in order to actively position themselves within the landscape of reconstruction.

² I met with representatives of the committees and associations representing the families of the victims on the occasion of the second anniversary of the April 6, 2009 earthquake in L’Aquila.

³ Criminal case N. R.G. 886/13 - R.G.N.R.8262/09 R.G.N.R. The main village addressed in this article is Giampilieri, which is part of the city of Messina, and the nearby town of Scaletta Zanclea. These were the main areas damaged by the flooding.

⁴ E. C. Jones *et al.* (2013) consider the experiences in the period leading up to a disaster to be a predictive factor with the power to shape people’s perceptions of risk.

⁵ Many victims consider the flooding a «pre-announced disaster». Its history can be interpreted as a parable of the changes affecting contemporary society and Italian society in particular, changes which – I would argue – are carrying us from a model of risk society in which disaster exists mainly in terms of power, to an emergency society in which the state of emergency, as defined by the philosopher Giorgio Agamben (2003) is applied to a wide range of situations and contexts and acts to render catastrophe a “normal” condition of citizens and institutions’ daily life. In the villages of the Messina area and Scaletta in particular, the disaster has given rise a reorganization of power and authority which, in some flooded villages, has served to oust the resident political class, thus providing clear evidence of the political potential of disaster (Falconieri 2015a).

⁶ The judge scheduled three hearings per month beginning on 29 January 2014, and these hearings were rarely postponed – indeed, this occurred mainly in the final phase of the trial.

⁷ As early as 1977 Lawrence Rosen presented a series of case studies in which researchers were called to testify in legal proceedings as experts; Rosen reflects on the ethical, epistemological and theoretical considerations raised by this specific form of participation in social life. More recently Laëtitia Atlani-Duault and Stéphane Dufoix (2014) have examined three different ways that researchers (historians, sociologists and anthropologists)

participate in high-profile public trials. In Italy, this phenomenon remains rare. The only exception is the case in which the Aquila Court engaged anthropologist Antonello Ciccozzi as a consultant following the 6 April 2009 earthquake (see Benadusi and Ciccozzi *infra*).

⁸ In recent decades, researchers in the humanities and social sciences have increasingly promoted and celebrated scholars’ active engagement in public life and participation in collective actions. The American sociologist Michael Burawoy has taken a pioneering role in promoting an approach of “public sociology” (Burawoy 2005) that also inspired history and related disciplines. See Back, Maida (2013), Low, Marry (2010) and, in Italian, Colajanni (2014) for insider descriptions of the anthropological debate.

⁹ In writing my (as yet unpublished) doctoral dissertation, *L’Alluvione di Messina del 1 ottobre 2009. Politiche pubbliche e retoriche del conflitto in un comune della Sicilia nord-orientale*, I consistently tried to highlight the potential opportunities and risks inherent in the particular ethical-applied approach I have followed in my ethnographic work.

¹⁰ I did not conduct interviews with the plaintiffs, whose stories I already knew quite well; I opted instead for long informal talks during breaks or after each of the hearings. In the legal context, most of my recorded conversations, interviews and informal talks were carried out with the lawyers working on behalf of the plaintiffs. As far as these lawyers are concerned, my analyses of behavior and discursive practices are based exclusively on direct observation, short and informal talks, and my examination of the trial transcripts.

¹¹ This is the procedure that the judge followed to reach a decision in the court case held after the Vajont disaster of 1963, for instance.

¹² This low degree of agreement about risk among the experts is analyzed in publications by Paul Slovic, Baruch Fischhoff and Sara Lichtenstein. See in particular Slovic, Fischhoff, Lichtenstein 1977 and Fischhoff *et al.* 1984.

¹³ In almost all instances, the injured parties decided not to produce expert witnesses for their side because such outside consultation would have involved excessively high expenses.

¹⁴ Mara Benadusi argues that this paradigm underlies the international emergency management policies adopted following the tsunami that struck Sri Lanka in December 2004, and that it is counterbalanced by the implementation of ex-post interventions aimed at fostering a resilient, adaptive approach in the affected populations.

Along the same lines, over the last twenty years the regulatory and operational departments of the Italian Emergency preparedness agency have focused on fine-tuning their practices for managing emergencies at the expense of analysis and risk prevention activities.

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Alessandro Mancuso

Antropologia, “svolta ontologica”, politica. Descola, Latour, Viveiros de Castro

Introduzione

Da almeno due decenni si sta assistendo in diversi settori delle scienze umane, dall’antropologia alle scienze cognitive, dalla geografia agli *Science and Technology Studies* (STS), dai *Feminist Studies* alla filosofia, a un significativo ripensamento nei modi di impostare la teoria e l’analisi delle relazioni tra gli esseri umani e vari tipi di entità non umane (animali, piante, artefatti tecnologici e artistici, fenomeni atmosferici, ma anche varie categorie di entità “immateriali”).

Questo ripensamento si è inizialmente sviluppato in parallelo alla “decostruzione” dei modi in cui tra Ottocento e Novecento sono stati configurati una serie di dualismi di ordine teorico-concettuale: non solo quelli tra natura e cultura e tra natura e società, ma anche quelli tra soggetto ed oggetto, tra individuo e società, tra persone e cose, tra mentale e materiale, tra scienza e politica. Una spinta ulteriore a questa operazione di decostruzione è venuta, soprattutto nell’ultimo decennio, da un’accresciuta percezione dell’aggravamento della crisi ambientale su scala planetaria (di cui è un segnale l’aumentata diffusione, non solo nelle scienze umane, della proposta lanciata nel 2000 da Crutzen e Stoermer secondo cui da circa duecento anni è iniziata una nuova era geologica: il cosiddetto “Antropocene”, cfr. Moore 2016) e della debolezza e scarsa credibilità delle misure e delle politiche di eco-governance globale (Göbel, Góngora, Ulloa 2014; Howe 2015; Jaramillo 2013; Lemos, Agrawal 2006) prese finora dagli organismi internazionali. La dimensione globale e il carattere sempre più pervasivo di questa emergenza non solo ha reso indifferibile il consolidamento di una prospettiva, ecologica e politica, che consenta di vedere l’ambiente come la “casa comune” in cui esseri umani e non umani “abitano” e si relazionano tra loro, ma ha fatto dei diversi modi possibili di considerare i loro rapporti un tema fondamentale di riflessione.

In questo contesto epocale, da diverse figure di spicco dell’antropologia contemporanea è venuta una forte sollecitazione indirizzata non soltanto alla decostruzione della pretesa di universalità at-

tribuita nelle scienze umane ai dualismi a cui si è fatto prima riferimento¹, ma anche alla proposta di nuovi quadri teorico-concettuali che permettano di analizzare e di comprendere ciò che Tsing (2005) ha chiamato la “situazione globale” in cui si trova il mondo contemporaneo. Tra queste figure di spicco, oltre alla citata Anna Tsing (ad es. 2005, 2015), si possono annoverare Donna Haraway (ad es. 2003, 2008), Tim Ingold (ad es. 2000, 2011, 2013, 2015), Marilyn Strathern (ad es. 1988, 1992), Philippe Descola, Bruno Latour, Eduardo Viveiros de Castro.

Anche se tutte queste figure hanno, spesso con presupposti e intenti diversi, avanzato una critica rivolta specificamente al piano “ontologico” di fondazione di questi dualismi, è in particolare agli ultimi tre che, come si vedrà, ci si è riferiti negli ultimi anni per parlare di una “svolta ontologica” (*ontological turn*)² che, dopo quelle “linguistica”, “interpretativa” e “postmoderna”, starebbe caratterizzando attualmente le scienze umane e l’antropologia in particolare³.

In questo saggio mi propongo di compiere un esame critico e un confronto degli approcci antropologici di Descola, Latour e Viveiros de Castro, privilegiando due questioni parzialmente interconnesse: quella dei modi in cui essi trattano la dimensione dei rapporti di potere e quella della loro possibile ricaduta politica delle loro posizioni teoriche⁴. Questi problemi sono stati recentemente posti in relazione a ciò che accomuna i vari filoni di studio che vengono generalmente riuniti sotto l’ombrello dell’*ontological turn*⁵, e nel dibattito su espressioni come “politica ontologica” e “ontologia politica”.

Gli approcci allo studio delle “ontologie” hanno svolto un ruolo importante per il rinnovamento del campo disciplinare, contribuendo a riportare l’attenzione su una serie di questioni di ordine antropologico che non solo nella fase più influenzata dalle teorie “postmoderne” e “decostruzioniste”, ma anche in quelle anteriori, erano state messe ai margini o trattate con una buona dose di modernocentrismo oggi non più difendibile. I movimenti che si sono identificati con la “svolta ontologica” o che a questa possono essere accostati sono stati in questo senso fondamentali, ma è da una “critica

della loro critica”, ancora in gran parte da elaborare, che potrà venire un più duraturo rinnovamento del sapere antropologico.

Descola: la “grammatica delle ontologie”

Come si è anticipato, Descola, Latour e Eduardo Viveiros de Castro hanno proposto, ognuno per conto proprio, una “genealogia” dei dualismi tra natura e cultura, natura e società, soggetto ed oggetto, individuo e società, persone e cose, e mentale e materiale, e del ruolo che essi hanno assunto nell’impostazione delle moderne discipline scientifiche, seguendo in questo il processo di “modernizzazione” del mondo. In questo paragrafo partirò proprio dalla “genealogia” tracciata da Descola, mettendola in rapporto con l’impianto teorico generale da lui esposto in *Oltre natura e cultura* (2014a [2005]).

Per l’antropologo francese, i dualismi tra natura e cultura e tra natura e società hanno avuto un ruolo fondamentale nello sviluppo dell’antropologia come “discorso sulla specificità della natura umana” che si propone di sottoporre a riscontro empirico le proprie ipotesi teoriche (ad es. Descola 2009); il consolidamento di quest’ultima come disciplina autonoma nella prima metà del Ventesimo secolo ha infatti alle sue spalle la maniera in cui il pensiero filosofico e scientifico nello stesso periodo giunge a strutturare questi due dualismi per definire quale sia il posto dell’uomo nel cosmo, ossia, si potrebbe dire, il rapporto tra antropologia e cosmologia.

Il passo decisivo è in questo senso identificato nell’affermazione in Europa, nel corso dell’età moderna, di una particolare idea di natura, intesa come una totalità di fenomeni “oggettivi” di cui gli uomini sono sia parte sia (e in questo sta la loro specificità esistenziale) impegnati in un processo di “messa a distanza”, di distacco e di emancipazione di se stessi rispetto ad essa e alle sue “leggi”. Per Descola, non è un caso che quest’idea si affermi proprio in quest’epoca e in questa parte del mondo. Ciò si deve alla particolare concatenazione cumulativa di concezioni cosmologiche e antropologiche, ereditate dalla filosofia greca e dalla teologia cristiana, che caratterizza la storia precedente del mondo europeo, gettando le basi per diffondere e stabilizzare l’idea dell’esistenza di un dualismo fra «un mondo delle cose, dotato di una fattualità intrinseca, e un mondo degli umani retto dall’arbitrario del senso» (2014a: 87)⁶. Nel corso di quella che Foucault ha chiamato Età Classica,

l’emergere della cosmologia moderna risulta da un processo complesso in cui sono inestricabilmente mescolati l’evoluzione della sensibilità

estetica e delle tecniche pittoriche, l’espansione dei confini del mondo, il progresso delle arti meccaniche e il dominio accresciuto che essa autorizzava, il passaggio da una conoscenza fondata sull’interpretazione delle similitudini a una scienza naturale dell’ordine e della misura (*ibidem*).

Seguendo Foucault, Descola sostiene che nel XVII secolo l’apparizione della natura come «dominio ontologico autonomo, come campo di ricerca e di sperimentazione scientifica, come oggetto da sfruttare e da migliorare» (*ibidem*: 93), si accompagna all’invenzione della nozione di “natura umana” come composto di “natura” e di “qualcos’altro” che trascende quest’ultima: è nel cercare di ripensare cosa sia questo “qualcos’altro” che Descartes propone la sua teoria del soggetto del *cogito* e la sua distinzione tra *res cogitans* e *res extensa*, che nell’essere umano si troverebbero tuttavia connesse mediante la ghiandola pineale. Tuttavia, è solo nel corso del Diciannovesimo secolo che «il concetto di società come totalità organizzata comincia a prendere corpo, e, dunque, a configurarsi in opposizione alla natura» (*ibidem*: 95). Ancora più recente è l’elaborazione del concetto di cultura come «tutto ciò che, nell’uomo e nei suoi prodotti, si distacca dalla natura e ne organizza un senso» (*ibidem*: 96); esso viene a giocare un ruolo centrale nello sviluppo dell’antropologia come campo disciplinare: sia in quei suoi filoni teorici in cui ci si concentra sulla declinazione di questo concetto “al singolare” sia in quelli in cui si assume la “pluralità delle culture”, l’opposizione alla natura è elemento fondamentale nell’articolazione del suo significato.

Parallelamente allo sviluppo dell’antropologia come disciplina, prosegue Descola, si articola in filosofia il dibattito sulle differenze di metodo e di obiettivi conoscitivi tra “scienze della natura” e “scienze della cultura (o dello Spirito)”. Questo spostamento della contrapposizione tra natura e cultura da un piano “ontologico” a uno “epistemologico” rinforza l’idea che «lo studio delle realtà culturali si opponga allo studio delle realtà naturali» (*ibidem*: 101). Nell’antropologia novecentesca, la spiegazione, su entrambi i piani, di come si possono mediare i dualismi tra natura e cultura e tra natura e società per dar conto della specificità della natura umana è diventata «il problema originario e originale cui questa scienza ha tentato di rispondere» (*ibidem*). Più in generale, non solo in questa disciplina ma nella traiettoria novecentesca di molti saperi sulla natura e sull’uomo, ciò che accomuna approcci apparentemente opposti, quali il “monismo naturalista” e il “relativismo multiculturalista”, è il «postulato che il mondo può essere distribuito fra due tipi di realtà di cui si tratta di mostrare l’interdipendenza» (*ibidem*: 102). Ma questo postula-

to, nel conferire carattere di universalità oggettiva a questi dualismi, si dimostra oggi, alla luce delle indagini etnografiche e storiografiche, «un ostacolo formidabile alla comprensione adeguata delle ontologie e delle cosmologie le cui premesse differiscono dalle nostre» (*ibidem*: 104)⁷.

Per Descola, non deve sorprendere che l'idea di un dualismo ontologico ed epistemologico tra natura e cultura/società non si incontri tra le popolazioni e nelle cosmologie studiate dagli antropologi e dagli storici delle civiltà extra-europee, dal momento che esso, anche nell'Europa moderna, si è affermato solo in tempi abbastanza recenti. Né, a differenza di quanto, più o meno esplicitamente, è stato sostenuto in tutte le principali correnti dell'antropologia novecentesca, questi dualismi moderni corrisponderebbero a una rappresentazione di “come è” il mondo, di “ciò che vi esiste” e della specificità della natura umana, più empiricamente accurata e fondata di altre *worldviews* (come si vedrà, una nozione aborrisita, al pari di quelle di credenza e di metafora, da tutti i più noti esponenti del cosiddetto *ontological turn*, che le associano a dicotomie, che occorre superare, tra “realità” e “rappresentazione”, e tra “letterale” e “figurato) basate su diverse premesse. Inoltre, da questo stesso punto di vista, le spiegazioni di queste ultime in chiave “intellettuale” o “simbolista”⁸ hanno spesso equivalso a una forzatura dei sensi annessivi dai “nativi” ed espressi sia nei discorsi verbali sia nella loro traduzione in pratica. Queste spiegazioni, nella misura in cui mirano a salvaguardare il valore oggettivo dei dualismi moderni ma al contempo quello di una razionalità comune a tutti gli esseri umani, che produrrebbe conoscenze diversamente valide per oggettività solo per mancanza di un'adeguata base empirica (spiegazione intellettuale), o per il privilegio della dimensione simbolica su quella pratica (spiegazione simbolista), finirebbero per negare l'evidenza che proviene dalla documentazione etnografica⁹.

Ma allora da dove ripartire? Secondo Descola, una rinnovata analisi comparativa non solo delle cosmologie, ma delle “pratiche” che vi sarebbero legate, e delle “antropologie”, ossia dei modi di tracciare relazioni di continuità e discontinuità tra umano e non umano, deve trovare (similmente a quanto provò a fare Lévi-Strauss per proporre la propria teoria delle strutture della parentela partendo dall'universalità della proibizione dell'incesto) un ancoraggio in un principio comune alla base della loro costruzione che possa essere considerato, a differenza dei dualismi tra natura e cultura e tra natura e società, un universale antropologico. Sotto questo profilo, egli rifiuta di assumere sia una postura di tipo “relativista”, sia quella per la quale i

contributi conoscitivi dell'antropologia debbano limitarsi a quello che egli chiama, polemicamente, “etnografismo” (Descola 2014c: 440)¹⁰.

Il suo intento è di contribuire all'elaborazione di un “universalismo relativo” (2014a: 306; cfr. Breda 2014: 19-20) meno etnocentrico di quello moderno, e di farne la base per una rifondazione dell'antropologia in quanto campo disciplinare; solo così è possibile sottrarre quest'ultima a due opposte tendenze in cui egli vede il rischio della sua dissoluzione. La prima tendenza sarebbe per Descola la sua deriva “culturalista” prospettata dalla “svolta postmoderna”: in essa sarebbe insita una propensione ad abbandonare il progetto di ricondurre la diversità umana a principi invarianti dalle cui possibilità di combinazione essa è generata; in quest'orizzonte la ricerca e il sapere degli antropologi consistono soprattutto nell'abilità di produrre etnografie originali per i temi d'indagine e gli stili di presentazione, e diventano prossimi all'ambito della letteratura, della critica letteraria e dei *cultural studies* (Descola 2009). La seconda tendenza è invece prospettata dalla tendenziale riduzione dell'antropologia socioculturale a una posizione ancillare all'interno dei programmi di ricerca e dei termini di dibattito delle scienze cognitive, nei cui indirizzi egemoni, generalmente etichettabili sotto l'ombrelllo della “psicologia evoluzionista”, egli vede l'espressione di una opposta deriva “naturalista”, anch'essa, come la prima, prodotto tardo di una crisi in cui sarebbero entrati i dualismi moderni, ma incapace di trascendere la loro logica (Descola 2014a)¹¹.

Per fornire un'alternativa a queste due tendenze, un nuovo progetto di conoscenza antropologica che miri a comprendere la diversità umana nei termini di una “ecologia delle pratiche”, deve fondarsi non sull'accostamento induttivo dei “dati” etnografici “collezionati” ma su una teoria che offre dei modelli generali e che possa essere corroborata da quei dati: riprendendo le formulazioni di Lévi-Strauss e Leach, la generalizzazione deve fondare la comparazione.

Secondo Descola, l'universale antropologico che permette di ancorare la costruzione di questo programma teorico è dato dal carattere “antepredicativo” dell'esperienza intuitiva di sé, che Husserl e la tradizione filosofica fenomenologica fanno consistere nell'intenzionalità della coscienza, come distinta dal proprio corpo e dagli “oggetti” che costituiscono i suoi (della coscienza) contenuti. Da questo punto di vista, il sé individuale si concepirebbe intuitivamente e costituzionalmente come una dualità composta da due componenti che l'antropologo francese propone di chiamare “interiorità” (la coscienza intenzionale) e “fisicalità” (il proprio corpo, con gli affetti e le disposizioni ad

esso connesse), una tesi di ordine filosofico che Descola ritiene tuttavia supportata da certi risultati della psicologia cognitiva e della linguistica comparata (Descola 2014a). In più, l'esperienza che il sé fa del (e nel) mondo consiste nell’“oggettivazione”, mediante il confronto con questi due “poli” dell’esperienza intuitiva di se stessi, di tutto ciò che è un *aliud*, ossia un “altro da sé” non ancora “determinato”, come condizione per la sua conoscenza e per l’instaurazione di relazioni con questo “altro”¹².

Il passaggio chiave, a questo punto della sua argomentazione, è la connessione che l’antropologo francese istituisce tra le modalità di “identificazione” dell’altro da sé e i modi di tracciare continuità e discontinuità (ossia somiglianze e differenze) “ontologiche” tra umano e non umano, connessione a cui, inoltre, egli assegna una priorità in ciò che concerne la strutturazione degli “schemi integratori” delle pratiche (che invece riguardano in modo omologo qualunque “altro”, sia umano che non umano), e dei “collettivi”. Quest’ultimo concetto è mutuato da Latour (ad es. 2005). Descola lo riprende, adattandolo, per designare le “associazioni” che “mettono assieme” “esistenti” umani, distinguendoli da uno (“naturalismo”) o più (“animismo”) raggruppamenti corrispondenti di “non-umani” o che, invece, riuniscono entrambi in modo “cosmocentricamente” inclusivo (“analogismo”) oppure attraverso la distribuzione degli uni e degli altri in partizioni complementari (“totemismo”).

La tipologia quadripartita dei “modi di identificazione” proposta da Descola è sicuramente l’aspetto della sua teoria che è divenuto più “popolare” tra gli studiosi:

le formule autorizzate dalla combinazione dell’interiorità e della fisicalità sono molto ridotte: di fronte a un altro qualunque, umano o non umano, posso supporre che possieda degli elementi di fisicalità e di interiorità identici ai miei, sia che la sua interiorità e la sua fisicalità siano distinte dalle mie, sia ancora che abbiamo delle interiorità simili e delle fisicalità eterogenee, sia infine che le nostre interiorità siano differenti e le nostre fisicalità analoghe. Chiamerò “totemismo” la prima combinazione, “analogismo” la seconda, “animismo” la terza e “naturalismo” l’ultima. Questi principi di identificazione definiscono quattro grandi tipi d’ontologia, cioè di sistemi di proprietà degli esistenti, i quali servono da punto di ancoraggio a forme contrastive di cosmologie, di modelli del legame sociale e di teorie dell’identità e dell’alterità (2014a: 141).

Le ragioni di questa popolarità risiedono probabilmente non solo nella semplicità dello schema

combinatorio, ma nel recupero, che è anche una ri-visitazione, di termini e concetti centrali nella storia dell’antropologia, quali quelli di animismo e di totemismo, che vengono a designare due dei quattro modi di identificazione¹³. Anche nel caso del “naturalismo”, Descola ha fatto ricorso a un termine e a un concetto il cui impiego, per riferirsi alla specificità della conoscenza scientifica moderna, era già diffuso.

Meno radicato in usi pregressi è il termine “analogismo”, scelto per designare la quarta possibilità combinatoria, e non è probabilmente un caso che esso, a differenza degli altri, non comparisse nei primi testi in cui Descola espone il concetto di modi di identificazione (Descola 1992, 1996), essendo stato introdotto solo in *Oltre Natura e Cultura*, e che molte delle critiche rivolte alla sua teoria riguardino l’averne considerato come esempi di “analogismo” concezioni cosmologiche e del sé apparentemente molto diverse, come quelle diffuse nella Grecia classica, nella Cina Antica, nelle espressioni della “cultura alta” dell’Europa medievale e quattro-cinquecentesca, nell’Africa subsahariana, nelle Ande e nel Messico indigeno. Intorno all’unitarietà dell’analogismo come “tipo ontologico” si sono in particolare pronunciati criticamente diversi degli interventi (Feuchtwang 2014; Kapferer 2014) nel book symposium dedicato alla traduzione inglese di *Oltre natura e cultura* e pubblicato su HAU, come anche Lloyd (2008, 2011, 2012), in alcuni lavori incentrati sulle possibilità di applicazione dell’impianto teorico descoliano ai casi della Grecia classica e della Cina antica.

Le perplessità espresse da diversi specialisti intorno all’inclusione di questi casi variegati, anche per la loro distribuzione spaziotemporale, all’interno di una tipologia ontologica “analogista” sono inoltre derivate dall’evidente contrasto con la distribuzione limitata, sotto questo profilo, degli altri modelli ontologici: in *Oltre natura e cultura*, il totemismo, come ontologia dominante, è considerato confinato all’Australia aborigena, il naturalismo all’Europa moderna, con l’animismo che da questo punto di vista rappresenterebbe un caso intermedio, essendo riscontrabile, secondo Descola, nell’Amazzonia e nel Nord-America indigeni, e in molte popolazioni “di interesse etnografico” ubicate tra Asia settentrionale, Mongolia e sud-est asiatico.

Come è noto, alla stessa concettualizzazione del totemismo come “modo di identificazione”, Descola è approdato - in seguito alla critica mossagli da Viveiros de Castro (1998: 473, 2015: 233-235; cfr. Descola 2014a: 143) - solo nel suo *opus magnum*; ciò ha implicato l’abbandono del senso in cui Lévi-Strauss aveva ripensato questo concetto, su cui Descola si era inizialmente basato per avanzare la tesi di una

sua contrapposizione, sul piano dei concetti della distinzione tra umano e non umano, all'animismo (Descola 1992, 1996). Soprattutto da parte di quegli studiosi di più stretta osservanza lévi-straussiana questo passaggio di piano concettuale, per di più operato su una nozione la cui consistenza empirica era stata al centro della *pars destruens* de *Il totemismo oggi* e de *Il pensiero selvaggio*, non è stato bene accolto. In particolare, Desveaux (2007) ha indirettamente polemizzato con Descola a proposito del suo riferimento (2014a: 182-185) all'etnologia dei gruppi di lingua algonchina dell'America del Nord per illustrare il caso di un'ontologia "indigena" che sarebbe caratterizzata dalla coesistenza di "animismo" come modo di identificazione dominante e "totemismo" come "modo minore". Descola aveva in questo caso basato la sua tesi su un saggio di Fogelson e Brightman (2001) sui significati della parola "*totem*" tra gli Ojibwa, da cui, come è noto, il termine proviene originariamente. I due antropologi vi avevano sostenuto che tra gli Ojibwa e, più ampiamente, tra i gruppi algonchini, si possono scorgere concezioni per cui il rapporto tra specie animali e sottogruppi è rappresentato in termini di apparentamento, anche se quest'ultimo, più che a un'idea di consustanzialità, si riferisce a relazioni di prossimità medicate da un rapporto di tipo ecologico con il territorio. Desveaux ha invece affermato che l'interpretazione di Fogelson e Brightman è etnograficamente infondata e ha aggiunto, a questo proposito, che vi è una contraddizione tra la tesi di Descola secondo la quale i quattro modi di identificazione sono il risultato di schematizzazioni che integrano campi disparati dell'esperienza, e il fatto, cui si è prima fatto riferimento, che secondo lui due di essi giocano un ruolo dominante nelle concezioni ontologiche solo in contesti spazialmente o temporalmente circoscritti: l'Australia nel caso del totemismo e l'Europa moderna in quello del naturalismo, mentre gli altri due, ossia l'animismo e l'analogismo appaiono presenti praticamente in tutti i continenti.

Senza entrare nel merito di questa critica, va osservato che la discussione del caso Ojibwa suggerisce che dietro l'uso di nozioni come "apparentamento" e "familiarità" per riferirsi alle relazioni tra umani e non-umani, si possano in effetti annidare aspetti che sembrano esulare dalla loro codificazione in termini di similitudini di interiorità e fisicalità e che forse andrebbero inseriti in un quadro di cui fanno parte non solo le concezioni dello spazio e del tempo (peraltro considerate da Descola tra gli "schemi integratori" fondamentali), ma, più generalmente, il complesso della cosmologia e della cosmogonia specifiche di un dato gruppo umano.

Per ciò che riguarda l'ambito amerindiano un si-

mile orientamento è ben illustrato dal recente libro di Luis Cayón (2013) sulla cosmologia dei Makuna dell'Amazzonia nord-occidentale, considerata sia da Descola che da Viveiros de Castro, sulla scorta dei lavori di Kaj Århem (ad es. 1996) un prototipo di "animismo". Dalla ricchissima documentazione etnografica contenuta nel lavoro di Cayón, la cosmologia makuna appare invece, se si vuole mantenere la tipologia delle ontologie di Descola, molto prossima all'analogismo, ma in effetti ciò che emerge è, come lo stesso antropologo colombiano suggerisce nell'introduzione (Cayón 2013: 35-38), che questa tipologia è capace solo fino a un certo punto di dar conto della sua complessità. È impossibile in poco spazio riassumere i contenuti del libro di Cayón, in cui uno dei temi privilegiati (si vedano in particolare i capitoli centrali, intitolati "La *maloca* cosmo", "I componenti del mondo" e "Vere persone") è la teoria *makuna* del cosmo e della persona, e in particolare «il ruolo dei luoghi nella costituzione della persona [...] mediante lo sciamanesimo» (*ibidem*: 38, 41), la cui comprensione, scrive l'antropologo colombiano, proprio dopo avere riconosciuto l'importanza degli apporti degli approcci "ontologici" al rinnovamento dell'etnologia dell'Amazzonia indigena, nondimeno «conduce per altri cammini», richiedendo l'uso «di lenti di ingrandimento più forti» (*ibidem*).

Già dalle enumerazioni dei componenti del mondo secondo i Makuna descritte da Cayón in un lungo paragrafo dell'opera significativamente intitolato "Il libro della vita: gli abitanti del mondo" (*ibidem*: 283-305), l'idea di trovarsi di fronte a un'ontologia che Descola definirebbe "analogista" è difficile da fugare. Così ogni essere, sia umano che non umano, è considerato composto da una miscela variabile (a seconda non solo della sua composizione "intrinseca", ma anche del luogo e del tempo in cui esso è situato) formata da una molteplicità di componenti raggruppabili in alcune classi principali che sono: fluidi corporali, liquidi, polveri e amidi, veleni, oggetti rituali e sciamanici, incensi, aromi, armi, parti di pianta, argille, colori, elementi della casa, attitudini, ognuno dei quali è suscettibile di combinazione e trasformazione, ha un'origine mitica distinta e produce effetti diversi a seconda dei luoghi e delle epoche (*ibidem*: 302-304). Scrive Cayón:

Quando ci si riferisce a un unico componente, lo si associa agli esseri che lo ricevettero nei tempi primigeni: per esempio le lance [un componente che fa parte del raggruppamento "armi") possono essere di frutta silvestre, di alimenti, di *yurupari*¹⁴, di coltivazioni, di selvaggina e di pesci. A partire da ciascuno, le associazioni si sdoppiano e

si approfondiscono rispetto alle loro origini. Per questo, per fare unicamente l'esempio delle lance dei pesci, si trova che possono essere di *yurupari*, di tristezza della Luna, dei giaguari dell'alluvione, del lago del Giorno, dei pesci di ingassamento, delle stelle, ecc. [In sintesi], le associazioni esistenti tra i differenti tipi di componenti evidenziano uno dei principi della teoria *makuna* del mondo: in tutto ciò che esiste vi è una relazione tra sostanze, oggetti, luoghi, tempo e origine. In altre parole, la miscela di soggettività o di frammenti dell'*agency* dei distinti esseri primordiali, interrelazionandosi, produce la particolarità di ciascun tipo di essere (*ibidem*: 299-301).

Anche gli esseri umani sono caratterizzati da «questa *anatomia composta* della persona, [...] in quanto la persona umana [è] il risultato della confluenza delle connessioni tra luoghi, oggetti, sostanze. [...] La struttura del cosmo, quella della *maloca* e quella della persona possiedono gli stessi riferimenti geografico-spaziali e concettuali. Tutte sono strutture analoghe e frattali» (*ibidem*: 315, 321, corsivi dell'autore); Cayón indica un loro possibile termine di comparazione nei *mandala* tibetani e nella cosmologia dell'India antica. Se a questo si aggiunge l'importanza che nella "teoria *makuna* del mondo", e in particolare nelle concezioni delle malattie e della loro cura, ha il gioco delle reciproche influenze tra una molteplicità di elementi, e del modo in cui si organizzano le numerose prescrizioni e divieti rituali che riguardano la caccia e l'alimentazione, l'impressione che l'ontologia diffusa in questa popolazione sia più prossima all'analogismo che all'animismo aumenta.

Rispetto a queste e ad altre questioni ed obiezioni che suscita la riconduzione di cosmologie, modelli di comportamento, concezioni del sé e del non umano a una delle quattro possibilità di strutturazione dei "modi di identificazione" deducibili dai principi teorico-metodologici enunciati da Descola in *Oltre natura e cultura*, va osservato che esse appaiono difficilmente superabili proprio per il modo di costruzione del suo impianto teorico, il quale, a dispetto delle dichiarazioni dell'antropologo francese, volte a rivendicarne l'antecedente nella metodologia strutturalista lévi-straussiana, si presenta, dal punto di vista dei suoi fondamenti e delle sue "deduzioni" concettualmente più preciso, ma anche meno flessibile, probabilmente anche in ragione del numero molto limitato dei suoi elementi di base.

Per Descola (2014c 2014d), le ontologie, intese come modalità di "composizione del mondo" o *worlding*, si basano in genere sulla dominanza di un modo di identificazione, che si esprime ed è "socialmente" sostenuto dalla presenza di "istituzioni"

e "schemi integratori delle pratiche" compatibili con esso. Pur essendo questa la configurazione più frequente, non è l'unica possibile, essendo state etnograficamente documentate, come notato dallo stesso Descola (2014d), ontologie "indigene" caratterizzate dalla compresenza di diversi modi di identificazione nessuno dei quali è in una posizione di dominanza nella strutturazione di tutti gli ambiti dell'esperienza e della pratica¹⁵.

L'affermazione dei dualismi tra natura e cultura e tra natura e società nell'Europa moderna (e la loro apparente "diffusione" contemporanea nel resto del pianeta seguita al processo di espansione europea e all'accresciuta circolazione delle conoscenze) è dunque da una parte, come si è detto, il prodotto di una genealogia complessa che ha i suoi antecedenti nel particolare sviluppo storico del Vecchio Continente ma, dall'altra, va vista in chiave "strutturale" come espressione di un'ontologia, ossia «risultato istituito di un modo d'identificazione» (Descola 2014d: 239), prevalentemente "naturalista", in cui, tra le diverse categorie di "esistenti" nel mondo accomunati dalla loro natura "fisica", solo gli esseri umani sono considerati dotati di "interiorità" e dunque capaci di "cultura" e di socialità intersoggettiva. Secondo Descola, l'ontologia "naturalista" non "rispecchia" la "realità" più o meno accuratamente delle altre (come ad esempio quelle che gli esseri umani costruiscono sulla base di un modo di identificazione "animista") in quanto ognuna "compone il "mondo" sulla base della schematizzazione dell'esperienza che le è propria:

non esiste un mondo che sarebbe una totalità autosufficiente e già costituita, in attesa di rappresentazione secondo punti di vista differenti, ma piuttosto una diversità di processi di mondiazione (*mondiation*), ossia d'attualizzazione della miriade di qualità, di fenomeni e di relazioni che possono o meno essere obiettivati dagli umani, secondo la maniera in cui i differenti filtri ontologici di cui sono dotati permettono loro di discriminare tra ciò che il loro ambiente vicino o lontano offre alla loro percezione diretta e indiretta. Questi filtri ontologici sono sistemi d'infidenza rispetto alla natura degli esseri e delle loro proprietà che i modi d'identificazione legittimano (*autorisent*) (Descola 2014d: 238)¹⁶.

Descola: ethos, modi di relazione, storia e rapporti di dominazione

Sia gli "schemi integratori" delle pratiche che l'*ethos* dei collettivi sono inoltre "specificati" da altre modalità di schematizzazione (indicate nella

relazione, la figurazione, la categorizzazione, la spazializzazione, la temporalizzazione), generando così la “grammatica” universale non solo delle ontologie, ma anche delle cosmologie (2014a:109; 2014d: 224) e degli stessi “*ethos*”. Questi ultimi sono per Descola combinazioni tra un modo di identificazione “dominante” e uno o più “modi di relazione” con esso “compatibili”; sono essi a regolare, unificandolo, il campo delle “pratiche” sia tra “esistenti” umani sia tra “esistenti” non umani, e tra i primi e i secondi¹⁷.

Nei suoi interventi più recenti, Descola è tornato a giustificare la sua scelta di dare centralità teorica all’ipotesi del carattere antropologicamente universale di un soggetto trascendentale che si esperisce intuitivamente come una dualità di interiorità e fisicalità e fa di questa esperienza la base per identificare, per somiglianza e differenza con se stesso, gli altri da sé come “oggetti” con cui stabilire relazioni nel “mondo della vita”. Tale ipotesi andrebbe considerata in funzione della sua utilità per la costruzione di un modello teorico la cui validità va giudicata euristica (ad es. Descola 2014c: 434) rispetto ai risultati di ricerca ottenibili in seguito alla sua applicazione. La sua funzione non sarebbe cioè tanto quella di ancorare l’intera teoria della “grammatica delle ontologie” e degli “schemi integratori delle pratiche” a un dato accertabile per evidenza intuitiva o sperimentale, ma piuttosto di un postulato che permette di costruire un edificio teorico i cui modelli ambiscono ad avere un valore esplicativo di tutte (sia quelle “moderne” sia quelle “non moderne”) le “antropologie” (come si è detto: concezioni delle somiglianze e differenze, ossia delle continuità e discontinuità, “ontologiche”, tra umanità e le diverse forme di esistenza non umane), le “cosmologie” e gli *ethos*:

Mi è sembrato che l’idea fenomenologica di un’esperienza antepredicativa del mondo offrisse un sostrato sensato per una rielaborazione radicale dei concetti e degli oggetti dell’antropologia. Il mio ipotetico soggetto trascendentale è un individuo cripto-borghese? Non credo per almeno due ragioni. Primo, perché questo non è il caso nella fenomenologia husseriana. Non vi è alcun primato del Sé in quanto il soggetto trascendentale è relazionale *ab initio* per il suo essere un agente intenzionale, per la sua capacità di accoppiamento con un *aliud*, ossia con un *alter* che è ancora indeterminato. [...] La seconda ragione è anch’essa epistemologica, ma in un senso diverso. In antropologia, in qualsiasi lavoro di fondazione, sembra ragionevole partire da caratteri universali della specie umana, che risiedono necessariamente nella coscienza, nel corpo, nel

cervello, nelle capacità, nelle disposizioni, ecc., di un individuo. Anche negli approcci di Gibson o di Varela, questi caratteri sono necessari per la realizzazione [*enaction*] o per l’attualizzazione delle *affordances*. [...] Rappresentazioni, emozioni, intenzionalità, memoria, dolore, piacere sono prima di tutto esperite dagli individui, spesso in empatia con altri individui; essi né galleggiano nell’etere né scorrono al di fuori di istituzioni.

Il mio uso di un soggetto trascendentale è in qualche modo ironico; ma è diretto a un unico obiettivo, invece molto serio: esso genera un congegno, la matrice ontologica, che mi permette di trattare norme, pratiche, istituzioni, collettivi, posture epistemiche, e simili in un modo totalmente olistico, ossia come trasformazioni reciproche, e non come risultati dei capricci e dei desideri di individui umani in conflitto (che è, per inciso, ciò che fa la storia) (*sic!*). Così invece di andare dalle totalità alle parti per mezzo dei sentieri tortuosi dell’*agency* storica [...] io provo a procedere dalle componenti (trascendentali) alle totalità (strutturali) grazie a un inaspettato passaggio dall’egologia all’ontologia (2014c: 438, note e riferimenti bibliografici omessi);

non è affatto impossibile che questa matrice possa ricevere una validazione empirica sul piano cognitivo [...]. Ma in fondo questo è assai poco importante. Perché la combinatoria che io propongo è innanzitutto un modello antropologico indirizzato a risolvere problemi antropologici, cioè a spiegare delle correlazioni e delle incompatibilità osservate da molto tempo tra le classi di fatti che studiano gli antropologi. Perché si trova spesso combinato tal tipo di cosmologia con tale teoria della persona e tale forma d’organizzazione sociale? Perché l’attività sciamaica è prepondinante nelle società in cui la caccia svolge un grande ruolo mentre è raramente presente laddove si praticano sacrifici? [...] A dire il vero, indipendentemente dalla verosimiglianza psicologica di questa grammatica delle ontologie, è l’uso che ne sarà fatto dagli antropologi, dagli storici, dai sociologi, dai geografi che finirà per validare o no il suo fondamento” (2014d: 223-224).

Oltre ai rilievi rivolti alla scelta dei principi adoperati per fondare il progetto di una “grammatica delle ontologie”, diversi dei commentatori invitati al *book symposium* ospitato da HAU (ad es. Feuchtwang 2014; Lambek 2014) hanno, analogamente a quanto sostenuto indirettamente da Cayón, imputato ai modelli “strutturalisti” esposti in *Oltre natura e cultura* un eccessivo grado di generalità e astrazione, che impedirebbe di cogliere distinzioni più fini tra i casi che vi vengono trattati

per esemplificare ognuno dei modi di identificazione e di relazione, portando così a selezionare i materiali etnografici in funzione di uno scopo *ad hoc* (e quindi non considerandone, soprattutto per ciò che riguarda le cosmologie degli aborigeni australiani come esemplificazione di una “pura” ontologia totémica, altri difficili da trattare all’interno della griglia proposta, cfr. Kapferer 2014), e perpetuando le difficoltà che i modelli di questo tipo incontrano nel dare conto di come i processi storici e i rapporti politici intervengono nella conformazione degli schemi della pratica, incidendo sulla dominanza di alcuni piuttosto che altri, sul loro intreccio e sulle loro dinamiche di cambiamento.

Replicando a queste critiche, Descola (2014c: 437) ha sostenuto che ciò che gli importava di più era evidenziare una serie di correlazioni e di contrasti tra le ontologie costruite sulla base della dominanza di ogni possibile modo d’identificazione; queste correlazioni e contrasti si porrebbero a un alto livello di generalità, ed è a questo livello che sarebbe possibile cogliere gli “scarti differenziali” tra i quattro tipi di ontologie, il che non esclude che tra quelle di uno stesso tipo esistano differenze rilevanti, in buona parte riconducibili all’inflessione impressa loro da altre modalità di schematizzazione delle pratiche e al ruolo che i processi storici e i processi politici svolgono nel configurare queste ultime (cfr. 2014a: parte V; 2014d: 254-265, 303-310)¹⁸.

Come si è detto, per Descola va riaffermata l’idea che gli antropologi debbano e possano mirare a stabilire correlazioni formali, regolarmente occorrenti, tra pratiche appartenenti a prima vista a domini diversi: la sua combinatoria di modi di identificazione e altri modi di schematizzazione dell’esperienza offrirebbe in questo senso un’ipotesi di lavoro diretta a superare il modo riduttivo con cui le scuole durkheimiana, marxista e dell’ecologia culturale avevano spiegato, a loro volta costruendo tipologie, l’esistenza di queste correlazioni (ad es. Descola 2014d: 228). Tuttavia, allo stato attuale, il suo argomento sul ruolo prioritario dei modi di identificazione nel vincolare il complesso degli schemi della pratica resta per l’appunto un’ipotesi da suffragare, che egli stesso ha iniziato a sondare solo per ciò che riguarda i “modi di relazione” compatibili con l’animismo (2014a: parte V) e, più recentemente, in rapporto alle modalità di “figurazione” (Descola 2010).

Anche nel recente libro-intervista *La composition des mondes*, Descola è apparso oscillare tra la posizione per cui la sua teoria non mira in primo luogo a una spiegazione “causale” di tipo unilineare ma a stabilire delle correlazioni di occorrenze, e quella per cui la “grammatica delle ontologie” mira

a identificare un “ordine degli ordini”:

questo metodo si è spesso rivelato fecondo, proprio perché fa passare in secondo piano la questione della causalità – ambientale, psichica, tecnica, economica, politica, ideologica – che per lungo tempo ha viziato i tentativi di spiegazione dei fatti sociali, e conferisce il ruolo primario a un aspetto a mio avviso cruciale, le condizioni di composizione di mondi comuni, ossia i principi che reggono la compatibilità e l’incompatibilità di istituzioni, pratiche, sistemi ideologici, valori, ecc. (2014d: 228);

una volta che la matrice elementare è stabilita su un fatto d’ordine universale [è] possibile mostrare come i contrasti ontologici iniziali si ritrovino in altri domini dell’esperienza umana – dalla maniera di comporre i collettivi fino ai rapporti con i non-umani, passando per le teorie del soggetto o l’organizzazione dello spazio. Questa tavola dei modi d’identificazione è forse quello che s’avvicinerebbe di più a ciò che Lévi-Strauss chiama qualche volta “l’ordine degli ordini”, ossia il livello superiore d’articolazione strutturale dei diversi sistemi che compongono la vita sociale (*ibidem*: 234);

è perché queste modalità primarie dell’identificazione del mondo sono leggermente differenti che le forme del collettivo che gli umani immagineranno potranno anch’esse differire: esse saranno immerse in configurazioni politiche, tipi di scambio, generi di relazioni tra essi e con i non-umani che variano ampiamente, e che si trasformano nella storia (*ibidem*: 245)¹⁹.

È tuttavia difficilmente contestabile, come emerge dalla trattazione delle circostanze e meccanismi con cui avverrebbe il passaggio da un regime ontologico (o da un *ethos*) ad un altro, condotta nel penultimo capitolo di *Oltre natura e cultura*, “Storie di strutture”, che molte delle questioni che questo lavoro pone e che i suoi commentatori hanno rilevato, restino aperte. Nel paragrafo finale di questo capitolo, intitolato “Genesi del cambiamento”, Descola (2014a: 380-383) tratta, invero in modo molto rapido, dei rapporti tra innovazioni tecniche e cambiamenti nei modi di identificazione e di relazione dominanti in un gruppo, rifiutando l’idea che i secondi abbiano necessariamente la loro causa nelle prime e che queste ultime siano tendenzialmente legate a mutamenti nelle strutture economico-politiche.

Egli menziona come esempi di innovazioni tecniche l’inserzione di nuovi strumenti nelle “catene

operatorie”, l’invenzione di “artefatti cognitivi” (come la scrittura), la disgiunzione delle competenze tra diversi individui e gruppi, le tecnologie che permettono l’immagazzinamento (*stockage*) e l’accumulazione di risorse considerate necessarie per la sussistenza biologica e sociale. Tra queste innovazioni, solo le ultime, generando ineguaglianze e «modificazioni radicali delle condizioni sociali ed economiche» (*ibidem*: 381) sarebbero di per sé suscettibili di condurre a un cambiamento dei modi di relazione, che spesso è innescato da eventi straordinari (invasioni, colonizzazione, migrazioni, cambiamenti nell’ambiente di vita). Nel negare che tra le innovazioni tecniche e lo sviluppo delle diseguaglianze vi sia una correlazione necessaria, Descola si distingue da Lévi-Strauss (ad es. 2002: 46)²⁰.

Discutendo la questione dei meccanismi di acquisizione e “stabilizzazione” degli schemi della pratica, Descola (ad es. 2014a: 128; 2014d: 312-14) sostiene che nelle società “tradizionali” essi sono da ricercare prima di tutto nei rituali collettivi, nelle forme codificate di narrazione degli eventi e, più in generale, nei processi, spesso “pratici” e non enunciati formalmente, di “inculturazione”; in quelle più “complesse” bisognerebbe guardare piuttosto all’educazione impartita da varie figure di specialisti cui si riconosce autorità (ad esempio ministri dei culti, insegnanti di scuola, professionisti delle discipline scientifiche e, nel mondo attuale, gli specialisti dell’informazione nei mass-media). Qui egli sembra avvicinarsi alla questione dei contesti politici che influenzano la dominanza di una determinata “ontologia” o “ethos”, per poi ritrarsene immediatamente: certi “schemi della pratica” diventerebbero “dominanti” perché varie circostanze tra cui, in primo luogo, l’educazione ricevuta, attraverso varie modalità “inculturative”, da figure “autorevoli”, le rendono tali e, sarebbe il caso di dire, “naturali”. Foucault (quello de *Le parole e le cose*), Bourdieu (per ciò che riguarda le nozioni di *habitus* e di pratica) e Marx (via Godelier) sono certo tra gli autori di riferimento con cui Descola avvia un confronto in *Oltre natura e cultura*, ma per aspetti che solo marginalmente hanno a che fare con la loro teoria del potere, dei rapporti di dominazione e del politico.

Una parziale eccezione può essere fatta per il richiamo alla distinzione dialettica tra “consumo produttivo” e “produzione consumatoria” posta da Marx. Essa è discussa nel capitolo di *Oltre natura e cultura* intitolato “Le forme dell’attaccamento” e dedicato alla tipologia dei “modi di relazione”. Descola vi fa riferimento per esaminare i rapporti tra la “predazione”, assimilabile a un fenomeno di “distruzione produttiva”, e la “produzione”, interpretabile, sulla scorta di alcune pagine dell’*Intro-*

duzione a Per la critica dell’economia politica (Marx 2010 [1857]) su cui già Gregory (2015 [1982]) aveva rivolto l’attenzione, come coesistenza di “consumo produttivo” e “produzione consumatoria”. Sviluppando una serie di argomenti già avanzati da Ingold (2000) e Viveiros de Castro (2004), l’antropologo francese riprende questa definizione per criticare gli usi impropri in antropologia del termine “produzione”, nella misura in cui è stato riferito ad attività, come la coltivazione e la fabbricazione di artefatti, che presso molte società non sono concepite in questo modo.

Va a questo proposito ricordato come all’interno del suo quadro teorico Descola presenti la predazione e la produzione come due dei sei “modi di relazione” logicamente possibili insieme a scambio, dono, protezione e trasmissione²¹. Nell’esporre i caratteri distintivi di ognuno di essi e nel rapportarli tra loro, egli esamina una serie di temi fondamentali del dibattito teorico in antropologia come in particolare il concetto di reciprocità e il suo collegamento con il concetto di dono. Descola propone di ripensare quest’ultimo intendendolo in senso stretto come “modo di relazione asimmetrico” caratterizzato da un atto di cessione unilaterale di qualcosa, liberamente effettuato, in cui i partner della relazione hanno lo stesso status; così facendo, egli esplicitamente discosta la propria posizione da quella di Mauss, poi elaborata da Lévi-Strauss, e anche da quella di Sahlins, compendiata dalla sua tipologia delle tre modalità di reciprocità (generalizzata, equilibrata, negativa).

Bisogna in ogni caso osservare come la tipologia dei modi di relazione proposta dall’antropologo francese è in buona parte tributaria, per ciò che riguarda la triade dono/scambio/predazione, del dibattito interno all’antropologia dell’Amazzonia indigena, sviluppatosi a partire dagli anni Ottanta e caratterizzato da una più o meno esplicita contrapposizione tra tre principali indirizzi. In una rassegna delle diverse posizioni emerse in questo dibattito, intitolata *Images of nature and society in Amazonian Anthropology* e pubblicata vent’anni fa sull’*Annual Review of Anthropology*, Viveiros de Castro (1996) aveva attribuito un nome a ognuno di essi: “economia politica del controllo”, “economia morale dell’intimità” ed “economia simbolica dell’alterità”. Secondo l’antropologo brasiliano, il primo indirizzo aveva trovato inizialmente espressione nei lavori della scuola di Harvard sulle società del Brasile centrale (Maybury-Lewis 1979) e, successivamente in quelli di Terence Turner (ad es. 1995, 2012 [1980]) a Chicago e di Peter Rivière (ad es. 1984) ad Oxford. Esso si caratterizzerebbe per il privilegio di concetti e temi di ricerca al centro dei dibattiti fioriti tra gli anni Quaranta e Sessanta in

seno all’antropologia britannica, rielaborati in una prospettiva ispirata al marxismo; tra questi temi e concetti si possono annoverare: la distinzione tra dominio politico-giuridico e dominio domestico della vita sociale nei gruppi indigeni dell’Amazzonia; le funzioni dei sottogruppi (clan, metà, ecc.) e della norma di residenza uxorilocali dal punto di vista del loro ruolo “strutturale” in un sistema di dominazione e controllo, oltre che degli anziani sui giovani, su risorse considerate scarse nell’area amazzonica come le donne e la forza lavoro. In particolare, le analisi delle mitologie, delle cosmologie e della vita rituale dei gruppi Kayapó del Brasile Centrale proposte da Turner fanno spesso riferimento alla nozione di produzione e la considerano connessa all’assimilazione della *praxis* umana alla cultura, come distinta dalla natura. Pur riconoscendo, sulla scia inaugurata dell’articolo di Viveiros de Castro, Seeger e Damatta (1979) di cui il recente saggio di Santos-Granero (2014) può essere considerato uno sviluppo originale, che il tema della fabbricazione dei corpi e delle persone occupa un posto centrale nelle ideologie amazzoniche della produzione, Turner è restato fedele alla posizione per cui questo aspetto non esaurisce il complesso dei rapporti politici che, almeno nei gruppi del Brasile Centrale, informano i meccanismi non solo della riproduzione sociale, ma anche della “coscienza sociale”, nel senso di ideologia della natura specifica del “sociale” e della “cultura” come prassi trasformativa della natura (cfr. Graeber 2013). Per questi suoi tratti, il suo apparato teorico era destinato ad entrare in tensione con le prospettive sviluppate da Viveiros de Castro e Descola nei due decenni successivi e, forse anche per questo, fino agli ultimissimi anni, in cui sono apparse nuove monografie di studiosi di filiazione scientifica più prossima a questi due studiosi, l’etnografia del Brasile Centrale è restata poco presente nel dibattito più recente sulle “ontologie” amazzoniche. Nel 2009, in un lungo articolo (vedi *infra*), lo stesso Turner ha anzi mosso una critica molto dura, corredata dal ricorso all’etnografia di questa regione, alle teorie dei due studiosi.

Il secondo indirizzo, denominato da Viveiros de Castro “economia morale dell’intimità”, comprende i lavori di Joanna Overing e della sua scuola (ad es. Overing, Passes 2000; Santos-Granero 1986, 2009), inizialmente basati su ricerche etnografiche nell’area delle Guyane e incentrati sull’indagine degli ideali di socialità “moralmente appropriata” che si esprimono soprattutto nelle pratiche di condivisione (*sharing*) e di amorevolezza (*love*) all’interno della comunità locale, considerate costituire un discriminio tra le persone “propriamente umane” e le “persone non-umane” (come gli animali) da una parte e, dall’altra, tra il proprio gruppo e i gruppi

stranieri.

Il terzo stile, denominato “economia simbolica dell’alterità” è quello al quale Viveiros de Castro ascriveva il suo stesso approccio e quello di Descola, di cui riconosceva la comune ispirazione lévi-straussiana; secondo l’antropologo brasiliiano, questo indirizzo teorico e di ricerca veniva invece ad essere caratterizzato dall’attenzione privilegiata per il piano delle relazioni extra-locali e dei «processi di scambio simbolico (guerra e cannibalismo, caccia, sciamanesimo, riti funerari) che attraversano i confini sociopolitici, cosmologici, e ontologici, giocando così un ruolo costitutivo nella definizione delle identità collettive» (1996: 190).

Questa classificazione degli indirizzi dell’antropologia amazzonica e delle loro coordinate teoriche ha goduto in quest’ultimo ventennio di una grande fortuna nel dibattito tra gli specialisti dell’area, che, con la temporanea emarginazione della “economia politica del controllo”, ha teso ad essere rappresentato come un confronto tra, da una parte, i sostenitori della tesi che l’*ethos* delle società amazzoniche è sia dominato dai “valori” della reciprocità e della condivisione (spesso equiparata al “dono”) rispetto ai quali i comportamenti di orientamento “predatorio” sarebbero ritenuti dai nativi una sorta di “male necessario” e, dall’altra, i sostenitori della tesi che sia invece la “predazione” (come disposizione inserita in particolari concezioni cosmologiche e della dialettica tra differenza ed identità) a essere il “modo di relazione” dominante nelle “etno-sociologie indigene”, mentre i valori di reciprocità e di condivisione, in primo luogo associati alla consanguineità e all’alleanza matrimoniale, vi sarebbero presenti solo come costruzione possibile a partire dal suo carattere “dato” e dalle dinamiche di costruzione di “socialità” che il primato della “predazione” permette di mettere in moto.

Inserendosi in questo dibattito tra gli specialisti dell’Amazzonia indigena, in *Oltre natura e cultura* Descola, come si è detto, ne ha da una parte ripreso i termini e in un certo senso li ha “esportati” su un piano di maggiore generalizzazione, elaborando la sua tipologia dei modi di relazione e conducendo l’esame delle combinazioni compatibili tra esse e il modo di identificazione animista proprio a partire da un esame comparato dell’etnografia amazzonica. Dall’altra, pur sostenendo che l’*ethos* predatorio gioca un ruolo di “ideologia dominante” della socialità tra molti gruppi amazzonici, tra cui gli stessi Achuar da lui studiati, egli ha sottolineato che la dominanza di uno o dell’altro di questi tre stili etici va verificata etnograficamente caso per caso, e che nello stesso tempo esse rappresentano possibilità combinatorie, e non, si potrebbe dire un “pattern culturale” della socialità amazzonica in sé, né

tanto meno un semplice prodotto di determinate congiunture storiche di ordine economico e politico (tesi ad esempio sostenuta da Brian Ferguson (1995) in polemica con Chagnon per il caso Yanomami).

Per ciò che riguarda gli altri tre “modi di relazione” (produzione, protezione e trasmissione), è evidente come Descola abbia invece guardato all’etnologia africanista, sia di marca britannica sia di marca francese, e abbia elaborato questi tipi in correlazione alla propria tesi di un netto contrasto tra le ontologie “animiste” dell’Amazzonia indigena e quelle “analogiste”, al cui tipo egli riconduce la maggior parte della documentazione etnografica relativa all’Africa “tribale”.

Infine, è importante rilevare, nella trattazione dei “modi di relazione” sviluppata in *Oltre natura e cultura*, due ultimi aspetti: il loro nesso con le relazioni di parentela e quello tra la parentela “adottiva”, la “protezione” come modo di relazione e i rapporti di dipendenza gerarchica. Già nei suoi testi degli anni Novanta, in cui egli presenta la prima elaborazione della critica dell’universalità del dualismo tra natura e cultura/società, contrapponendo il “naturalismo moderno” all’“animismo” diffuso tra gli Achuar e altri gruppi amazzonici, Descola (1992, 1996) segnalava come tratto saliente di quest’ultimo il fatto che diverse categorie di entità non umane venissero considerate non solo “persone” o “gente”, ma legate agli uomini da una rete di relazioni sociali, in contrasto con l’idea “naturalista” che la sfera della socialità riguardi solo il consenso formato da questi ultimi. In particolare, gli Achuar, soprattutto negli *anent* (sorta di invocazioni silenziose destinate a entità non umane), si riferivano e rivolgevano alla selvaggina (o ai suoi “signori”) che si voleva predare con gli stessi termini con cui si designano gli affini umani; le piante di manioca erano invece chiamate “figlie” dalle donne che la coltivavano, e, infine, i cuccioli delle prede che spesso venivano poi mantenuti negli insediamenti domestici come animali domestici, erano assimilati a “figli adottivi”.

In *Oltre natura e cultura* Descola riporta altri esempi di questa assimilazione delle relazioni con i non-umani d’accordo a un “idioma” di parentela articolato dalla triplice distinzione, marcata tanto terminologicamente quanto sociologicamente e moralmente, tra le sfere della consanguineità, dell’affinità e della parentela adottiva, considerandola una caratteristica distintiva delle ontologie animiste. Inoltre, trattando dei “modi di relazione” compatibili con l’animismo egli argomenta che ci si può aspettare che l’uso di termini di affinità, per designare gli animali cacciati e di certe classi di entità “spirituali”, sia prevalente laddove, come tra gli

Achuar e in altri (ma non in tutti) i gruppi indigeni dell’area amazzonica, la “predazione” è il modo di relazione prevalente, mentre quello di termini di consanguineità si riscontrerà in quei gruppi, tra cui gli Ojibwa e altre popolazioni indigene dell’America settentrionale boreale o del Sud-est asiatico (cfr. Ingold 2000) in cui prevalgono la logica della reciprocità equilibrata (“scambio”), del dono o della condivisione (*sharing*).

Il modo in cui Descola aveva presentato, sin dalle prime formulazioni della sua teoria, il rapporto tra l’uso di certi termini di parentela e la predominanza di un dato modo di relazione era stata criticata da Ingold (2000), secondo cui l’antropologo francese, tendendo a considerare l’applicazione dei primi a esseri non umani una sorta di “proiezione” dei significati che essi rivestono quando riferiti a specifiche categorie di esseri umani, avrebbe mantenuto la distinzione tra natura e società che pretendeva di avere abolito. In *Oltre natura e cultura*, Descola (2014a: 258-261) difende la propria posizione: quest’uso, se da una parte mostra la non pertinenza, in molte società amazzoniche, di questa distinzione, non può dall’altra non essere considerato una “trasposizione”, per omologia, del modello di relazioni tra gli esseri umani all’ambito delle relazioni con le entità non umane. In questo senso, gli Achuar chiamano con termini di affinità gli animali cacciati e i loro “signori” proprio per il fatto che, all’interno dell’animismo “predatore” che connota la loro ontologia, alle relazioni e alle pratiche connesse all’attività venatoria si attribuiscono gli stessi tratti di ambivalenza che contraddistinguono le relazioni con gli “affini” umani; questi ultimi, infatti, in questa società indigena possono diventare sia potenziali alleati matrimoniali e politici che potenziali nemici, con i quali si tende a eludere, anche se previsto, il principio delle relazioni fondato, idealmente, sullo scambio simmetrico (scambio di donne nel caso dell’alleanza matrimoniiale, vendetta in quello dei conflitti violenti).

L’omologia che si ha nei termini utilizzati per riferirsi tanto a determinate categorie di umane, quanto a determinate categorie di non-umani, può essere collegata, si può notare, alla flessibilità, non solo tra gli Achuar (ad es. Taylor 2000) ma tra molti gruppi amazzonici (tra cui i Piaroa e altri gruppi dell’area guyanese, cfr. Overing 1985; Rivière 2001), di applicazione dei termini di parentela: in queste popolazioni le distinzioni terminologiche tra affini e consanguinei in base al calcolo genealogico o alle regole di alleanza prescrittiva sono spesso adattate in funzione della vicinanza sociale e politica effettivamente vissuta e costruita nel tempo.

Inoltre, la prevalenza di termini di affinità per riferirsi alla relazione intrattenuta con entità non

umane si accorda con la definizione dell'ontologia animista proposta da Descola: quella di una "inferiorità" condivisa tra umani e non-umani, distinti invece per la loro "fisicalità", della quale fa parte la comunanza di sostanza, affezioni e disposizioni corporee: i non-umani sono infatti in questi contesti assimilati ad affini o "consanguineizzati", ma non a consanguinei "dati" in partenza da una relazione di consustanzialità "natale" che passa per la trasmissione di sostanze corporee dai genitori alla prole²².

In *Warfare and Shamanism in Amazonia* (2013), Carlos Fausto ha ripreso tali questioni all'interno della propria teoria di quelli che egli chiama i "regimi socio cosmici" e la "economia simbolica generale della riproduzione e del controllo sociale" tra i gruppi dell'Amazzonia indigena, il quale va considerato uno dei tentativi più importanti nell'ultimo decennio di sintetizzare gli approcci teorici di Descola e di Viveiros de Castro su questo terreno.

Fausto scrive che il suo obiettivo è stato:

andare oltre l'opposizione tra un [filone dell'] etnologia amazzonica focalizzato su predazione e alterità e un altro focalizzato su produzione e identità, convertendo queste prospettive analitiche in momenti differenti di una stessa analisi. [Il mio tentativo] è di spostare l'attenzione dalla nozione di reciprocità verso quelle di consumo e produzione alla ricerca di un idioma comune che possa rendere conto sia della distruzione che della produzione della persona, e, in particolare, delucidare il movimento per mezzo del quale la prima conduce alla seconda. Chiamo questo movimento *predazione familiarizzante*, la conversione, cioè, di una relazione di predazione in un'altra di protezione [...] per mostrare come questa dialettica sia fondamentale per una comprensione delle forme amerindiane di guerra, sciamanesimo e vita rituale (2013: 9, corsivo mio).

L'antropologo brasiliano distingue due principali "modalità" o regimi "socio-cosmici" che mediano nell'Amazzonia indigena

la produzione delle persone come meccanismo generalizzato per riprodurre la vita sociale [...]. Nella prima modalità, la persona ideale viene costituita mediante l'acquisizione di potenza (*potency*) dall'esterno della società, potenza la cui trasmissione è limitata e costituisce differenze di ordine ontologico piuttosto che sociologico; nella seconda, la persona ideale è costituita mediante la trasmissione e la consacrazione rituale di attributi sociali distintivi che confermano le differenze sociologiche. [...] la distinzione fondamentale risie-

de nel fatto che [nella seconda modalità], la sfera della circolazione occupa il posto riservato [nella prima] al consumo produttivo. La circolazione sia orizzontale sia verticale di ricchezza simbolica sostituisce la sua appropriazione dall'esterno. La trasmissione e lo scambio divengono più importanti della predazione" (*ibidem*: 301-302).

Fausto sostiene inoltre che i due regimi da lui delineati spesso coesistono all'interno di uno stesso gruppo, anche se va ribadita l'importanza di differenziare le società indigene amazzoniche in base a quello che vi si presenta dominante: così, verso la "predazione familiarizzante" tenderebbero non solo molti gruppi Tupí, ma, ad esempio quelli Jívaro (cui appartengono gli Achuar), mentre la trasmissione e lo scambio occuperebbero un posto centrale nei regimi "socio cosmici" non solo dei gruppi dell'Amazzonia nordoccidentale, ma anche, sebbene con configurazioni molto diverse (in quanto qui il livello interno del villaggio gioca un ruolo centrale), in quelli Gé e Bororo del Brasile centrale.

In *Oltre natura e cultura*, Descola non sviluppa tuttavia una discussione teorica generale dei rapporti tra "ontologie" e, non soltanto le concezioni e "terminologie" attinenti l'ambito della parentela, ma le modalità di categorizzazione, siano esse terminologicamente marcate o meno, delle appartenenze, delle relazioni e delle distinzioni sociali. Nelle ontologie totemiche, ad esempio, si è visto che per Descola la comunanza, come aspetto della fisicalità, di "sostanza", oltre che di inferiorità, è quella che definirebbe l'appartenenza di umani e non-umani a una stessa "classe", ma egli non tratta, né a questo proposito né per ciò che riguarda l'analogismo, il possibile legame tra queste "ontologie" e specifiche modalità d'uso di termini di parentela²³.

Va osservato, in generale, che, rispetto alla questione dell'articolazione tra "sociale" e "politico", il dibattito teorico più recente, non solo tra gli specialisti di Amazzonia indigena, si è allontanato dalle posizioni avanzate da Descola in *Oltre natura e cultura*. Nella sua opera, egli infatti sostiene che tra i modi di relazione non vadano inclusi tutti quei rapporti in genere descritti da nozioni quali "dominazione", "sfruttamento" e "dipendenza", in quanto essi apparterrebbero più al campo, sensibile alle circostanze dei processi storici, dei rapporti politici, che a quelli dell'*ethos*²⁴. Tuttavia, lo si è visto trattando del libro di Fausto, la riflessione su questo aspetto, come anche sui meccanismi che collegano l'ambito della costruzione della parentela a quello della costruzione di gerarchie, si è mossa in direzione diversa, come testimoniato ad esempio dallo sviluppo di ricerche e interpretazioni teoriche riguardanti le caratteristiche delle istituzioni della servitù e schiavitù nell'Amazzonia indigena

(Santos-Granero 2009a), sulle ideologie, presenti in quest'area, della “proprietà” (*ownership*) di beni sia materiali che immateriali, e del loro legame con le idee di “controllo” e “padronanza” (*mastery*) (Santos-Granero, 2009b; Fausto, Brightman, eds. 2015).

Latour e l'ANT

Bruno Latour è giunto a criticare l'universalità non solo dei dualismi tra natura e cultura e tra natura e società, ma tra soggetto e oggetto (ad es. Latour 2014), seguendo un percorso diverso da quello di Descola. La sua iniziale esperienza di osservazione partecipante è stata infatti costituita da un terreno di ricerca empirica – i laboratori in cui si “scoprono”, al contempo “fabbricandoli”, i fatti scientifici – che a prima vista si situa agli antipodi rispetto a quello (gli Achuar della foresta amazzonica, con il loro “animismo”) da cui proviene Descola. Il suo approdo al nesso tra il dualismo soggetto/oggetto e la “costituzione” del mondo moderno è stato da Latour stesso presentato come un’evoluzione, un allargamento, e anche una parziale revisione auto-critica del suo iniziale approccio di “sociologia costruttivista” allo studio dell’attività degli scienziati. Questo ripensamento è testimoniato dalla soppressione di “social” nel titolo della seconda edizione di *Laboratory Life: The Construction of Scientific Facts* (Latour, Woolgar 1986); nella prima, pubblicata nel 1979, si trovava “*Social Construction*”. Il distanziamento di Latour dal “programma forte” di sociologia della conoscenza²⁵ – da cui peraltro egli ha mutuato, sottponendolo a una radicale rielaborazione diretta a mettere in discussione la separazione tra “scienza” e “politica” e tra “questioni di fatto” e “questioni di interesse” (*matters of concern*), il tema del ruolo non determinante che l’appello ai “fatti” ha nello svolgimento e nella risoluzione di controversie “scientifiche” – è stato successivamente sancito dal suo botta e risposta (Latour 1999) con Bloor (1999).

È ben nota la tesi di Latour secondo cui “non siamo stati mai moderni”: questi si sarebbero concepiti come tali per separare l’ambito della natura, di competenza “rappresentativa” della “scienza”, da quello della società, di competenza “rappresentativa” della “politica”, ma si sarebbero comportati in un modo che viola costantemente questo lavoro di “depurazione”, permettendo così la proliferazione esponenziale di assemblaggi “ibridi” di umani e non umani (Latour 1995a). Di fronte agli impasse, tanto conoscitivi quanto politici, a cui ha portato la “Costituzione dei moderni”, è necessario rimescolare le carte, ma per questo è necessario ripen-

sare, oltre che la separazione tra natura e società, il legame sociale stesso, non assumendolo come dato composto da una particolare sostanza (il “sociale”, per l'appunto)²⁶, ma come prodotto dell’assemblaggio di elementi di natura apparentemente eterogenea (di qui la critica della sociologia della scienza, per non problematizzare la società e assumerla come *explanans*). Occorre dunque escogitare nuove procedure di descrizione che permettano la “tracciatura” dei diversi tipi di “reti” composte da “attori” variegati, sia umani che non umani, sia materiali che immateriali. Dall’“associazione” di questi ultimi si possono originare differenti tipi di “collettivi”, ma i modi di ripartirvi “ontologicamente” gli “attori” sono strettamente connessi alle concezioni che essi hanno dei principi “agentivi” che influenzano le loro “traiettorie” di comportamento (Latour 2005). Dal punto di vista dell’analisi dell’azione, l’ANT (*Actor-Network Theory*) consiste nell’adottare un metodo d’indagine conforme a questi assunti; in particolare, la distinzione tra la “soggettività” degli umani e l’“oggettività” dei non-umani va abbandonata a favore di una loro comune considerazione “semiotica” come “attanti” la cui connessione può o meno “fare la differenza” rispetto alla situazione antecedente a questa.

L’agency, termine con cui Latour (ad es. 2005: 49, 70) si riferisce a qualunque cosa che “fa agire” gli “attori”, non solo (come d’altronde è stato abbondantemente evidenziato, a partire da Marx e Freud, nel corso di tutto il Novecento) non è identificabile con la coscienza intenzionale individuale, ma nemmeno con l’influenza di “macrosoggetti” come la “società”, il “capitale”, “le classi sociali”, “i gruppi di parentela”, ecc. Facendo un passo in più di quello compiuto da Gell (1998) con l’introduzione della nozione di “agency distribuita”, Latour sostiene che essa si manifesta quando “qualcosa”, non importa se riconducibile ad un attore umano o non umano, funziona come “mediatore” (e non semplice “intermediario”) nel farlo (o nell’impedirgli di) agire e nell’istituire effetti che in sua assenza non si sarebbero avuti.

Curiosamente, lo studioso francese, mentre insiste sulla necessità di dissociare l’idea di *agency* da quella di “soggetto” (un punto abbastanza assodato, almeno sotto il profilo grammaticale e dell’analisi linguistica, cfr. Duranti 2007), senza per questo farla coincidere con la nozione di “fattore causale”, né contrapporla (come spesso è stato fatto, soprattutto in certe letture della tradizione antropologica statunitense della nozione di “pratica”) al ruolo delle “strutture”, sottolinea l’importanza metodologica non solo del principio chiave “segui gli attori” per tracciare i modi in cui, a partire da elementi non sociali, si assemlano nuove “associazioni” e

si concatenano i mediatori, ma anche di quello di seguire i loro “resoconti” su ciò che li ha fatti agire (Latour 2005).

Per Latour, una conseguenza dell’ANT è la necessità di “ricomposizione ontologica” di un mondo sociale comune, non più immaginato come composto di oggetti e soggetti associati a sfere separate di competenza (la scienza, la tecnologia, la politica); questa ricomposizione è la premessa per una reinvenzione dello spazio della politica, in cui questo non sia più confinato agli umani come unici portatori di interessi legittimi e titolari di potere di deliberazione. Ciò richiede inoltre l’elaborazione di appropriate forme di “diplomazia” nella composizione di “controversie”, in modo da permettere anche ai non-umani di avere “voce in capitolo” nei processi collettivi di presa di decisione.

Molto più di quanto sia successo nel caso della “grammatica delle ontologie” di Descola, l’ANT di Latour, sin dai tempi degli aspri attacchi, sferrati da versanti opposti, di Sokal (Sokal, Bricmont 1999), Bloor (1999) e Bourdieu (2001: 55-66), è stata ripetutamente oggetto di critiche sia “demolitrici” che “costruttive”, nel senso, queste ultime, di accoglierne alcuni aspetti e suggerirne la correzione e l’integrazione mediante l’incrocio con altre prospettive teoriche²⁷. Si deve dare atto allo studioso francese di avere risposto almeno ad alcune di esse, in parte cercando un chiarimento (Latour 1999 in replica a Bloor, 2005, 2006 in risposta a Sokal), in parte modificando le proprie posizioni, come si può notare in alcuni dei lavori più recenti in cui si introducono emendamenti e integrazioni all’ANT, dando più spazio al ruolo che “valori”, “emozioni”, “istituzioni” e specifici assunti ontologici giocano nella costruzione e nel mantenimento di connessioni legate a particolari “modi di esistenza” (ad es. Latour 2013a)²⁸, senza peraltro, come osservato da alcuni dei commentatori più recenti (ad es. Fortun 2014; Kipnis 2015), sconfessare i principi fondamentali del proprio impianto teorico.

Molte delle critiche rivolte a Latour (e agli studiosi direttamente ispirati dall’ANT) riguardano le conseguenze della messa tra parentesi delle differenze tra le forme di *agency* umane e quelle non umane: le prime, è stato obiettato, non sono dissociabili dalle forme sociali e politiche di conferimento di significato e di valore e dalla strutturazione delle posizioni e dei dispositivi di potere; per un’analisi delle seconde è d’altronde impossibile prescindere da una teoria critica dei modi, delle ragioni e delle finalità, di ordine inevitabilmente sociopolitico, in base alle quali gli “attori” umani ne affermano o ne negano la rilevanza, teoria di cui la problematica marxiana del feticismo, una volta rivisitata, fornirebbe un antecedente fondamenta-

le (Graeber 2015; Hornborg 2014; 2015; Martin 2014). A questo proposito, Chris Gregory (2014) ha sostenuto che vi sarebbe una convergenza tra la nota tesi formulata da Appadurai per la prima volta nella sua introduzione del 1986 a *The Social Life of Things* (ora in Appadurai 2014), secondo cui nella creazione di valore associata alle cose bisogna guardare non solo al loro processo di produzione ma anche e soprattutto alla loro “vita sociale” e alla loro *agency* (entrambe da studiare nei loro variabili modi di possesso, uso e consumo), e il modello di analisi, basato sull’introduzione della nozione di “calculative agencies”, delle “leggi del mercato” proposto da Michel Callon (1998), un altro dei più noti esponenti dell’ANT. I punti di convergenza tra la propria posizione e l’ANT sono invero stati riconosciuti da Appadurai, che anzi ha rivendicato il suo ruolo di iniziatore nel proporre un nuovo modo di guardare allo status delle “cose” nell’analisi sociale e culturale. Tuttavia l’antropologo indiano sottolinea (a ragione, secondo il mio avviso) come siano altrettanto rilevanti le differenze tra la sua impostazione e quella di Latour e Callon, la quale finisce per escludere dal proprio impianto teorico, in modo che risulta fatale per le sue ambizioni analitiche, tutto ciò che rende peculiare l’*agency* umana nella costruzione di socialità, come anche la rilevanza costitutiva dei “contesti” dal punto di vista delle logiche che portano all’istituzione di reti (Appadurai 2014: 352-356, cfr. Appadurai 2015, 2016). La mancata considerazione, da parte di Latour e Callon, di come la definizione dei contesti intervenga in quella del campo di ricerca è stata rilevata anche da Anna Tsing (2010) in un divertente articolo, in cui, sotto questo e altri profili, l’ANT è contrapposta alla riflessione di Marilyn Strathern sulle relazioni tra “parte” e “tutto”.

Molte delle critiche rivolte a Latour convergono anche nello stabilire un nesso tra questi limiti dell’ANT e: una definizione riduttiva della modernità; un’impostazione di analisi e di ricerca che tende a espungere dall’una e dagli altri gli aspetti conflittuali, gli elementi di asimmetria strutturale come anche quelli distruttivi e destrutturanti, connessi all’istituzione di nuove reti; infine, una con-discendenza, in termini di presupposti, con la logica politica del capitalismo liberale e neolibrale. Quest’ultima, come si vedrà, è in effetti stata spesso imputata non solo a Latour e all’ANT ma ad altri filoni spesso associati all’ontological turn. Come notato da Pellizzoni (2015; cfr. Fortun 2014), “con-discendenza” non vuol dire che le posizioni teoriche comuni a molti indirizzi (come l’ANT, l’antropologia filosofica di Viveiros de Castro, il “nuovo materialismo”) in genere ricondotti alla “svolta ontologica” si presentino necessariamente

ed esplicitamente come legittimazione o supporto al pensiero e alle pratiche neoliberali, quanto piuttosto che si trovino spesso in un rapporto di “ontologia” con i principi che configurano “l’ontologia” implicita del neoliberalismo, con cui condividono, in senso foucaultiano, diverse problematiche di discorso, come anche l’invisibilizzazione degli stessi ambiti dell’odierna situazione sociopolitica.

Secondo Pellizzoni, gli aspetti comuni a questi indirizzi includono in particolare la tendenza a risolvere le questioni epistemologiche in ontologiche e a rendere incerte e provvisorie le distinzioni tra materia, vita e informazione, tra esistenza e pratiche, tra forme di *agency* umane e non umane; l’accento sulle potenzialmente illimitate possibilità per il pensiero e l’azione aperte dal carattere intrinsecamente indeterminato del reale; la molteplicità non unitaria e per questo continuamente ripensabile, decentrabile e adattabile sia del reale che dei soggetti umani, spesso connessa alla tesi di una “resilienza” (cfr. Simon, Randalls 2016) propria ad entrambi, ambiguumamente rappresentata come qualcosa di cui si è “naturalmente” dotati ma che al contempo dev’essere “coltivata” attraverso un’appropriata educazione. Tutti questi aspetti si possono oggettivamente accordare con:

la razionalità neolibrale di governo. [...] L’associazione si rafforza se si riflette sul fatto che, se l’indeterminazione è il filo rosso della visione emergente della natura e dell’*agency* umana, l’insicurezza è il filo semantico delle società neoliberizzate. [...] Il composto natura-società è essenzialmente impredicibile; i limiti della conoscenza sono permanenti e non contingenti, da ciò deriva che nessuna pianificazione appropriata è possibile. In ogni caso, questo non costituisce un problema, dal momento che l’agente umano adotta un’attitudine propositiva nei confronti della contingenza, in quanto [...] è in grado di applicare una logica “sia/sia”, in cui la distinzione tra incertezza epistemologica e indeterminazione ontologica perde significato, e poiché il mercato, come meccanismo cieco di coordinazione, assicura ex-post la sensatezza complessiva delle scelte (2015: 65-66, corsivi dell’autore).

I rapporti tra ontologia e politica per Descola e Latour

La questione di come si configuri la dimensione politica (ed etica) negli approcci teorici di Descola e Latour, tanto sotto il profilo della sua inclusione nei loro apparati concettuali, quanto sotto quello dei loro *a priori* e delle loro implicazioni, è com-

plessa e, come si è anticipato, controversa, anche perché il lettore si sarà già reso conto che tra le loro prospettive esistono significative differenze d’impostazione. Queste differenze diventano a volte divergenze di linguaggio teorico, di priorità d’indagine, di riferimenti filosofici privilegiati, di stile dell’esposizione e di atteggiamento verso le teorie e la ricerca in corso in altri campi del sapere. Oltre a quelle che sussistono tra Descola e Latour, bisogna considerare quelle, altrettanto vistose, che esistono tra gli approcci di questi due studiosi (e in particolare di Descola) e, come si vedrà in seguito, quello di Viveiros de Castro. Di ciò offrono abbondante testimonianza le occasioni di confronto diretto o i commenti sulle rispettive posizioni contenute nei lavori dei tre. L’apparato concettuale di Descola, con la sua distinzione tra modi di identificazione (considerati i “mattoni” delle possibili combinazioni ontologiche) e modi di relazione (che specificano gli *ethos* a loro associati), la sua insistenza per un punto di equilibrio tra la tesi di un primato ontologico dei “termini” e quella di un primato ontologico delle “relazioni” (2014a: 134), il suo stesso obiettivo stesso di costruire una tipologia strutturale delle “ontologie”, confliggono fortemente con il “relazionalismo” e i concetti, mutuati da Deleuze, di “molteplicità” e di differenza originaria su cui Viveiros de Castro fonda il proprio impianto teorico: le critiche rivolte da quest’ultimo (Viveiros de Castro 2009: 47-51) al “sostanzialismo” dei modelli presentati in *Oltre natura e cultura* sono state esplicite a questo riguardo. Anche se in modo più implicito, Descola (ad es. 2014a: 156-160) ha d’altronde più volte espresso riserve di fronte al rifiuto da parte dell’antropologo brasiliano della possibilità di avviare un confronto costruttivo con la ricerca in scienze cognitive (o almeno, come ha fatto l’antropologo francese, con alcuni dei suoi filoni più eterodossi, cfr. Breda 2014: 12-13), e ha insistito sulle rispettive differenze nel modo di intendere il rapporto di retroalimentazione tra elaborazione teorica e indagine etnografica. Una connessione teorica tra i descoliani “schemi della pratica” e i “modi di esistenza” latouriani appare problematica (ma si veda Salmon, Charbonnier 2014) e, al di là delle dichiarazioni di simpatia e di affinità per i rispettivi programmi teorici e politici che Latour (ad es. 2009) e Viveiros de Castro (ad es. 2016) si sono ripetutamente rivolti, i loro approcci restano per diversi aspetti difficilmente assimilabili²⁹.

Come si è visto, nella teoria di Descola delle possibili ontologie, cosmologie ed *ethos*, la dimensione politica tende da una parte ad assumere la parte delle “condizioni di contorno” associate (anche in questo caso continuando la visione lévi-straussiana) all’imponderabilità del divenire storico, dall’altra a

essere considerata una sorta di epifenomeno strutturale della combinazione tra un modo di identificazione dominante e altri modi di schematizzazione dell'esperienza, tra cui in prima istanza i "modi di relazione". I legami tra "composizione ontologica" e processualità politica si evidenziano in questo senso soprattutto nella definizione dei "collettivi" configurata dalla dominanza di un modo di identificazione, e nell'influenza che l'esposizione a nuove forme di dominazione politica può giocare, attraverso l'intermediazione dei modi di relazione, sul cambiamento dell'ontologia dominante. La gamma di ontologie possibili, siano esse il risultato della dominanza di un modo di identificazione o della compresenza di alcuni di essi, è in sé tuttavia determinata dai principi di strutturazione dell'esperienza postulati dal modello teorico, ed è quindi politicamente "neutrale" (tranne, come detto, per la definizione dei collettivi").

Ciò, come ha ribadito Descola (2014e) in occasione della sua replica a Sahlins (2014b), vale anche per le ontologie analogiste: anche se la costruzione di gerarchie tra gli "esistenti" è una sorta di loro correlato strutturale, esse infatti possono essere associate a forme di organizzazione politica molto differenti, come evidenzierebbe, per esempio, l'accostamento tra il caso della Cina antica e quello della Grecia antica, o quello tra l'impero Inca e i Chipaya contemporanei. Da questo punto di vista, non sorprende nemmeno che la sua critica al "naturalismo moderno" riguardi soprattutto le conseguenze politiche che, sotto il profilo delle gerarchie di valore attribuite agli "esistenti", *possono* essere derivate, in presenza della sua particolare "genealogia" nell'Europa moderna, dalla delimitazione dei "collettivi" cui esso condurrebbe e, specialmente, dal suo "antropocentrismo", senza che peraltro egli si spinga ad affermare che il modo di identificazione naturalista (e forse, chissà, anche l'oggi da tutti vituperato soggetto cartesiano, si veda Žižek 2003) sia in sé connesso, più degli altri, all'istituzione di "effetti di potere" e rapporti di dominazione.

Questa posizione è stata oggetto di diverse critiche. Feuchtwang (2014) e Kapferer (2014) hanno osservato che non si può non porre la questione del perché vi sia una costante correlazione, da un lato, tra ontologie animiste o totemiche e forme di organizzazione politica poco o per nulla gerarchizzate e, dall'altro, tra ontologie analogiste o naturaliste e sviluppo di organizzazioni politiche gerarchizzate. Hornborg (2015) pone a questo proposito la questione dei rapporti tra l'ontologia animista dei gruppi Campa del Perù, e l'ontologia analogista dei vicini gruppi andini (storicamente più esposti, sin dall'epoca precoloniale, a forme di organizzazione statuale o imperiale) entrambe esaminate da Descola

in *Oltre natura e cultura*.

Per molti versi, la visione di Latour dei rapporti tra configurazioni ontologiche e processi politici procede in senso opposto: la politica, come prima si è visto, è definita come l'arte di "comporre mondi comuni" e dunque "ontologie", mediante un riesame dell'insieme di "controversie" associabili a diverse "metafisiche empiriche", che vanno tuttavia assunte come vere e proprie "ontologie":

Le metafisiche empiriche sono ciò a cui indirizzano le controversie sulle *agencies*, dal momento che esse popolano incessantemente il mondo di nuovi impulsi, e, sempre incessantemente, contestano l'esistenza delle altre. La questione diviene dunque quella di come esplorare la metafisica propria degli attori [...] Certamente, questo richiede [...] un approfondimento dei conflitti sulle metafisiche empiriche. [...] Passare dalla metafisica all'ontologia equivale a sollevare di nuovo la questione di che cosa il mondo *reale* sia veramente. Fin quando restiamo nell'ambito della metafisica, vi è sempre il rischio che il dispiegamento dei mondi degli attori rimanga *troppo semplice*, perché essi possono essere considerati altrettante *rappresentazioni* di che cosa il mondo, al singolare, sia. [...] Le controversie sulle ontologie si rivelano altrettanto interessanti e controverse (*sic!*) di quelle sulle metafisiche, eccetto per il fatto che la *questione della verità* (che cosa sia realmente il mondo) *non può essere ignorata* [...]. Infine, dovremo prestare attenzione alle procedure per mezzo delle quali la molteplicità della realtà – la metafisica – può essere distinta dalla sua progressiva unificazione – l'ontologia» (Latour 2005: 50-51, 87, 117-8, 120, corsivi dell'autore).

Per Latour, la politica moderna si è basata sulla separazione "ontologica" tra ciò che essa definisce come sua sfera di competenza, ossia le relazioni tra i soggetti (umani), le loro azioni e i loro interessi e preoccupazioni (*concerns*) disputabili e "controvertibili", e ciò che è fatto rientrare nella sfera di competenza della scienza, che include gli oggetti e le questioni di "fatto", indubbiamente per loro "natura". Ma oggi, di fronte agli effetti drammatici della proliferazione delle "associazioni" di umani e non umani e a quello che per Latour è il problema chiave da affrontare per garantire una loro futura convivenza sul pianeta, sintetizzabile nell'alternativa "modernizzare o ecologizzare?" (Latour 1995b, 2013: 8-10), è necessario elaborare un diverso modo di "assemblare" e "comporre" queste eterogenee associazioni all'interno di un "nuovo mondo comune"³⁰: in questo sta la "scommessa" dell'ANT, e la sua "rilevanza" per un nuovo progetto di politi-

ca (Latour 2005, in particolare la conclusione: 247-263). L'attività di ricomposizione del mondo comune è politica perché implica deliberazioni (una volta che si sia fatto tutto il possibile per “portare alla luce, discutere e comporre le controversie”) nei modi di ricondurre ad unità l’eterogeneità delle associazioni, deliberazioni che spesso comportano l’invenzione di nuove “connessioni” possibili, facendo la differenza in «un mondo fatto di differenze» (*ibidem*: 253)³¹.

Al di là delle differenze intercorrenti tra Descola e Latour anche a questo riguardo, è importante comprendere, come nota Nadia Breda (2014: 16-22), una motivazione di fondo che li accomuna entrambi. In termini di “messaggio” politico e di “critica”, entrambi ritengono infatti che l’apporto della loro teoria risieda innanzitutto nelle conseguenze, sul piano di ciò che implica la “convivenza” sul pianeta e di un nuovo progetto di “ecologia politica”, del ripensamento della natura dei “collettivi”. Il punto su cui entrambi insistono è la messa in discussione delle distinzioni ontologiche tra umano e non umano corrispondenti ai dualismi natura/cultura e società che hanno accompagnato la “composizione” del “mondo comune”, dei “collettivi” moderni e dello stesso lessico dell’azione politica. Il modo di tracciare queste distinzioni ha infatti portato a riservare solo agli esseri umani una rilevanza nella delimitazione del campo politico, a sua volta separato dalla sfera di competenza dell’attività e della conoscenza “scientifiche”, con la conseguenza che, quando nella teoria e nella pratica politica si affrontano le questioni del potere, dello sfruttamento, dei rapporti di dominazione, della partecipazione, della rappresentanza, della legittimazione e dei meccanismi di mediazione e di presa di decisione si considera solo il coinvolgimento degli esseri umani, escludendo che nel caso dei non-umani tali questioni abbiano una rilevanza propriamente politica (e nel migliore dei casi ammettendo solo che esse riguardino il terreno dell’etica e del diritto) (Descola 2014d: 279-355; cfr. Latour 2000, 2011, 2013, 2015; Latour, Weibel 2005; Stengers 2005).

Questo ragionamento porta all’importante conclusione che l’intero campo delle questioni politiche debba essere ripensato, così come è successo quando tali questioni sono state riarticolate alla luce del pensiero e della pratica politica del femminismo. Il punto è: in che modo? Anche qui l’analogia con ciò che è successo con l’articolazione del femminismo nello spazio del politico e della politica sembra appropriata, perché essa ha evidenziato determinate esclusioni e limiti, ma allo stesso tempo anche che non è possibile fare *tabula rasa* di altri aspetti e componenti in gioco in tale spazio. Nel caso di Descola (meno, come argomenterò in

altra sede, in quello di Latour) il “messaggio” politico derivabile dalla sua teoria non sembra negare a priori la necessità di affrontare altre dimensioni del politico e del potere (altra questione è se, sia per come è costruito il suo apparato teorico-concettuale, sia per come è stato finora applicato a casi di studio storicamente concreti, finisce per trascurarle), ma ambisce ad aggiungersi alle esperienze e alle riflessioni correnti su “altri mondi che sono possibili” rispetto a quello della *realpolitik*, del “pensiero unico”, e della loro rappresentazione del “reale” (o “ontologia politica”), rivolgendosi in primo luogo, oltre che al “pubblico” (una nozione su cui Latour, ad es. 2005: 162-170, torna spesso per argomentare la sua idea di politica) degli antropologi e dei ricercatori di STS, al variegato e composito (per competenze e orientamenti) mondo dell’ambientalismo contemporaneo.

Viveiros de Castro: il “prospettivismo amerindiano” e la critica della metafisica “occidentale”.

La valenza politica delle proprie posizioni è stata nel corso degli ultimi quindici anni rivendicata in modo sempre più insistente da Viveiros de Castro. Come è noto, a partire dalla seconda metà degli anni Novanta, in concomitanza con la sua esperienza di *visiting fellow* nel Dipartimento di Antropologia Sociale dell’Università di Cambridge, l’antropologo brasiliano ha proposto, in diversi testi, pubblicati in questo periodo o successivamente (ad es. Viveiros de Castro 1998, 2014 [1998], 2015) il concetto di “prospettivismo amerindiano” e quello, strettamente correlato di “multinaturalismo”, destinati nel ventennio successivo ad avere un forte impatto tra gli antropologi, ben al di là dell’ambito dell’etnologia amazzonica³².

Viveiros de Castro ha chiamato “prospettivismo amerindiano” la «concezione comune a molti popoli del continente, secondo cui il mondo è abitato da diversi tipi di soggetti o persone, umani e non umani, che percepiscono la realtà da punti di vista differenti» (2014a: 20, traduzione leggermente modificata). Questa concezione emerge

nei molti riferimenti, nell’etnografia amazzonica, a una teoria indigena secondo cui il modo in cui gli umani percepiscono gli animali e le altre soggettività che abitano il mondo – divinità, spiriti, morti, abitanti di altri livelli cosmici, fenomeni meteorologici, piante, occasionalmente anche oggetti e artefatti – differisce profondamente dal modo in cui questi esseri *li* vedono e *si* vedono. Di solito, in condizioni normali, gli umani vedono gli umani come umani, gli animali come animali e

gli spiriti (se li vedono) come spiriti. Tuttavia, gli animali (predatori) e gli spiriti vedono gli umani come animali (come prede), nella stessa misura in cui gli animali (come prede) vedono gli umani come spiriti o come animali (predatori). Al contrario, animali e spiriti si vedono come umani: percepiscono se stessi come (o diventano) esseri antropomorfi. [...] In breve gli animali sono gente, o vedono se stessi come persone (*ibidem*: 21-22, traduzione leggermente modificata).

Come si evince da questa citazione, sia il prospettivismo che il multinaturalismo sono strettamente correlati a una “metafisica della predazione” (Viveiros de Castro 2009: 13), in cui il “soggetto” e l’“oggetto” del punto di vista occupano rispettivamente le posizioni di predatore e preda o posizioni comunque riconducibili a questo tipo di relazioni. La concezione prospettivista non è inoltre riducibile né all’ordine della metafora, né all’idea di relativismo delle rappresentazioni o visioni del mondo. Quest’ultima si basa infatti su una cosmologia “multiculturalista”: la “natura” del reale è fondamentalmente una sola, ma viene rappresentata in modo diverso da culture diverse. Per la cosmologia moderna la natura rappresenta dunque il polo dell’universale e la cultura quello del particolare: tutti i corpi, umani o non umani, condividono oggettivamente un’unica natura, una stessa materialità sostanziale, mentre le culture sono molte e ciò deriva dal fatto che negli uomini lo sviluppo dell’attività mentale e “spirituale”, si è associato a quello della significazione. Le cosmologie amerindiane possono essere invece considerate “multinaturaliste” perché

il punto di vista è situato nel corpo [...]; se la Cultura è la natura del Soggetto, allora la Natura è la forma dell’Altro come corpo, cioè come oggetto per un soggetto [...]: lo spirito o anima (qui non una sostanza immateriale, ma una forma riflessiva) integra, mentre il corpo (non un organismo materiale, ma un sistema di affezioni attive) differenzia (Viveiros de Castro 2014: 38, 39, 41 corsivi dell’autore).

Per ciò che riguarda in particolare gli animali, quest’orientamento trova espressione nell’idea che l’apparenza corporea propria di ogni specie sia una sorta di “invólucro” e di “indumento” dietro alla quale si cela una forma interiore umana: «un’intenzionalità o una soggettività formalmente identica alla coscienza umana» (*ibidem*: 22). Inoltre, il prospettivismo appare coerente con le narrazioni mitiche di molte popolazioni amerindiane, in cui si racconta come all’origine vigesse una condizione di indifferenziazione – che, per Viveiros de Castro,

deve essere intesa in realtà nel senso di una virtualità infinita di differenze – tra uomini e animali, e di come successivamente essa abbia lasciato il posto alla distinzione tra i primi e i secondi:

La comune condizione originaria, tanto degli umani quanto degli animali, non è l’animalità ma l’umanità. La grande separazione mitica rivela non tanto la cultura che si distingue dalla natura, quanto al contrario la natura che si allontana dalla cultura: i miti raccontano di come gli animali abbiano perso le qualità ereditate o conservate dagli umani. Gli umani sono rimasti identici a se stessi: gli animali sono ex-umani, non gli umani ex-animali (*ibidem*: 24-25, corsivo dell’autore).

Per comprendere come un’ontologia prospettivista implichi non solo l’idea che gli animali si possano vedere come persone, ma anche quella che essi non vedono gli esseri umani come tali, ma come spiriti predatori, Viveiros de Castro propone una rilettura di un aspetto che a prima vista sembrerebbe porsi in netto contrasto con la tendenza di molte società amerindiane ad attribuire caratteristiche di umanità a diverse componenti del mondo umano: l’auto-designazione del proprio gruppo con termini che in genere sono stati tradotti con “la gente”, “i veri uomini” e che vengono riservati solo per sé e non per gli altri gruppi, i quali vengono designati con termini che assumono invece connotazioni di significato generalmente negativo. Come è noto, ciò è stato interpretato da Lévi-Strauss (2002 [1952]) come un’espressione dell’universalità dell’atteggiamento etnocentrico: ad essere “veramente umani” siamo solo “noi” e non gli “altri”. Per l’antropologo brasiliano, questo paradosso cessa di essere tale se invece di considerare le autodesignazioni collettive come “sostanziali” le si considera pronomi che individuano in modo deittico la posizione di soggetto di chi enuncia un punto di vista: esse non significano tanto “membri della specie umana”, quanto piuttosto “noi” e, d’acordo con la celebre discussione di Benveniste (2010 [1966]), chi si enuncia “in prima persona” viene a occupare la posizione di soggetto dell’enunciazione. Correlativamente, gli etnonimi impiegati per designare gli altri gruppi andrebbero interpretati come tendenti alla loro “oggettivazione”; essi possono essere assimilati ai pronomi di terza persona (“essi”, “loro”).

Per Viveiros de Castro, nel “prospettivismo amerindiano” i rapporti tra “anima” e “corpo”, “umanità” e “animalità”, “soggetto” e “oggetto”, “natura” e “cultura”, si configurano nello stesso modo:

Dire, quindi, che gli animali e gli spiriti sono gente

è dire che essi sono persone ed è attribuire ai non-umani la capacità di intenzionalità consapevole e di azione che definisce la posizione di soggetto. Tali capacità vengono oggettivate come “anima”, o “spirito”, di cui questi non-umani sono dotati. Tutto ciò che possiede un’anima è un soggetto e tutto ciò che ha un’anima è capace di adottare un punto di vista. Le “anime” amerindie, siano esse umani o animali, sono perciò categorie prospettiche, deittici cosmologici. [...] Se, come abbiamo osservato, la condizione comune di umani e animali è l’umanità e non l’animalità, è perché “umanità” è il nome per la forma generale del Soggetto (*ibidem*: 35,37).

Il prospettivismo si associa quindi a un’ontologia che riguarda più il piano delle relazioni e dei punti di vista che quello delle sostanze e delle essenze. Dalla reinterpretazione in questo senso non solo delle opposizioni tra natura e cultura e tra umano e non umano, ma anche di quelle tra materia e forma, tra rappresentazione e pratica, tra oggetto e soggetto, tra essenza e apparenza e tra immanenza e trascendenza, Viveiros de Castro propone di ripensare anche i concetti di anima, spirito e corpo e dunque la stessa nozione di animismo.

Nello stesso modo va interpretata l’ontologia degli “spiriti”, ossia di «un terzo tipo di esseri intenzionali che esistono nelle cosmologie indigene e che non sono né umani né animali» (*ibidem*: 48). Queste entità sono state ascritte dall’antropologia tradizionale all’ordine del “soprannaturale” che Viveiros de Castro, continuando il parallelo con l’interpretazione di Benveniste dei pronomi personali colloca «tra l’“io” riflessivo della cultura (il generatore dei concetti di anima e di spirito) e l’“esso impersonale” della natura (marcatore della relazione con l’alterità somatica)» (*ibidem*). Nel “mondo amerindio”, la tipica situazione in cui il “soprannaturale” è considerato fare irruzione nella vita degli uomini è costituita dall’incontro, in un luogo scarsamente “antropizzato”, con un essere che a prima vista presenta un’apparenza umana o animale, ma successivamente si rivela uno spirito o il fantasma di un morto. Questi incontri risultano letali per l’uomo che cede alle richieste di “interlocuzione” dello spirito, poiché ciò equivale a “passare dal suo lato”, diventando come lui e quindi cessando di vivere come essere umano:

la Sovranatura è la forma dell’Altro come Soggetto, che implica un’oggettivazione dell’io umano come un “tu” per questo Altro. [...] Colui che risponde al “tu” pronunciato da un non-umano accetta di essere la sua “seconda persona” e, quando assume a sua volta la posizione dell’“Io, lo fa già come non-umano (*ibidem*: 49, corsivo

dell’autore).

Alla luce dei suoi scritti posteriori, con la sua teoria del “prospettivismo amerindiano”, Viveiros de Castro ha inteso presentare, ancor più che un’interpretazione generale delle cosmologie dell’Amazzonia indigena, una critica dei principi che in *Méta physiques cannibales*, ispirandosi alla filosofia di Deleuze, egli considera insiti nella metafisica occidentale, «*fons et origo* di tutti i colonialismi» (Viveiros de Castro 2009: 9). Secondo l’antropologo brasiliano, essa sarebbe caratterizzata da un’inclinazione a pensare i rapporti con l’alterità in termini, “narcisisti”, di “grandi divisioni”, in cui quest’ultima è valutata rispetto agli attributi e ai criteri distintivi che definiscono “noi occidentali” (la razionalità, l’individualismo, ecc.).

Questa inclinazione si sarebbe radicalizzata con l’avvento dell’Età Moderna, portando da allora il pensiero filosofico, con le sue derivazioni in tutte le discipline contemporanee, tra cui l’antropologia, che ambiscono allo status di “scienza”, a contrapporre il concetto di un mondo “naturale” unico al “multiculturalismo” delle sue rappresentazioni. Sotto questo profilo, il pensiero amerindiano - che Viveiros de Castro assimila a una filosofia “virtuale” che si muove nella stessa direzione di quella deleuziana - si situerebbe agli antipodi di questa contrapposizione concettuale, potendosi in esso rintracciare il concetto di un “relazionismo universale” (Viveiros de Castro 2015: 24) e di un “multinaturalismo” ontologico, in cui l’intrinseca “moltiplicità” del mondo è “attualizzata” in funzione dei punti di vista attivati in una relazione con l’alterità (almeno nell’Amazzonia indigena tendenzialmente asimmetrica, perché associata a una “metafisica della predazione”)³³. Il “prospettivismo amerindiano” va dunque considerato, oltre che un tentativo di “prendere sul serio” le asserzioni dei nativi (il che non vuol dire “credere” in esse o spiegare perché, in fondo, sono “razionali”, ma “espliarle” come espressioni di immaginazione concettuale di “mondi possibili”, *ibidem*: 31-37, 80-85) conducendo un “esperimento di pensiero” che rientra nel “gioco linguistico” dell’antropologia (*ibidem*: 6-17), uno sviluppo del suo versante critico diretto a produrre teorie che siano «versioni delle pratiche di conoscenza indigena [che] si situano [...] in una stretta continuità strutturale con le pragmatiche intellettuali dei collettivi che si trovano storicamente in “posizione d’oggetto” nei confronti della disciplina» (Viveiros de Castro 2009: 6).

L’antropologia deve pertanto oggi assumere

la sua nuova missione, che è quella di essere una teoria-pratica della decolonizzazione permanente del pensiero [... in cui] la descrizione delle condi-

zioni di autodeterminazione ontologica dei collettivi studiati prevalga del tutto sulla riduzione del pensiero umano (e non umano) a un dispositivo di riconoscimento: classificazione, predicazione, giudizio, rappresentazione (*ibidem*: 4,7).

Da questa posizione deriva il rifiuto, che Viveiros de Castro condivide con Descola e Latour, di equiparare i modi di concepire il mondo a *worldviews*, se con questo termine ci si riferisce a “rappresentazioni” di una “natura” in sé data, della quale solo le conoscenze della “scienza moderna” fornirebbero un’immagine “realmente” attendibile³⁴. Questa equiparazione (a cui apparrebbe il periodico ripresentarsi in antropologia dei dibattiti sulla commensurabilità delle pratiche di pensiero e di conoscenza degli “altri” con gli standard di razionalità delle scienze moderne), e l’impostazione dei rapporti tra questioni epistemologiche e questioni ontologiche che ne deriva, sarebbero responsabili del crescente impoverimento del pensiero moderno sul piano della riflessione ontologica e politica (Viveiros de Castro 2015: 292-294).

La “politica dell’ontologia” e i suoi critici

Il *position paper* preparato da Viveiros de Castro, Holbraad, Pedersen (2014) come testo di base per la discussione nel panel su “The Politics of the Ontology” organizzato da essi stessi in occasione del congresso dell’AAA del 2013, ha voluto, sin dal titolo, ribadire e precisare queste posizioni. Esso è da considerarsi una replica indiretta alle aspre critiche rivolte da Alcida Ramos (2012) alla “politica del prospettivismo”.

Anche lei brasiliiana e molto nota non solo per le sue ricerche etnografiche sugli Yanomami e il suo impegno in difesa dei diritti territoriali di questa e di altri gruppi indigeni ma anche per la sua critica delle rappresentazioni stereotipate degli indigeni nella società e in parte dell’etnologia brasiliana (1995, 1998), Ramos è andata al di là dei rilievi critici che altri specialisti di etnologia indigena dell’America meridionale (ad es. Course 2010; Karadimas 2012; Rival 2005; Santos-Granero 2014 [2012]; Turner 2009) hanno mosso alla teoria “prospettivista” di Viveiros de Castro. Questi rilievi riguardano l’uso “parziale” della letteratura etnografica, che tenderebbe a prelevare, sovrainterpretandole, le asserzioni degli indigeni astraendole dal loro contesto di senso più ampio, con l’effetto di ridurre la complessità e le particolarità di ogni particolare cosmologia indigena; inoltre Viveiros de Castro costruirebbe, per istituire una contrapposizione con il “prospettivismo amerindiano”, una rappresentazione analogamente “essenzializzante”

del pensiero moderno³⁵. Oltre a fare proprie queste critiche, Ramos ha sostenuto che la teoria “prospettivista” veicolerebbe una rappresentazione totalmente astratta, storicamente e politicamente, dalle drammatiche condizioni di contatto “inter-etnico”, di discriminazione, dominazione e di spoliazione degli spazi di autonomia territoriale, economica e culturale vissute oggi, come in passato, non solo in Amazzonia, da molte popolazioni indigene (cfr. Bessire 2014; Starn 2011). Essa rischierebbe anzi, per il suo accento su concetti come “metafisica della predazione”, “cogito cannibale” e simili, di portare acqua al mulino di chi vuole delegittimare, in nome di “civiltà, modernità e sviluppo”, le lotte attuali per difendere quegli spazi che queste sono riuscite a mantenere e per recuperare quelli sottratti nel corso di secoli di dominazione coloniale e neocoloniale. Più in generale, l’accento unilaterale sulla “alterità radicale” come base del progetto di una “antropologia come ontologia” (Viveiros de Castro, Holbraad, Pedersen 2014) si può prestare a strumentalizzazioni politiche di tipo conservatore o reazionario, così come verificatosi con l’idea dell’incommensurabilità delle culture, negli ultimi decenni tirata più volte in ballo per sostenere forme di apartheid per tutti coloro che sono considerati “portatori” di una cultura diversa dalla propria e per negare la possibilità di forme di convivenza, dialogo e vita politica comune tra “noi” e “loro”³⁶. Infine, secondo Ramos, quello di Viveiros de Castro sarebbe un ulteriore esempio di “ventriloquismo” antropologico, oggi reso ancora più inattuale e controverso dal ruolo crescente degli “intellettuali indigeni” presenti sia sulla scena accademica che su quella politica in entrambe le quali espongono i propri punti di vista su questi temi, rivendicando una posizione di parità con gli altri interlocutori.

Si deve dare atto a Viveiros de Castro di avere preventivamente messo in conto (*excusatio non petit accusatio manifesta?*) nelle sue *Cambridge Lectures* del 1998 (pubblicate solo nel 2012, ora in Viveiros de Castro 2015), molte di queste accuse. Rispetto alla riproposizione dell’idea di un “Great divide” tra “the West and the Rest”, essenzializzando entrambi, egli argomenta che:

vi sono vistose differenze tra la nostra moderna ontologia ufficiale ed egemonica — un precipitato delle riforme (ossia epistemologizzazioni) cartesiane, lockiane e kantiane delle ontologie precedenti — e le cosmologie di molti popoli “tradizionali”, come quelli con cui ho più familiarità: gli indiani amazzonici. [...] Devo dire, a mia difesa, che la decisione di concentrarmi su alcune similarità interne (ma non esclusive) al campo amerindiano e su un contrasto complessivo con

l'Occidente moderno è soprattutto una questione di scelta del livello di generalità; non ha nessun valore “essenzialista” (2015: 211).

Inoltre, il suo uso di “amerindiano” andrebbe considerato una “sineddoche”, in quanto egli riconosce che la sua teoria sul carattere “prospettivista” delle cosmologie indigene delle Americhe si basa in effetti su un numero limitato di “culture native” appartenenti a due aree circoscritte: l’Amazzonia occidentale e le regioni più settentrionali dell’America del Nord. Ci sarebbe allora da parte degli antropologi, noto a margine, da avanzare pesanti perplessità riguardo alla legittimità scientifica ed intellettuale dell’uso di questo termine per avanzare un argomento teorico che al contempo cerca un supporto empirico nella citazione di brani etnografici: la storia dell’antropologia è abbondantemente segnata dal carattere equivoco e profondamente dannoso sia per la ricerca teorica che per quella etnografica di questo tipo di operazioni che pretendono di definire un minimo comun denominatore di un’“area culturale” che al contempo ne contrassegnerebbe la specificità; si pensi alle vicende, per limitarsi a pochi tra tanti esempi possibili, dell’onore “mediterraneo”, del tribalismo “africano”, del dispotismo “asiatico” (e della razionalità “europea”)

In ogni caso Viveiros de Castro si dichiara consapevole della «reificazione, astrazione e generalizzazione» implicate nel suo discorso, ma ne rivendica la legittimità rispetto al proprio intento che è, come già detto, quello di condurre un “esperimento di pensiero” volto non solo a evidenziare l’“ontologia virtuale” (perché “infra-filosofica” e di carattere “pratico” e “non proposizionale”) dei pensieri “nativi”, ma anche il loro delineare, in questo analogamente ai concetti filosofici di Cartesio e Kant, particolari “forme di vita” (*ibidem*: 212-216).

Tuttavia, sia la critica di Ramos che, come si vedrà, quella di Graeber, non riguardano tanto questi punti, quanto l’assolutizzazione univoca ed esclusiva dell’alterità del “nativo” e, inoltre, la tendenza di Viveiros de Castro a impiegare reiteratamente nella sua produzione testuale “tattiche” argumentative di questo tipo, oscillando in modo ambiguo fra la rivendicazione della rilevanza dei propri enunciati per una politica dell’ontologia (ovvero per un’antropologia “come ontologia”) e un atteggiamento di *understatement*.

Nel *position paper* scritto con Holbraad e Pedersen, Viveiros de Castro ha replicato che non è sul piano degli schieramenti a favore o contro la difesa dei diritti territoriali indigeni che si può valutare, da un punto di vista antropologico, la “politica del prospettivismo”: «non vi è bisogno di molta antropologia per unirsi alla lotta contro la dominazione

politica e lo sfruttamento economico dei popoli indigeni nel mondo»; l’incontro tra “ontologia” e “politica” diventa possibile se la prima è vista non come un pensiero di “come sono le cose”, ma come «molteplicità delle forme di esistenza poste in atto in pratiche concrete», e la seconda come «esplicitazione di questa molteplicità di potenziali per come le cose potrebbero essere». I tre antropologi aggiungono, richiamandosi a Deleuze, che «pensare è differire» e che «differire in sé è un atto politico», ribadendo che la natura politica dell’antropologia risiede nel cogliere il carattere costitutivo e dinamico della differenza immanente alle “cose”, e nel sottoporre a trasformazione, alla luce di questo riconoscimento, i concetti (e il “mondo”) dell’antropologo (cfr. Holbraad 2013; 2014). Essi concludono affermando:

Questa è un’antropologia costituzionalmente anti-autoritaria, che mira a generare punti di vantaggio alternativi dai quali le forme consolidate di pensiero sono messe incessantemente sotto pressione, e forse cambiate, dall’alterità stessa. Si potrebbe considerare rivoluzionaria questa impresa intellettuale, se intendiamo una rivoluzione che sia “permanente” nel senso prima proposto: la politica di sostenere indefinitamente il possibile, il “potrebbe essere” (Viveiros de Castro, Holbraad, Pedersen 2014).

Se si dovesse giudicare in base alla lista dei nomi di coloro che hanno partecipato al panel del congresso dell’AAA, dai distinguo operati da alcuni stessi degli intervenuti (ad esempio Kohn, Povinelli, Candeia) rispetto alle tesi del *position paper*, e dai commenti pubblicati successivamente sul sito web di “Cultural Anthropology”, gli argomenti in essi avanzati da Viveiros de Castro, Holbraad e Pedersen non hanno suscitato una vasta adesione tra gli antropologi, tra cui continua al contrario a prevalere un atteggiamento di critica verso il tipo di nesso esistente tra la “svolta ontologica”, per come teoricamente prospettata da Viveiros de Castro e dai suoi seguaci, e le conseguenze politiche che se ne possono trarre³⁷.

Dopo il panel su “The Politics of Ontology”, nella sua *Strathern Lecture* tenuta a Cambridge nel 2014, l’antropologo brasiliano è tornato a sottolineare la valenza eminentemente politica del proprio progetto, insistendo sulla propria convergenza con Latour e aggiungendo che esso mira a confrontarsi con: «la catastrofe ecologica e la sua connessione dialettica con la crisi economica – il problema ben noto della fine del mondo versus la fine del capitalismo (quale verrà prima?)» e a superare la «moderna metafisica costruttivista, iniziando dalla kan-

tiana mal denominata rivoluzione “copernicana” e [dalle] sue implicazioni antropocentriche come anche eco-tossiche» (Viveiros de Castro 2016: 6). In questo senso Viveiros de Castro l’antropologia deve diventare:

metafisica comparativa come anche la metafisica [deve diventare] etnografia comparativa. E l’antropologo si converte in un negoziatore o diplomatico ontologico. [...] l’antropologia è incamminata ad occupare nel secolo presente lo stesso ruolo come scienza modello e paradigma epistemico che la fisica ebbe durante il periodo Moderno. L’antropologia sarebbe così nella posizione di fornire la nuova metafisica dell’“Antropocene”, l’epoca in cui l’umanità diventa una molteplicità molecolare e un agente fisicamente molare. [...] Le differenze ontologiche, per arrivare al punto, sono politiche perché implicano una situazione di guerra – non una guerra di *parole*, come per la svolta linguistica, ma una guerra in corso di *mondi*, di qui l’improvvisa, pressante insistenza sulla rilevanza ontologica delle nostre descrizioni etnografiche, in un contesto nel quale il mondo (“per come lo conosciamo”) è imposto in una miriade di modi sui mondi degli altri popoli (per come li conosciamo) anche se questo mondo egemonico sembra sull’orlo di una fine lenta, dolorosa e brutta. Nessun arbitro, nessun Dio, nessuna Forza di Protezione delle Nazioni Unite. La guerra, è certo, sarà spesso combattuta con tattiche di guerriglia, e altrettanto spesso in altri modi. Fino a quando i poteri (voglio dire BP, Shell, Monsanto o Nestlé) porteranno le loro atomiche sulla scena. [...] L’ontologia, per come io la intendo, è una macchina filosofica da guerra sia anti-epistemologica e *contro-culturale* (in entrambi i sensi di “controcultura” (*ibidem*: 7, 10, 11; corsivi nel testo).

Ho riportato per esteso questi brani dell’intervento dell’antropologo brasiliano disponibile sulla sua pagina web su academia.edu (non ho potuto accedere alla versione pubblicata su “*Cambridge Anthropology*”) perché, con le sue strategie argomentative e il suo stile pieno di termini ed espressioni iperboliche, conferma e illustra bene quanto notato da Ramos: «ogni nuovo testo porta Viveiros de Castro una tacca più in là nel fare affermazioni stravaganti che divengono sempre più indulgenti, tendendo all’insolenza» (2012: 489). Mi sembra che a questo tipo di strategie argomentative e di linguaggio si attagli bene (occorrerebbe sostituire solo “ontologico” a “essenziale”) quanto Bourdieu diceva a proposito del linguaggio e dell’argomentazione di Heidegger:

una strategia che consiste nel buttarsi in avanti per non cadere indietro, nel cambiare tutto senza cambiare nulla, mediante uno di quegli *estremismi eroici* che, nel movimento per situarsi sempre al di là dell’al di là, uniscono e conciliano *verbalmente* i contrari in proposizioni paradossali, e magiche. [...] Queste strategie, che hanno sempre come principio il superamento radicale, permettono di conservare tutto sotto l’apparenza di mutare tutto, riunendo i contrari in un pensiero dal doppio volto, come Giano, e dunque non *circoscrivibile*, poiché in grado di far fronte contemporaneamente da ogni lato: l’estremismo metodico del pensiero essenziale permette di oltrepassare le tesi più radicali, di destra o di sinistra, portando ad un punto del rovesciamento in cui la destra diventa la sinistra della sinistra, e viceversa. [...] queste derivazioni strategiche rivelano la verità di un altro effetto [...], il (falso) superamento radicale di ogni possibile radicalismo, che fornisce la più inattaccabile delle sue giustificazioni al conformismo (1989: 92-93, 99, corsivi dell’autore).

Il parallelo tra Heidegger e Viveiros de Castro può essere tracciato anche rispetto alla loro comune polemica contro la tradizione filosofica kantiana, polemica da entrambi presentata come punto di partenza per il proprio ripensamento dell’ontologia. In entrambi i casi, siamo indubbiamente (almeno è questo il mio punto di vista) di fronte a pensatori, ognuno per ciò che riguarda il loro campo disciplinare, originali, suggestivi e per questo “affascinanti”, la cui rilettura delle problematiche e di autori chiave nella storia del loro campo si basa su una sapiente quanto parziale selezione delle une e degli altri³⁸.

Nella sua *Cambridge Lecture*, oltre a rinnovare l’elogio della propria “politica dell’ontologia”, Viveiros de Castro non ha resistito alla tentazione, come aveva già fatto in altri suoi testi, di “tirare le orecchie” a un noto collega per non “prendere sul serio” nelle proprie interpretazioni etnografiche il “punto di vista del nativo”. In questo caso si è trattato di un antropologo particolarmente noto per il suo attivismo politico e per le sue simpatie verso l’anarchismo: David Graeber. Viveiros de Castro infatti critica un passo di un suo lavoro sui poteri magici che si attribuiscono a certi particolari oggetti tra gli abitanti Merina del Madagascar, di cui Graeber sottolineava il carattere illusorio, ma “paradossalmente” necessario a legittimare le forme e l’esercizio del potere nel contesto sociale studiato. Così facendo, sostiene l’antropologo brasiliano, egli si sarebbe reso “reo” di una mossa antropologicamente “illegitima”, riconducendo alla propria teoria del feticismo e del potere il senso delle con-

cezioni dei Merina, ed evitando così di metterla in discussione.

Graeber, che aveva già in precedenza definito il proprio approccio come “anti-ontologico” (2013: 229) è a questo punto intervenuto con un lungo testo di replica, in cui non si limita a controbattere sul punto su cui è stato chiamato in causa, ma ribadisce il tipo di critiche già rivolte a Viveiros de Castro, ossia quelle del prelievo decontestualizzato di singoli passaggi di un’analisi etnografica ben altrimenti articolata e di un “ventriloquismo” in cui il “nativo” il cui punto di vista sarebbe stato “tradito” è in effetti lo stesso antropologo brasiliano. Rincarando la dose, egli ha sostenuto che Viveiros de Castro e i suoi seguaci oscillano tra il riferire “ontologia” ed “epistemologia” al piano delle *concezioni* della realtà e della conoscenza, e al piano della realtà e della conoscenza considerate in sé; questa oscillazione li porta a concludere che, dal momento che “popoli” diversi hanno diverse ontologie, allora vivono in mondi non solo diversi ma incommensurabili. Per Graeber (2015: 20-21) questa posizione sfocia in un costruttivismo e idealismo filosofico radicali, in quanto non ammette che il mondo e la realtà (termini che è indebito considerare come sinonimi di quello di natura) abbiano un’esistenza trascendentale rispetto alla conoscenza che se ne può avere, la quale resta sempre dubitativa e incerta. Questa posizione diventa politicamente rischiosa soprattutto quando deborda dal piano dell’epistemologia e pretende di farsi valere come politicamente rilevante; essa è l’equivalente contemporaneo del relativismo culturale, quando invocato per legittimare determinate politiche verso le minoranze e i gruppi subalterni; come quest’ultimo cela un fondo autoritario; chi decide infatti sulla definizione di un “mondo” o un universo culturale, dei suoi confini e del “punto di vista” che ne sarebbe espressione? Chi è a decidere di mettere le persone e la loro vita in questi o in altri contenitori? (*ibidem*: 32)³⁹.

Secondo Graeber, mentre si può condividere l’affermazione che il compito dell’antropologo non è «*esplicare i mondi degli altri*, ma piuttosto *moltiplicare il nostro mondo*» (Viveiros de Castro 2015: 85, corsivi dell’autore) considerandolo un versante, senz’altro promettente, di sperimentazione di nuove potenzialità per l’interpretazione etnografica e di un rinnovato senso epistemologico ed etico della conoscenza antropologica, ciò che va rifiutato è l’assolutizzazione, sotto il profilo ontologico e politico, dell’“alterità radicale” come forma di rapporto tra soggettività sociali.

La conclusione cui approda Graeber è abbastanza simile a quella di Ramos: i presupposti teorici del progetto “anti-autoritario” e “rivoluzionario” di antropologia proposto da Viveiros de Castro e dai

suoi seguaci si prestano invece a legittimare posizioni politiche conservatrici. Per riflettere su questo apparente paradosso potrebbe essere utile leggerlo, nei termini di Bourdieu (ad es. 1998), come una forma di *illusio* accademica, di facile attecchimento in questo particolare momento storico nel quale la forza del progetto di ristrutturazione di molti campi sociali⁴⁰ secondo una logica neoliberale rimette in discussione i loro confini; in questa temperie, le strategie e gli effetti che può sortire una presa di posizione teorica, che si vuole al contempo politica, da parte di chi professionalmente opera all’interno del campo accademico, diventano particolarmente (anche dal punto di vista dell’assunzione di responsabilità verso le loro possibili interpretazioni) ambivalenti ed equivocabili, e sono percepiti dai loro stessi proponenti come una “scommessa” i cui possibili esiti sono intrinsecamente incerti.

Note

¹ Nei termini di Trouillot (2003) essi potrebbero essere chiamati “universalî nord-atlantici”. Cfr. la discussione, impostata diversamente, sugli “universalî” (tra cui quello di “Natura”) proposta da Tsing (2005). Va sottolineato che la critica della pretesa di universalità riguarda, ancor prima che i singoli concetti considerati in sé, le connotazioni di significato derivanti dal loro inserimento in contrapposizioni dicotomiche.

² Un’occasione per questa “investitura” è venuta dalla sessione tenutasi nel congresso dell’*American Anthropological Association* del 2013 dedicata a “The ontological turn in French philosophical anthropology”, a cui, tra gli altri, hanno partecipato Descola e Latour. Nello stesso congresso Viveiros de Castro, Holbraad e Pedersen hanno organizzato una sessione intitolata “The Politics of Ontology”, su cui si veda *infra*. I testi degli interventi (Barbosa de Almeida, Descola, Fisher, Fortun, Kelly, Latour, Sahlins) presentati nella prima di queste due sessioni sono stati pubblicati su HAU 2014, 4 (1): 259-360. Per quelli della seconda, il testo di apertura di Viveiros de Castro, Holbraad, Pedersen (2014) è reperibile sul sito di *Cultural Anthropology* (<https://culanth.org/fieldsights/462-the-politics-of-ontology-anthropological-positions>), in cui sono consultabili anche i testi degli altri interventi. Uno dei primi testi in cui l’espressione *ontological turn* è stata lanciata in antropologia è l’introduzione dei curatori a *Thinking through Things*, un volume sull’antropologia degli artefatti (Henare, Holbraad, Wastell 2007), i cui contributi erano dichiaratamente ispirati all’approccio “prospettivista” di Viveiros de Ca-

stro, incrociato con abbondanti riferimenti alle posizioni di Latour sulle “cose”. Per differenti modi di intendere il termine “ontologia” in antropologia cfr. Blaser 2010, 2013; Venkatesan *et al.* 2010; Heywood 2012; Pale ek, Risjold 2013; Viveiros de Castro, Holbraad, Pedersen 2014; Graeber 2015. Tra la miriade di altri interventi sulla “svolta ontologica” in antropologia, si vedano Alberti *et al.* (2011); Scott (2013); Kohn (2015).

³ Per una sintesi dei problemi da cui parte la riflessione “ontologica” e del loro rapporto con il campo della “metafisica”, si veda ad es. Varzi 2005. Nella filosofia degli ultimi vent’anni un ritorno di interesse per le questioni ontologiche è testimoniato dalle proposte, ognuna caratterizzata da presupposti e obiettivi teorici irriducibili a quelli delle altre, del “nuovo realismo” (Ferraris 2009, 2013), del “realismo speculativo” (ad es. Meillassoux 2012), del “realismo critico” (ad es. Bhaskar 1989), di Searle (2005 [1995]), con la sua distinzione tra il carattere ontologico degli “oggetti naturali” e quello degli “oggetti sociali”. In psicologia cognitiva va segnalato l’interesse per le cosiddette “ontologie intuitive” (ad es. Boyer, Barrett 2016, cfr. Descola 2014a e Viveiros de Castro 2015 per una loro discussione critica). Tranne nel caso del “realismo speculativo”, tutti questi orientamenti si muovono in una direzione teorica ben diversa e spesso opposta rispetto a quella che, al di là delle loro declinazioni particolari, conferisce “un’aria di famiglia” ai filoni generalmente ascritti all’*ontological turn*.

⁴ Questo saggio è parte di un lavoro più ampio, in corso di redazione, in cui, a partire da un esame critico della “svolta ontologica”, discuto come nelle scienze umane dell’ultimo ventennio abbia prevalso una visione riduttiva dei rapporti tra questioni ontologiche, questioni epistemologiche e questioni politiche, per molti versi segnando un passo indietro rispetto al patrimonio di riflessioni accumulate nell’antropologia della seconda metà del Novecento. Non ritengo che la “svolta ontologica” possa rappresentare l’affermazione di un nuovo paradigma per l’antropologia del prossimo futuro: contrariamente a ciò che sostengono i suoi più entusiasti rappresentanti, è da escludere che da qui si proceda verso il consolidamento di un modello teorico e di ricerca a cui l’intera “comunità” accademica possa ispirarsi negli anni a venire; inoltre, è altamente discutibile, e in ogni caso non auspicabile, che da qui si sviluppi una nuova forma, per richiamare Althusser, di “pratica politica della teoria”.

⁵ L’espressione “ontological turn” può essere intesa almeno in due sensi. Il primo è quello del fortemente accresciuto uso, nell’ultimo ventennio, di termini come “ontologia, ontologico” (parallelo alla diminuzione di termini come “epistemologia, epistemologico, costruzione, decostruzione, costruttivismo”) nella letteratura STS, antropologica e di discipline vicine, che segnale-

rebbe un più ampio *shift* teorico in corso in questi campi (per un’analisi bibliometrica si veda Van Heur, Leyderdorff, Wyatt 2013). Il secondo è quello di un cambiamento in corso nella discussione “ontologica” intorno a ciò che esiste ed è reale, a ciò che va inteso con “essere”, e al modo di tracciare in molti campi disciplinari distinzioni e relazioni tra diversi tipi di enti o “esistenti”. Recentemente Viveiros de Castro (2016) ha inoltre invitato a prestare attenzione ai molteplici sensi con cui, in “ontological turn” va interpretato il termine “turn”. Esso andrebbe inteso non solo come “svolta, cambio di direzione”, ma anche come “giro di vite” rispetto alla deriva “epistemologica” a cui sarebbe andata incontro l’antropologia dopo la “crisi della rappresentazione etnografica”, e anche come “turno”, dal momento che il suo (di Viveiros de Castro) approccio, “prendendo sul serio” e “facendo spazio” (*making room*) al “punto di vista del nativo”, annuncia che in antropologia sia ora arrivato il suo “turno”. Sui rischi di “ventriloquismo” (oltre che di quelli in genere legati all’immodestia) insiti in questa e in altre posizioni dell’antropologo brasiliano, si veda *infra*. Per un’interpretazione complessiva di tenore critico dell’*ontological turn* come minimo comun denominatore di diverse correnti contemporanee delle scienze sociali e della filosofia, si veda Pellizzoni 2015, su cui *infra*.

⁶ Ho modificato, qui come in altri brani citati, la traduzione presente nell’edizione italiana di *Par delà nature et culture*.

⁷ Come è noto, uno dei primi testi scritti da antropologi (e a essi destinati) in cui il termine “ontologia” è stato adoperato con riferimento ai principi che informano le concezioni del mondo in popolazioni “di interesse etnologico” è *Ojibwa Ontology, Behavior e Worldview* di Irving Hallowell (1976), originariamente pubblicato nel 1960. Su questo testo, sulla sua ricezione, sulle ragioni per le quali Hallowell scelse di impiegare “ontologia” e sul senso in cui l’antropologo americano intese il termine, mi permetto di rimandare al mio lavoro “*Da un punto di vista ontologico*”. *Saggi su ontological turn, antropologia e dintorni*, di prossima pubblicazione.

⁸ Per un’esaustiva discussione di questi due orientamenti nell’antropologia ottocentesca e novecentesca, si veda Dei, Simonicca 1998.

⁹ Per questa ricostruzione della genealogia dei dualismi tra natura e cultura e tra natura e società e del ruolo che hanno svolto nello sviluppo dell’antropologia, oltre al terzo capitolo di *Oltre natura e cultura*, si veda Descola 2013. Per ciò che riguarda specificamente la tradizione francese di studi, si veda Charbonnier 2015.

¹⁰ Al lettore italiano in particolare, questa critica evoca per vari aspetti quella recentemente avanzata da Francesco Remotti in *Per un’antropologia inattuale* nei confronti

di quella che egli chiama l’“antropologia del contemporaneo” (Remotti 2014: 57-59 e *passim*). Si possono a prima vista ravvisare alcune convergenze tra le sue proposte di rilancio del sapere antropologico e quelle di Descola, in particolare per ciò che riguarda il privilegio da accordare alla dimensione delle “diversità culturali” rispetto a quella dei diversi regimi della processualità storica, e all’obiettivo di mostrare le prime come altrettante possibilità di “essere umano” tra le quali l’antropologo, professionista o per inclinazione, traccia connessioni “illuminanti”. Tuttavia, il modello epistemologico di Remotti è, per sua dichiarazione esplicita, quello del Wittgenstein delle “somiglianze di famiglia”, mentre quello di Descola è lo strutturalismo lévi-straussiano sul quale egli innesta elementi della fenomenologia filosofica novecentesca. Si tratta dunque di due progetti di conoscenza antropologica difficilmente compatibili, così come distanti restano l’idea di Descola (2014a) che le “antropologie indigene” debbano essere studiate in quanto concezioni dell’“umanità come condizione”, e quella di Remotti (2013) secondo cui esse vanno innanzitutto considerate progetti particolari, aperti e dall’esito incerto, di “antropo-poiesi”, di “fabbricazione dell’umano”, rispetto a un ideale di umanità culturalmente costruito. Sotto questo profilo, ho incontrato invece diverse affinità tra la teorizzazione dei processi dell’antropo-poiesi elaborata da Remotti e la recente teoria delle antropologie “animiste” avanzata da Praet (2014).

¹¹ Anche Viveiros de Castro (2016) ha recentemente sottolineato che il suo concetto di “prospettivismo amerindiano” è stato inizialmente proposto come via d’uscita alternativa alla riduzione dell’antropologia tanto alla questione delle strategie di autorità testuali nella scrittura etnografica, sulla scia della critica avanzata nei saggi di *Writing Culture* e della “crisi della rappresentazione” analizzata da Marcus e Fisher in *Anthropology as Cultural Critique*, quanto a programmi di ricerca dominati dagli assunti teorici del cognitivismo classico. Egli fa riferimento anche al positivo ruolo d’impulso che in questo contesto hanno avuto per il posizionamento della sua proposta teorica Latour e gli STS.

¹² Il concetto di questo “altro da sé” in attesa di determinazione da parte del sé, che Descola riprende da Husserl, va distinto da quello, deleuziano, di “Altro” (*Autrui*), impiegato da Viveiros de Castro per fondare la propria interpretazione del “punto di vista nativo” come “alterità radicale” e della conoscenza antropologica come relazione con quest’ultima che deve condurre a “moltiplicare i nostri mondi”: «per Deleuze, *Autrui* – l’altro, un altro [the other, another] – è un’espressione di un mondo possibile, ma questo mondo deve sempre essere attualizzato nel corso di una interazione sociale normale» (2015: 84, cfr. Viveiros de Castro 2016). Vedi *infra*.

¹³ Per un’esposizione sintetica dei modi di identificazione, si vedano Descola 2014b; 2014f, e, in italiano Consigliere 2013. Per un confronto tra l’ontologia “animista”, per come definita da Descola, e le altre proposte contemporanee di recupero della nozione di animismo (Bird-David, Ingold, Viveiros de Castro, Willerslev), mi sia permesso rinviare a Mancuso 2014. Per alcune ulteriori interpretazioni della nozione di animismo nel dibattito antropologico contemporaneo si vedano Kohn 2013; Praet 2014; Århem, Sprenger 2015; Willerslev 2007.

¹⁴ Tra molte popolazioni dell’Amazzonia indigena, il termine *yuruparí* esprime una costellazione di concetti complessa e impossibile da tradurre direttamente in una lingua europea, rimandando tanto alla cosmogonia quanto alla vita rituale. Oltre al libro di Cayón, cfr. ad es. Hugh-Jones 1979; Reichel Dolmatoff 1996.

¹⁵ Come sottolinea Taylor (2013), il fatto che in generale l’ontologia condivisa da una popolazione in un dato momento storico si basi spesso sulla dominanza di un modo di identificazione non implica comunque quasi mai che essa sia una “pura” articolazione di questo soltanto. Quest’ultima situazione corrisponderebbe più a un “tipo ideale”, che a una realtà concreta.

¹⁶ Cfr. Descola 2010: 339, 2014b: 272-277. Recentemente, Piña Cabral (2014a, 2014b) ha argomentato che una formulazione come questa si presta a un’interpretazione ambigua, perché non discute il senso in cui si sta impiegando il termine “mondo”. “Comporre il mondo” è, secondo l’antropologo portoghese, una operazione intimamente connessa al fatto che ogni persona vi è “incorporata” in una situazione esistenziale, linguistica e storica particolare. Che il mondo sia il fondo e l’orizzonte comune dell’esistenza personale non implica tuttavia che esso sia, per richiamare l’espressione appena citata di Descola, “una totalità autosufficiente e già costituita in attesa di rappresentazione secondo punti di vista differenti”: per le persone (e, si può aggiungere, probabilmente anche intrinsecamente) esso si presenta infatti come qualcosa di “sotto-determinato” e che è necessario “integrare”. La “mondiazione”, infine, è il terreno su cui avviene la strutturazione delle “ontologie”, che è un altro termine per designare ciò che in passato gli antropologi hanno chiamato *worldviews*, ossia “visioni, concezioni del mondo”. Secondo Piña Cabral sarebbe anzi meglio tornare a impiegare il vecchio termine perché: «La parola “ontologia” è connotata da uno spirito di idealismo (una *méta*physique), mentre la parola “worldview” no. [...] *worldview* costituisce un problema soltanto se si continua [...] ad adottare una visione rappresentazionale della mente [...] Gli etnografi non rappresentano i pensieri delle persone, come vorrebbe la vulgata rappresentazionale; essi delineano i percorsi entro i quali le persone sono proclivi a muoversi nel mondo» (Piña Cabral 2014a: 65 e 2014b: 177).

Per un'analisi recente dell'uso di *world-view* in antropologia, che fa riferimento anche alla sua filiazione diretta da quella di *Weltanschaung*, si veda Rapport 2003.

¹⁷ In *Oltre natura e cultura*, è interessante a questo riguardo la citazione del famoso passo de *Il pensiero selvaggio*, in cui Lévi-Strauss afferma che «senza mettere in causa l'incontestabile primato delle infrastrutture, noi crediamo che tra *praxis* e pratiche si inserisca sempre un mediatore che è lo schema concettuale» (cit. in Descola 2014a: 119). Commentandolo, Descola fa suo questo convincimento, a condizione che si metta «tra parentesi una distinzione anche sostanziale tra infrastruttura e sovrastruttura» (*ibidem*).

¹⁸ In questa stessa sede, Helmreich (2014) ha mosso una critica rivolta più direttamente al mancato inserimento dei rapporti di potere nel quadro teorico dell'antropologo francese, notando la scarsa tematizzazione di razza, genere, sessualità, etnicità, nazione, classe, abilità come “assi di differenza”, suscitando la risposta di Descola, dal tono un po’ infastidito, che adoperarle avrebbe significato perpetuare un'impostazione di studio delle diversità culturali basata su categorie “eurocentriche” strettamente associate a quel “naturalismo moderno” la cui pretesa di universalità egli intende confutare (Descola 2014c: 435-436).

¹⁹ Si veda inoltre il recente scambio di punti di vista tra Descola (2014e) e Sahlins (2014b), nel quale, alla rilettura che quest’ultimo propone di animismo, totemismo, analogismo come varianti (comunitaria, segmentaria e gerarchica) di uno stesso schema animista, il primo ha replicato ribadendo il suo intento di tenere distinti il piano dei modi di identificazione e di relazione da quello dei modi di aggregazione dei collettivi.

²⁰ La questione dei vincoli strutturali che mediane i cambiamenti di ontologie, cosmologie e modi di relazione è affrontata in più parti del recente libro-intervista *La composition des mondes* (Descola 2014d), indicando dunque come Descola sia interessato a svilupparla in modo più ampio di quanto abbia fatto in *Oltre natura e cultura*.

²¹ La questione del rapporto tra “predazione” e “produzione” è stata nell’ultimo quindicennio oggetto della teoria dei diversi “regimi sociocosmici” presenti nell’Amazzonia indigena sviluppata da Carlos Fausto (2007, 2012, 2013).

²² Per un approccio comparativo, relativo all’Amazzonia indigena, all’analisi dei termini designanti relazioni di consanguineità e di affinità impiegati per riferirsi a entità non umane, si veda Yvinec 2005. Sull’interpretazione teorica dei processi di assimilazione consanguinea operanti in quest’area sull’intera gamma delle relazioni sociali, tanto con umani quanto con non-umani, si vedano

Fausto 2007, 2013, e, per ciò che riguarda in particolare lo status dei *pets*, Erikson 2000; Tonutti 2009.

²³ Molte di queste questioni appaiono solo marginalmente trattate non solo nel recente libro di Sahlins (2014a) sulla parentela ma anche nei dibattiti che esso ha suscitato (cfr. HAU 2013, 2: 245-316; Solinas 2015; ANUAC 2016, 2: 7-50).

²⁴ Nell’antropologia italiana, la questione dei rapporti tra dominazione, dipendenza, metamorfosi della schiavitù nel mondo contemporaneo è stata nell’ultimo decennio oggetto di diversi lavori: cfr. Solinas (a cura di), 2005, 2007; Viti 2007. Resta tuttavia, a mio giudizio, ancora da sviluppare un quadro teorico più ampio in cui collegare questi trend della riflessione su forme di potere e gerarchia alla questione della differenza di genere e della dominazione maschile. Ricordo a questo proposito come nella raccolta curata da Gregor e Tuzin (2001), e dedicata a una comparazione tra Melanesia e Amazzonia rispetto alla questione dei ruoli di genere nell’organizzazione dei modelli di socialità, comparisse un saggio di Descola (2001), in cui questi esponeva la tesi secondo cui, a differenza che in Melanesia, nell’Amazzonia indigena sono le relazioni con il non-umano e non quelle di genere, a formare la spina dorsale di tali modelli.

²⁵ Ad es. Barnes, Bloor 1990 [1982]; Barnes, Bloor, Henry 1996; cfr. Dei, Simonicca 1990 per una presentazione e contestualizzazione di questo orientamento.

²⁶ L’obiettivo polemico è in primo luogo la sociologia di Durkheim e il suo motto: “I fatti sociali sono cose”. Per Latour (2005), che fa risalire le origini della propria posizione a Tarde, il “fatto sociale” non è una “cosa”, ma un’associazione di “cose” ognuna delle quali in sé non ha carattere sociale. Un secondo obiettivo polemico sono i presupposti della “sociologia critica” di cui Latour indica spesso l’esemplificazione nella teoria del sociale di Bourdieu.

²⁷ Per queste ultime, cfr. Hacking 2000, 2010 [2002]; Ong, Collier 2005; Ingold 2011, capitoli 6 e 7; Tsing 2015a.

²⁸ Sul progetto, che non si limita al libro, di *An Inquiry into Modes of Existence* (Latour 2013a), i commenti più articolati, per il tipo di confronto con differenti suoi aspetti e per l’equilibrio tra notazioni critiche e apprezzamenti positivi, mi sembrano quelli di Fischer (2014), di cui convince meno l’interpretazione che egli propone di *Oltre natura e cultura*.

²⁹ Questa conclusione può valere anche per i rapporti tra l’approccio di Ingold e quello di Descola, come recentemente testimoniato dal volumetto pubblicato in Francia (Descola, Ingold 2014). Alle differenze che lo

stesso Ingold (2011) sottolinea esistere tra la sua nozione di *meshwork* e quella latouriana di *network*, si è già fatto riferimento in una nota precedente. Nello stesso lavoro, Ingold si riferisce spesso in modo positivo ai concetti della filosofia di Deleuze e Guattari, da cui dichiara di avere tratto ispirazione per l'elaborazione del concetto di *meshwork*. Al di là di questa fonte comune, e dell'adozione di una prospettiva "relazionalista", gli approcci di Ingold e Viveiros de Castro si mantengono distanti, non fosse altro per l'insistenza del primo sugli aspetti di coinvolgimento (*engagement*) e confidenza (*trust*) che caratterizzano l'abitare nel mondo delle persone/organismi sia umane sia non umane, difficilmente compatibile con l'accento sulla "metafisica della predazione" e sulle dialettiche umanità/animalità e soggetto/oggetto come pilastri (assieme a quello del corpo come fonte di una prospettiva particolare) su cui si fonda tutta la teoria "prospettivista" elaborata dal secondo.

³⁰ Latour è da questo punto di vista spesso accostato al filone teorico-politico "post-umanista". Già nel 1995 egli scriveva: "cosa sarebbe un uomo senza elefante, senza pianta, senza leone, senza cereale, senza oceano, senza ozono, e senza plancton, un uomo solo, ancora più solo di Robinson nella sua isola? Meno di un uomo. Certamente non un uomo. La città dell'ecologia non dice assolutamente che bisogna passare dall'essere umano alla natura [...]. La città dell'ecologia dice semplicemente che noi non sappiamo ciò che fa la comune umanità dell'uomo e che forse, sì, senza gli elefanti di Amboseli, senza gli straripamenti del Drôme, senza gli orsi dei Pirenei, senza le colombe del Lot, senza la falda freatica de la Beauce, egli non sarebbe umano" (Latour 1995b: 19, cit. in Stengers 2005 [1996-7]: 703).

Si veda inoltre, nei suoi lavori più recenti, come *Facing Gaia* (Latour 2013b), la sua proposta di ridefinizione dell'*anthropos* come qualcosa che è distinto sia dall'umano "in natura" che dall'umano "fuori dalla natura". Cfr. anche la recente ASA Firth Lecture di Tsing, in cui si legge: «gli umani sono incapaci di sopravvivere senza le altre specie. Noi siamo esseri dentro le reti ecologiche non all'infuori di esse. I paesaggi multispecie sono necessari per essere umano» (Tsing 2015b: 5). La convergenza, non priva di "frizioni" produttive, dei lavori più recenti di Tsing non solo con i diversi orientamenti (l'antropologia ecologica di Ingold, l'antropologia multispecie, il nuovo materialismo, la filosofia di Deleuze e Guattari), ma anche con Latour e il filone degli STS, è evidente nella sua rilettura della nozione di assemblaggio (Tsing 2015a).

³¹ Vi è qui una apparente convergenza tra Latour e le tesi presentate da Viveiros de Castro, Holbraad e Pedersen (2014), su cui *infra*.

³² Nella seguente esposizione dei concetti di "prospettivismo amerindiano" e di "multinaturalismo" riprendo

sostanzialmente le parti dedicate a questi argomenti di Mancuso 2014.

³³ L'interpretazione che Viveiros de Castro ha avanzato dell'uso di termini di parentela, e in particolare di quelli che designano categorie di affini, per riferirsi sia a categorie di esseri umani che a categorie di esseri non umani, si è mossa, come ci si potrebbe aspettare, in una direzione teorica diversa da quella intrapresa da Descola. Anche in questo caso, quella dell'antropologo brasiliiano appare più conseguente rispetto all'impianto teorico adottato, ma al prezzo dell'esclusione di molte evidenze etnografiche che parrebbero inficiarla. Come si è detto, per Viveiros de Castro, il prospettivismo "amerindiano" (o, almeno quello "amazzonico") si fonderebbe su una "metafisica della predazione" che orienta l'intero spettro delle relazioni sociali, siano esse quelle tra persone e gruppi umani o quelle tra gli esseri umani, gli animali, gli artefatti e le diverse classi di "spiriti" (il caso delle entità vegetali è raramente contemplato). Il correlato di questa metafisica è il carattere dato (e non culturalmente e socialmente costruito, come avviene nella cosmologia occidentale) dell'affinità che all'interno di essa assume lo status di concetto cosmologico in cui si manifesta il primato intrinseco dell'alterità intrinseca alla stessa definizione dell'identità. Dal punto di vista delle cosmologie e delle ontologie amazzoniche, l'affinità costituisce una "virtualità" e un "potenziale dinamico" intrinsecamente presente e riprodotto in ogni relazione, di cui le relazioni di affinità tra le persone umane esprimono solo uno dei possibili ambiti specifici in cui essa si "attualizza" (Viveiros de Castro 2001; 2015). Sotto questo profilo, la parentela consanguinea sarebbe sempre considerata all'interno delle filosofie sociali amazzoniche il prodotto di una "costruzione" intenzionale che sottrae questa sfera di interazioni alla logica altrimenti dominante della predazione, che è quella che si presenta come "data"; in questa concezione della consanguineità, si esprime l'idea secondo cui il sé e il "noi" continuano sempre a implicare una dimensione di alterità che deve essere periodicamente "re-incorporata".

³⁴ Concordi nel sostenere che la nozione di *worldview* vada rifiutata per implicare l'idea di una rappresentazione sistematica del mondo, Descola, Ingold, Viveiros de Castro e Bird-David lo sono anche nell'indicare in *Ojibwa Ontology, Behavior e Worldview* di Hallowell (1976 [1960]) il testo che ha introdotto l'interesse per le ontologie "indigene". Tuttavia, nessuno di questi studiosi affronta la questione del perché Hallowell vi abbia impiegato, tanto nel titolo quanto nell'esposizione, sia questo termine sia quello di ontologia. I motivi sono in realtà abbastanza semplici: come ricorda Graeber (2015: 19), in effetti il termine "ontologia" fu introdotto da Ethel Albert, una filosofa che collaborava con l'Harvard Values Project diretto da Clyde Kluckhohn, in un articolo pubblicato nel 1956 su "American Anthropologist".

Nel proporre una griglia categoriale per la descrizione e comparazione dei “sistemi di valori”, Albert aveva sostenuto che «le relazioni logiche e funzionali tra valori e il sistema culturale concettuale generale [*the general cultural conceptual system*] (*world-view, ethnophilosophy*) sono così strette che la delineazione della *world-view* è un complemento appropriato della descrizione dei sistemi di valori» (1956: 222, corsivi miei) prefigurando, si direbbe oggi, un approccio “onto-etico”. Descrivendo le componenti di una *world-view*, la filosofa introduceva una distinzione tra “metafisica”, da intendersi come quella componente delle prime che «comprende qualsiasi concezione della “natura della realtà”», e “ontologia”, che è la branca di quest’ultima che si occupa di “cosa c’è”. La metafisica, in particolare nelle “culture non specializzate”, comprenderebbe inoltre la “cosmologia” (“come le cose sono pervenute a esistere”) e «anche certi aspetti della scienza, della tecnologia, della teologia, della religione e della magia. La metafisica intesa in senso lato include nozioni di spazio e di tempo, dei principi causali, e l’etnoscienza. Anche i modi di categorizzare la realtà e le concezioni delle interrelazioni tra le entità vi appartengono» (*ibidem*: 223).

Hallowell aveva quasi certamente letto questo testo; considerando inoltre che il suo saggio era un omaggio a Paul Radin – uno dei primi antropologi a essersi occupato delle “filosofie” delle popolazioni senza scrittura e delle loro concezioni su “ciò che esiste” senza partire da presupposti evoluzionisti (ad es. 2001/1957 [1927]), si capisce perché egli abbia impiegato sia “*world-view*” che “ontology”. In più, dalla lettura di questo e di altri testi di Hallowell (ad es. 1955) emerge che assimilare il suo uso di *world-view* all’idea di una concezione necessariamente integrata e basata su rappresentazioni proposizionali equivale a una forzatura: le *world-views* sono per lui soprattutto il prodotto dell’articolazione, culturalmente mediata, di “orientamenti di base” del sé nella sua interazione con l’ambiente.

³⁵ Nel situare queste critiche, va notato che il concetto di “prospettivismo”, per come delineato da Viveiros de Castro, ha goduto, non solo tra gli specialisti di etnologia amazzonica (e al di là dei rapporti di scuola) di una notevole circolazione (ad es. Belaunde 2007; Fausto 2007; Vilaça 2002, 2005, 2010, 2016, per l’area amazzonica; per altre aree: Willerslev 2007; Pedersen, Empson, Humphrey 2007; Goldman 2009; Holbraad 2012; Pedersen 2011; Pedersen, Willerslev 2012), decisamente maggiore, fatta eccezione per l’animismo, di quella dei concetti elaborati da Descola, ripresi principalmente da alcuni storici delle civiltà antiche e medievali (ad es. Albert 2009; Lloyd 2011; 2012; Coste 2010). Tuttavia, come mostrano le critiche prima citate, questa influenza è stata tutt’altro che incontrastata. La loro provenienza è solo in parte riconducibile alla contrapposizione tra i primi citati “stili” teorici nello studio dei rapporti tra cosmologia, società e natura, che ha caratterizzato l’an-

tropologia dell’Amazzonia indigena degli anni ’80-’90.

³⁶ Cfr. anche Briones 2013 e le argomentazioni di Rival (2012; 2014) sui rischi di riproporre l’idea che vi sia un fossato tra le pratiche di conoscenza (soprattutto di carattere ecologico) indigene e quelle delle scienze moderne.

³⁷ Anche nei casi degli interventi più simpatetici, come quello di Skafish (autore tra l’altro dell’introduzione all’edizione inglese di *Metaphysiques cannibales*, di cui è stato anche traduttore), si riconosce che le posizioni del *paper* hanno a che fare, più che con «la politica attuale», con una «politica al contempo filosofica e antropologica», e sono in primo luogo dirette alla «trasformazione della moderna metafisica occidentale» (Skafish 2014), suggerendo dunque che esse mirano a essere “omologate” (Bourdieu 2002) prima di tutto nel “campo filosofico”, al contempo operando una ristrutturazione dei confini tra esso e il “campo antropologico”. Mi si conceda una piccola digressione: in un altro di questi interventi pubblicati online, mi sono divertito incontrando un curioso (penso) refuso o lapsus: nel discutere il prospettivismo di Viveiros de Castro alla luce della “storia della nozione occidentale di prospettiva”, l’autore cita infatti il nome di “Brunelleschi” storpiandolo in “Bernuschelli”; forse in questa circostanza ha operato un riferimento inconscio a un altro italiano oggi noto internazionalmente: Berlusconi!

³⁸ Anche per chi, come me, dissente fortemente con le posizioni dello studioso brasiliiano, a volte avversando-le del tutto, i suoi lavori sollevano una molteplicità di questioni a partire dalle quali alzare il livello della riflessione e del dibattito all’interno della disciplina. Per questo sembra incredibile e miope che, fatta eccezione per poche meritevoli iniziative (Viveiros de Castro 2000; Consigliere, a cura di, 2014a, 2014b), la maggior parte di essi (ad es. Viveiros de Castro 2002, 2009, 2015) non sia stata tradotta in italiano.

³⁹ Si potrebbe sostenere che la posizione di Viveiros de Castro (che, tra l’altro, in molti dei suoi testi più recenti utilizza il termine “culture” al plurale) approda a un “multiculturalismo radicale” che, sebbene in teoria dovrebbe condurre a un ripensamento dei presupposti da cui parte l’analisi dell’antropologo, rischia nella pratica di esasperare i paradossi e le reificazioni insite in molte politiche multiculturali negli stati contemporanei, soprattutto in America Latina.

⁴⁰ Incluso, naturalmente, quello accademico, come nota in altra sede lo stesso Graeber; ad es. 2013: 235; cfr. Hetherington, Zerilli 2016.

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ALESSANDRO SAGGIORO, LUCA ARCAI (a cura di), *Sciamanesimo e Sciamanesimi. Un problema storiografico*, Edizioni Nuova Cultura, Roma 2015, pp. 246, ISBN 9788868125370.

Il Dipartimento di *Storia, Cultura, Religioni* dell'Università “La Sapienza” di Roma ha fondato, nell'ambito di un progetto di ricerca, una collana di studi dedicata allo sciamanesimo. Il presente lavoro, dopo quello di Leonardo Ambasciano, *Sciamanesimo senza sciamanesimo. Le radici intellettuali del modello sciamanico di Mircea Eliade: evoluzionismo, psicoanalisi, te(le)ologia*; e quello di Davide Torri, *Il Lama e il Bombo. Sciamanesimo e Buddismo tra gli Hyolmo del Nepal*, è il terzo pubblicato in linea cronologica.

Il volume deriva, in massima parte, da una giornata di studi organizzata a Napoli il 10 maggio 2010. L'opera è presentata da una estesa introduzione a firma dei due curatori. Gli interventi contenuti trattano questioni di metodologia e d'analisi dello sciamanesimo.

Sergio Botta apre la serie con il suo «*I Desired to Learn the Ways of the Shaman. Il contributo della scuola boasiana alla generalizzazione dello sciamanesimo*» (pp. 27-56). Nell'intervento, l'autore parte da una constatazione metodologica. Nella costruzione concettuale dello scia-

manesimo, i processi di continuità e di discontinuità possono essere meglio colti da una prospettiva archeologica e genealogica di stampo foucaultiano. In tal senso, nel percorso costitutivo della categoria sciamano/sciamanesimo, una tappa decisiva è stata individuata dall'autore nell'operazione scientifica condotta da Franz Boas con il lancio della *Jesup North Pacific Expedition*, svoltasi tra il 1897 e 1905. L'iniziativa avrebbe contribuito in maniera fondamentale alla costruzione dello sciamanesimo quale categoria accademica, nonché alla sua generalizzazione e diffusione in ambito nordamericano. In una simile operazione intellettuale il ruolo principale è sempre stato riconosciuto all'opera di Mircea Eliade, sottostimando invece il contributo boasiano. Da questo punto di vista, la ricostruzione archeologica della traiettoria fondante la categoria e della sua susseguente generalizzazione ha permesso di rivalutare il giusto peso di tale contributo. In particolare, l'autore dimostra come, proprio nella storia culturale americana, l'azione boasiana, con il lancio della spedizione e l'elaborazione all'ombra del mondo accademico statunitense dei dati raccolti, abbia svolto un duplice ruolo. Franz Boas, da una parte, avrebbe infatti preparato il campo alla svolta eliadiana, pur se a partire da una prospettiva teorica e metodologica radicalmente differente; dall'altra, a partire dalla costruzione della nozione di sciamanesimo, egli avrebbe svolto il ruolo di “ponte culturale” tra il mondo accademico europeo e il mondo accademico americano che, all'epoca, non era ancora coinvolto appieno in una riflessione sulla categoria. Carmine Pisano, nel suo saggio *Platone e lo sciamanesimo. La prospettiva di E.R. Dodds* (pp. 57-70), torna ad occuparsi di un tema con il quale nel tempo molti studiosi si sono confrontati: la nota ipotesi doddsiana concernente le influenze sciamaniche sulla filosofia platonica. L'autore analizza la genesi di tale ipotesi a partire dal confronto tra i due

opposti atteggiamenti assunti nel tempo da Eric Dodds nei confronti della teoria diffusionista adottata per la ricostruzione storiografica della dottrina platonica dell'anima. Tale teoria, prima rifiutata (nel 1928 in *The Parmenides of Plato and the Origin of the Neo-platonic One*, in «*Classical Quarterly*» 22, pp. 129-142.), sembrava successivamente (nel 1951 in *The Greeks and the Irrational*, Berkeley) recuperata da Eric Dodds nel momento in cui ricercava nella tradizione sciamanica le origini dell'idea platonica di un Io separabile prigioniero del corpo. Per l'autore, il motivo di questa “revisione metodologica” andava cercato nella concezione doddsiana di “irrazionale” e le diverse sfumature che questa ha assunto nell'opera dello studioso. Infatti, se Eric Dodds considera irrazionali certi atteggiamenti dei greci – come mostra analizzando tre passi del *Meno*, del *Fedone* e del *Gorgia* –, è però costretto poi a ridefinire il concetto di irrazionale nel momento in cui Platone non considera *álogos* la dottrina dell'anima prigioniera del corpo. Eric Dodds lo fa considerando tale dualismo estraneo alla tradizione greca. Egli collega l'irrazionale greco al non-tradizionale e a Platone riconosce il tentativo di razionalizzare le credenze sciamaniche estranee alla tradizione greca. È proprio in questo passaggio che l'autore vede il motivo del recupero da parte di Eric Dodds della prospettiva diffusionista. Al contempo, l'attribuzione dell'irrazionale al non tradizionale è, secondo l'autore, l'aspetto che maggiormente ha influito sugli studiosi della seconda metà del Novecento che si sono occupati, come Martin Wets, del cosiddetto “sciamanesimo greco”.

L'intervento di Luca Arcari, ‘*Chamanisme’ di Mircea Eliade alla prova della comparazione. L'assenza del profetismo ebraico antico*’ (pp. 71-86), pone alla luce della riflessione storico-religiosa l'assenza di qualsiasi riferimento al profetismo ebraico nel più famoso lavoro di Mircea Eliade sullo sciamanesimo. Il “non

detto” è, per l'autore, rivelatore di una *Weltanschauung* con la quale lo studioso rumeno si sarebbe rapportato alla storia del giudaismo e del cristianesimo nell'antichità. Perché, dunque, tale assenza? Secondo l'autore, sulla scorta degli studi di Daniel Dubuisson e Piero Di Vona, il misconoscimento del profetismo giudaico risiederebbe nella colpa attribuita da Mircea Eliade ai *nevi'im*: aver provocato la caduta dell'uomo nella storia. Il “silenzio” dello studioso rumeno sarebbe così divenuto, da una parte, forma di legittimazione tradizionalistica all'antiebraismo e, dall'altra, segno di un antisemitismo ideologico o scientifico. Ma per l'autore, il non detto ha anche una spiegazione più generalmente metodologica, che trova le sue ragioni negli studi biblici condotti nella prima metà del XX secolo. La distinzione tra forme di profezia “anormale” e forme “composte”, o coscienti, di estasi rilevata dalla scuola storico-religiosa tedesca e l'attacco sferrato da questa ai profeti biblici e contro la profezia c.d. anormale, intesa come forma idolatratica, si configurò sostanzialmente in contrapposizione alla concezione di fondo di Mircea Eliade: mostrare come la tecnica primordiale dell'estasi sia, ad un tempo, mistica, magia, e “religione” nel senso più lato del termine.

Il saggio di Valerio Severino, *La dittatura della presenza: dai “poteri magici” al “diritto di vivere”. La figura dello sciamano in Ernesto de Martino* (pp. 87-100) prende in considerazione la trattazione storico-religiosa del problema sciamanico condotta da Ernesto De Martino. Dallo studioso, la letteratura sciamanica venne considerata particolarmente adatta alle indagini metapsichiche e idonea per gli studi psicologici del magismo che egli andava conducendo presso le popolazioni “primitive”. Per l'antropologo campano, il punto d'avvio era la particolare caratterizzazione del concetto di sciamanesimo: la labilità psichica nei confronti di una presenza unitaria. I limiti di

tale condizione sarebbero stati controllati, ad esempio, dallo sciamano tunguso attraverso la trance volontaria. La labilità psichica nel magismo sciamanico servì a Ernesto De Martino per illustrare la sua tematica della crisi della presenza: nell’“esserci nel mondo” delle culture altre, lo sciamano giocava il ruolo di mediatore per la propria comunità. Negli anni successivi alla guerra, invece, la figura sciamanica fu impiegata da Ernesto De Martino per esprimere la misura della collusione tra politica e religione, tra sciamani e dittatori, tra “Stregoni e Ducì”. In quest'ottica, l'operato dello sciamano si trasformava per Ernesto De Martino in una dittatura magica. Alla fine degli anni '50, la teoria sulla crisi della presenza era riconfigurata passando da una a due presenze: quella nella prassi sciamanica e quella nella seduta spiristica. Al fondo di entrambi, conclude l'autore, restavano però le medesime problematiche: la cessione del dolore personale ad un operatore e la fragilità della presenza individuale.

Anche l'intervento di Alessandro Testa, *Estasi e crisi. Note su sciamanismo e pessimismo storico in Eliade, de Martino e Lévi-Strauss* (pp. 101-114), considera la figura di Ernesto De Martino, ma per porlo in relazione a due altri grandi studiosi, Mircea Eliade e Claude Lévi-Strauss. In particolare, l'autore evidenzia come al di là delle rispettive posizioni assunte dai primi due circa la magia e lo sciamanesimo si possono in realtà riscontrare aspetti e traiettorie almeno parzialmente comuni a cui partecipa anche un altro grande studioso coeve, Claude Lévi-Strauss. Il primo elemento in comune riscontrato da Testa riguarda proprio Ernesto De Martino e il noto antropologo francese. Entrambi sarebbero infatti giunti a stabilire per vie indipendenti il parallelo tra sciamano e psicoterapeuta e la centralità del meccanismo magico-rituale attivato dallo sciamano. Ma l'autore rivela anche un aspetto accomunante tutti e tre gli specialisti. Lo studio della ritualità magica in

generale e dello sciamanesimo in particolare farebbe cioè emergere in maniera chiara una certa partecipazione di idee attinenti alla filosofia della storia. Secondo l'autore infatti ciò che accomunerebbe le rispettive antropologie filosofiche sull'uomo è la loro visione sostanzialmente pessimistica della storia: troppo modernizzante per le “culture fredde” di Claude Lévi-Strauss; troppo poco modernizzata per i “primitivi” lucani di Ernesto De Martino; troppo dolorosa per la “nostalgia” eliadiana di una condizione delle origini perduta. Una storia, conclude l'autore, che per tutti e tre gli studiosi è intesa superabile nei momenti di difficoltà che essa propone attraverso il medesimo dispositivo inteso *sub specie religionis*: l'azione sciamanica concepita nella sua veste magica, rituale e mitica.

La seconda serie di interventi si apre con il saggio di Marisa Tortorelli, *L'anima-cigno di Orfeo. Echi “sciamanici” in Platone?* (pp. 115-130) e chiama nuovamente in causa la cultura greco-arcaica. Nella prima parte, la studiosa evidenzia storiograficamente l'interesse che, a partire dal XVII secolo e fino all'epoca contemporanea, lo sciamanesimo ha suscitato e le principali letture che ne sono state date. Riguardo a questi scritti, l'autrice si chiede se si possa parlare di uno sciamanesimo greco. Un problema di cui si era occupato per la prima volta Erwin Rohde nel 1893; cui fece seguito, nel 1935, il lavoro di Karl Meuli sul rapporto tra sciamanesimo ed esperienze estatiche della tradizione classica; le cui conclusioni influenzarono a loro volta le teorie di Eric Dodds, esposte nel volume del 1951. Seguirono poi gli studi di Walter Burkert, nel 1964; di Martin West, nel 1983 e, nello stesso anno, anche quello di Jan Bremmer. Dal proprio punto di vista, l'autrice ritiene legittima la suggestione suscitata dal passo platonico (*Pl. Tht. 173 e.*) che farebbe supporre, nella prospettiva di uno sciamanesimo in Grecia, qualcosa di simile a una pratica sciamanica *tout court*. Tutta-

via, per l'autrice, un ulteriore passo platonico andrebbe meglio analizzato, in quanto poco trattato negli studi sullo "sciamanesimo greco": l'episodio della metempsicosi d'Orfeo in cigno, attestato nel mito di Er, strettamente connesso all'idea di anima immortale. L'analisi delle varie fonti greche a riguardo, operata nel prosieguo del saggio, induce l'autrice a evidenziare come il confronto tra personaggi greci dotati di eccezionali capacità e gli sciamani conferisca una maggiore intelligibilità a racconti del mondo greco altrimenti difficilmente spiegabili. Ma la constatazione di tali paralleli non può necessariamente significare, conclude l'autrice, che un'istituzione più tarda risalga a una più antica o che entrambe derivino da una comune radice.

Il saggio di Marianna Ferrara, *Sciamani e śramaṇa nel discorso di Eliade su "lo yoga"* (pp. 131-156), affronta la teoria eliadiana sull'arcaicità dello yoga, l'Ur-yoga, e la ricostruzione (meta)storica che lo studioso romeno ne aveva proposto, anche in relazione allo sciamanesimo, a partire dall'analisi della letteratura vedica. L'obiettivo di Mircea Eliade, rileva l'autrice, era di provare l'antichità dello yoga, mostrandone la relazione con lo sciamanesimo e il rapporto genealogico reciproco. Il luogo di origine dello yoga "preistorico" andava identificato per Mircea Eliade nell'antica civiltà di Harappa. Da qui si sarebbe poi diffuso e trasformato in molteplici forme fino a divenire in India l'elemento caratterizzante della spiritualità locale, e in Asia quella forma di sciamanesimo, in particolare siberiano, ormai in decomposizione. All'interno di questa ricostruzione genealogica di un Ur Yoga, l'autrice pone in discussione almeno due punti rilevanti. Per prima cosa, Mircea Eliade, nella definizione di una pratica yogica arcaica incorrotta, non tiene conto di un elemento presente nella letteratura vedica: l'uso di sostanze inebrianti. La questione sembrava infatti lasciata cadere in penombra da Mircea Eliade. Secondo poi, la presenza di

un gran numero di pratiche e dottrine, figlie "degenerate" di quel presupposto *Ur Yoga*, diffuse tra l'India e l'Asia centro-settentrionale, danno modo a Mircea Eliade di riconfermare la tesi diffusa tra gli orientalisti di fine Ottocento secondo cui il termine tunguso *śaman* deriva dal sscr. *śramana*, in una forma mediata dai pāli e dal cinese. Una questione verso la quale, come l'autrice ben esemplifica mostrando tutta la difficoltà nell'interpretare *śramana* con una particolare tipologia di asceta o figure mistiche menzionate nella lettura vedica più antica, si è ancora lontani dal dare una risposta definitiva, lasciando ancora la questione aperta. L'intervento di Chiara Ghidini, Miko, *Sciamane e divinità danzanti nella storia culturale del Giappone* (pp. 157-168), analizza diaconicamente lo sciamanesimo nel contesto culturale giapponese. L'autrice parte dall'opera del missionario cattolico francese Jean Marie Martin, *Le Shintoïsme ancien*. Qui, i riti *shint* "primitivi" e moderni erano considerati tributari in larga misura dello sciamanesimo siberiano, pur rimanendo lo shintoismo nettamente superiore. Il folklorista Yanagita Kunio, invece, individuava nella figura della *miko* il tramite tra la modernità e un'epoca arcaica caratterizzata da "pratiche sciamaniche". La visione di uno sciamanesimo inteso come esterno al mondo nipponico e al *miko*ismo autoctono mutò nuovamente dopo la Guerra del Pacifico. Gli anni '60, invece, videro la diffusione della produzione scientifica di Eliade in Giappone. In questo contesto, lo studioso rumeno aveva riconosciuto nella danza della divinità Amenouzume no *mikoto* il modello mitico di ogni trance e possessione estatica locale. La divinità era stata così considerata da molti studiosi la prima sciamana. L'autrice dà invece voce ad un'opinione fuori dal coro, quella del filosofo e critico Tsurumi Shunsuke, che sembrava fornire una lettura più originale di Amenouzume. Egli, infatti, trasferendo l'episodio mitico della nudità di Amenouzume sulla realtà

storica del Giappone sconfitto, conferiva alla danza della divinità un senso diverso: strumento di superamento delle barriere linguistiche. La danza diveniva strumento comunicativo con lo straniero vincitore, mezzo di superamento del timore per il diverso, della paura di coloro che appartengono ad altre etnie.

Il saggio di Elvira Stefania Tiberini, *Derive dello sciamanesimo inuit. Nunavut, arte e New Age* (pp. 169-180), ci pone in contatto con il mondo Inuit e ci mostra come in questo contesto, a differenza di quello nordamericano, il ruolo dello sciamano sia rimasto sempre vivo, nonostante il confronto con la modernità e i fenomeni di acculturazione. In particolare, l'autrice mostra come l'*angakok*, a partire dalla fondazione del Nunavut e dalla constatazione di una difficile applicazione del diritto cinese in questo contesto (poiché il diritto inuit non è tanto volto alla punizione quanto alla correzione e alla reintegrazione degli individui ritenuti rei), è stato proposto dagli stessi Inuit al ruolo di giudice. Ma anche l'arte contemporanea ha dato modo allo sciamanesimo artico di poter sopravvivere. Le loro rappresentazioni, grafiche e plastiche, insieme a quelle degli spiriti ausiliari e degli animali, ne costituiscono i temi più ricorrenti. Sono così rappresentati, a fianco allo sciamano in stato d'estasi, Sedna, la 'Signora degli animali' del mondo marino artico; oppure l'orso, il tricheco e il bue muschiato, gli spiriti guida dello sciamano. Ma il ruolo dello sciamano è riuscito a sopravvivere anche grazie alla cultura che aveva tentato la sua eliminazione. Con la rivalutazione della spiritualità nativo-americana avviata negli anni '60 dalle correnti della controcultura, lo sciamanesimo è divenuto "l'articolo di punta" delle correnti New Age. Guida mistica e al contempo porta d'accesso al nuovo sentiero spirituale dell'uomo occidentale, lo sciamano, però, non è ora più un nativo ma un mistificatore: un *plastic shaman*, conclude l'autrice.

L'articolo di Federico Adinolfi,

Gesù sciamano e dintorni: un filone alternativo della ricerca su Gesù da Vermes a Craffert (pp. 181-236), che conclude il volume, analizza le letture in chiave sciamanica del Gesù storico, così come sono state proposte negli studi neotestamentari degli ultimi decenni. Riguardo la tesi di Gesù sciamano, l'intervento dell'autore si focalizza principalmente sull'importante lavoro di Pieter Craffert, *The Life of a Galilean Shaman: Jesus of Nazareth in Anthropological-Historical Perspective* del 2008. Dopo un excursus storiografico inerente le diverse tesi proposte negli ultimi quarant'anni circa un Gesù storico in chiave sciamanica, Adinolfi dedica la maggior parte della suo studio all'analisi del lavoro di Pieter Craffert, in particolar modo soffermandosi sulle reazioni che questo ha suscitato nel mondo accademico. Da questa ampia trattazione, l'autore trae le sue conclusioni sottolineando l'infruttuoso impiego del modello sciamanico nel descrivere la figura storica del personaggio narrato dai redattori del Nuovo Testamento. Il lavoro di Pieter Craffert restituirebbe un'immagine gesuana completamente estranea al contesto culturale di riferimento. Ciò varrebbe a dire, conclude l'autore, perdere di vista il Gesù ebreo per assimilarlo a operatori religiosi di culture che, nel tempo e nello spazio, hanno poco o nulla a che vedere con il mondo giudaico e con la cultura che lo caratterizzava all'inizio dell'era volgare.

In realtà, le conclusioni di quest'ultimo intervento ci dicono molto di più. Ci restituiscono, insieme agli altri interventi, il peso metodologico di questo volume sulla questione dello sciamanesimo quale oggetto innanzitutto storiografico e storico-religioso. Emerge un modo comune di guardare alla questione storica dello sciamanesimo, che si configura con la prospettiva storico-religiosa, interessata alla ricollocazione dei fatti religiosi in un contesto storicamente condizionato, ma anche indirizzata a seguire diaconicamente le dinamiche intervenute in Occiden-

te nella costruzione delle categorie afferenti alla sfera dell'universo "sciamanico". La riconfigurazione del termine/concetto sciamano/sciamanesimo nella storia degli studi, delle teorie e delle metodologie, tra letture e interpretazioni circa figure e personaggi, pratiche e sistemi di credenza – pregio innegabile del volume –, illustra come storicamente non sia praticabile la nozione di "sciamanesimo" al singolare, ma si debbano semmai considerare diversi "sciamanesimi", genealogicamente connessi al modo in cui i fenomeni, diremmo, "sciamanici" sono stati descritti e catalogati da osservatori esterni – gli addetti ai lavori – e consegnati al pubblico specialistico e non specialistico. All'interno di questo articolato universo sciamanico, la Storia delle religioni risulta essere, allora, la disciplina maestra in grado di vigilare e interrogarsi «sulle modalità scientifiche di uso e abuso del termine e del campo di studio che va sotto il nome di sciamanesimo» (p. 11). (Walter Montanari)



BENEDETTA TOBAGI, *La scuola salvata dai bambini. Viaggio nelle classi senza confini*, Rizzoli, Milano 2016, pp. 350, ISBN 9788817090131

Pubblichiamo un'intervista di Marianna Ingrassia a Benedetta Tobagi presente a Palermo il 16 ottobre 2016.

M.I. *Nel tuo libro tu esordisci in questo modo:*

«Qualche tempo fa, in un video condiviso in rete, ho visto una giovane cooperante italiana di origine magrebina, Nawal Soufi, mostrare al pubblico attonito dell'aula del Parlamento europeo di Bruxelles un salvagente fatto con un paio di calze da donna e due bottiglie di plastica da un litro e mezzo vuote. A questo, spiegava, è appesa la vita di tante donne e uomini migranti che cercano di attraversare il Mediterraneo. Parlava di un nuovo Olocausto. “E voi” incalzava, “cosa risponderete ai vostri figli quando vi chiederanno dove eravate, che cosa avete fatto, mentre si consumava questa strage silenziosa?”

Mi sono sentita in colpa. Da morire. Di fronte a immagini così forti, a molti di noi capita di provare effettivamente un forte senso di colpa, accompagnato anche da indignazio-

ne. Spesso però questi sentimenti si esauriscono in se stessi. Tu, invece, suggerisci che debbano diventare un "tarlo spirituale". Cosa intendi con questa espressione?»

B.T. È un'espressione che ho preso in prestito da uno psicoanalista americano, Michael Eigen. Il "tarlo spirituale" è qualcosa che ti scava dentro un piccolo tunnel e ti porta da un'altra parte. Sono partita dalla constatazione, sperimentata proprio su me stessa, che la rappresentazione mediatica degli sbarchi, fatti non da persone ma da una massa senza volto e senza identità, crea due sentimenti principali: un enorme senso di colpa accompagnato da indignazione, oppure allarme. Emozioni che poi però non vengono elaborate per nutrire una forma di conoscenza. Prendere il senso di colpa e lasciarlo lavorare come tarlo spirituale vuol dire partire da questa emozione molto forte e decidere di muoversi. Ed è quello che ho deciso di fare io: muovermi per intraprendere un percorso di conoscenza, poiché mi sono resa conto che rispetto a questo senso di colpa, allo sconcerto che avevo provato, non possedevo argomenti.

La polemica sui migranti, italiana ed europea, è tutta incentrata sul fatto che non possiamo accoglierli tutti. Ho deciso di andare a vedere con i miei occhi e di fare questo percorso di conoscenza, inoltrandomi nel piccolo tunnel scavato da questo tarlo spirituale, per andare a vedere la realtà della presenza dei migranti e anche le possibilità di convivenza in una società multiculturale italiana. Mi è apparso subito evidente che il luogo dove andare era la scuola. Ho scelto la scuola pubblica primaria perché è il posto dove, più che in ogni altro luogo, italiani e stranieri vivono proprio gomito a gomito. Era interessante osservare come avviene l'approccio con l'Altro in un'età in cui i bambini sono estremamente duttili. Poi a scuola ci sono anche i genitori, gli adulti, in una situazione di convivenza forzata e quotidiana. A partire dalla scuola,

questo libro mi ha offerto la possibilità di sviluppare una profonda riflessione sulla rappresentazione mediatica che viene fatta dei migranti: il problema che avevo intuito inizialmente, proprio attraverso la mia risposta emotiva alle immagini, mi è stato confermato.

In questo momento storico non si fa che alimentare allarme o comunque sentimenti che non vengono mai accompagnati fino ad essere elaborati in una forma di conoscenza. Questo è un enorme problema. Bisogna andare proprio contro questa direzione e lavorare per cercare di creare dei presupposti per la comprensione. Altrimenti non ci si può lamentare che le persone non capiscano e abbiano paura. Questi fenomeni devono essere spiegati.

M.I. *La prima volta in cui ho letto il titolo di questo libro, La scuola salvata dai bambini, mi è risuonato quello della celebre raccolta poetica di Elsa Morante, Il mondo salvato dai ragazzini. C'è effettivamente un rimando? E in che misura Elsa Morante e la sua opera sono state per te un punto di riferimento?*

B.T. Il titolo viene proprio da lì, è nato inizialmente per un'assonanza. Man mano che scrivevo e compivo il mio cammino, tuttavia, mi si è come disegnato il senso di questa suggestione. *Il mondo salvato dai ragazzini* è un'opera sintesi e una bandiera della stagione del '68. Viaggiando attraverso l'Italia, ho potuto vedere quanto il seme delle buone esperienze maturate nel mondo della scuola e della didattica in quel periodo sia germogliato e fiorito negli anni a venire e alimenti ancora alcune tra le sperimentazioni migliori, più pionieristiche e più ricche, anche in realtà molto povere e di frontiera.

La scuola italiana ha patito di una grossissima campagna di denigrazione ai tempi del ministro Gelmini, nel 2009, in cui c'è stata una vera e propria battaglia ideologica contro i 'guasti del '68'. Sotto molti profili questi ci sono anche stati, però non

va ignorato che il '68 ha alimentato anche uno straordinario serbatoio di esperienza che è una radice ricca e feconda per la scuola italiana. Si dice sempre che abbiamo i docenti più anziani d'Europa. Anagraficamente, molti vengono proprio da quella stagione lì, dalla lettura di Don Milani, dall'esperienza di Mario Lodi.

M.I. *In questo libro fai un resoconto di quello che è stato il tuo viaggio in lungo e largo per l'Italia, dove hai visitato diverse scuole e incontrato dirigenti, professori, maestri che in modo più o meno illuminato cercano di gestire la nuova dimensione multiculturale che la scuola italiana ha assunto soprattutto in questi ultimi anni. Ne emerge un quadro assai complesso, variegato, spesso ricco di problemi. Sebbene sia difficile fare una sintesi e restituire la complessità di quello che è venuto fuori dalla tua esperienza, potresti soffermarti ad approfondire quella che rappresenta, secondo te, la questione più problematica e prioritaria, in tema di migrazione e scuola in Italia? E, aggiungo, è possibile individuare una soluzione?*

B.T. In realtà una formulazione sintetica si può trovare. A livello europeo il nostro sistema scolastico, quanto alle politiche per l'inclusione e l'integrazione, è considerato un "non-systematic model" per cui, prima di tutto, bisognerebbe renderlo "systematic". Tuttavia, in questa definizione c'è una cosa importante che viene disconosciuta: sulla carta, nei protocolli d'accoglienza, nelle direttive, nella sua impostazione interculturale e non semplicemente multiculturale, la scuola italiana si muove in una cornice corretta, in linea con quelle che sono le linee guida europee per una buona prassi di inclusione dei migranti. Questo è un dato importante e per nulla scontato.

Prima della mia ricerca, non sapevo che già dall' '89, quando era Ministro dell'Istruzione Mattarella, che adesso è Presidente della Repubblica, sono cominciate le prime circo-

lari che parlavano dell'importanza di investire sull'integrazione nelle scuole per costruire una buona convivenza sociale. La questione è come facciamo a diventare "systematic" a partire dall'attuale "non-systematic"? Le parole-chiave per una soluzione sono due: risorse e formazione.

Quanto alle risorse, va detto che queste, dal 2009 in poi, sono state sistematicamente tagliate, sia a livello strutturale sia per quanto riguarda i fondi specifici per le aree a forte processo immigratorio. Questa scelta è sbagliatissima! Non si può disinvestire sulla scuola in un momento in cui tutta la società è impoverita dalla crisi e aumentano i flussi migratori. C'è un'enorme ipocrisia nel discorso pubblico. Tutto il dibattito sul sistema d'istruzione in Italia è stato fagocitato dalla legge 107, la presunta "Buona Scuola", e del problema risorse non se ne parla. Ci vorrebbe proprio un'inversione di tendenza.

M.I. L'ultima domanda riguarda Palermo e, in particolare, la Scuola di Lingua italiana per Stranieri (ItaStra) dell'Università, che è stata una delle tappe di questo viaggio. Il capitolo dedicato alla descrizione di questa esperienza palermitana è stato intitolato "Palermo, l'Europa che verrà". Potresti chiarire in che modo Palermo e la Scuola di Lingua italiana per Stranieri possono, secondo te, rappresentare per l'Europa un modello di soluzione possibile della questione migrazione, laddove constatiamo giornalmente che, proprio su questo tema, il progetto di un'Europa unita sembra vacillare maggiormente?

B.T. Palermo è stata una delle mie ultime tappe e ho voluto visitarla per conoscere il lavoro bellissimo, molto pragmatico ma insieme visionario, che ItaStra fa con i minori stranieri non accompagnati. Quando ho sentito che in una scuola di italiano per stranieri, frequentata dall'élite europea e non solo, venivano messi in classe i ragazzi scesi dai barconi insieme a studenti Erasmus, studenti dalla Cina, *visiting professor*, per

condividere insieme un'esperienza di grande cameratismo com'è la sfida di imparare una lingua straniera, sono letteralmente corsa a vedere com'era stato impostato questo lavoro. Lì ho visto realmente un modello per l'Europa che verrà.

In fatto di scuola e migrazione, oltre alla carenza di risorse, l'altro grande problema è la paura che nasce dalla non conoscenza. In risposta a questo, non c'è niente di più efficace del creare un'esperienza di condivisione: nel chiostro di ItaStra si ritrovano insieme persone le cui traiettorie di vita diversamente non s'incrocerebbero mai. Qui il migrante assume un volto, diventa un essere umano, anzi, diviene un compagno di classe con cui condividere un pezzo di strada.

Quest'esperienza di scambio, di reciproca conoscenza è molto importante: permette di ritrovarsi davanti da vicino il volto di un migrante lontanissimo da sé per preparazione ed esperienza e di poterlo anche vedere non più solo come un ultimo, un derelitto, ma anche come una persona portatrice di una grande ricchezza e di una profonda sapienza, maturata in anni di viaggi da Ulisse e che magari parla cinque lingue, laddove un *visiting professor* americano ne conosce spesso solo una. Il percorso intrapreso da ItaStra mi è sembrato straordinario ed è la direzione in cui ho deciso anch'io di lavorare. È una direzione contraria a quella mediatica che troppo spesso è manichea, monca e sensazionalista. A ItaStra, la professoressa Mari D'Agostino e i suoi docenti hanno preso atto della realtà e cercato di attrezzarsi per ricevere chi migra e per trarne il meglio possibile per tutti. Un'importantissima lezione, maturata con grande semplicità: "Certo che li abbiamo accolti! Che cosa altro avremmo dovuto fare, voltarci dall'altra parte? Era un atto dovuto!".

Abstracts

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The Earth Will Tremble?

Expert Knowledge Confronted after the 2009 L'Aquila Earthquake

Risk communication provided by experts during the days prior to the earthquake on April 6, 2009 in L'Aquila (central Italy) resulted in a controversial court case that still has significant repercussions at an international level. The trial against the members of the institutional Commission for the forecast and prevention of Major Risks (CMR) stimulated an intense debate about the relationship between scientific knowledge and risk communication, and more generally between science and politics. Indeed, the failure to provide the population with timely and coherent information regarding the possibility of a high magnitude earthquake in L'Aquila revealed the controversial role of experts, especially when they turn out to be incautious and politically subjugated. This case is also emblematic for another reason. It was the first time in Italy that an anthropologist advised the Court, helping to analyse scientific communication, and the way this communication is perceived and put into practice by the local population. The trial being already concluded, this article seeks to re-interpret the L'Aquila case in order to analyse the role scientific knowledge played in the courtroom by considering both the expert advice provided by accused scientists and the consultation provided by outside experts during the trial. The analysis of the L'Aquila court case will also be used to reflect on the role of expert knowledge in disasters and the need for strengthening integrated research for preventing catastrophes and avoiding controversies caused by inaccurate risk communication.

Key words: Law; Trial; Natural disaster; Ritual; Risk communication

La terrà tremerà? Scontri sui saperi esperti dopo il terremoto dell'Aquila del 2009

La comunicazione del rischio fornita dagli esperti prima del terremoto del 6 aprile 2009 a L'Aquila (Italia centrale) ha dato vita a un caso giudiziario controverso, che sta avendo ancora notevoli ripercussioni a livello internazionale. In effetti, il processo contro i membri della Commissione istituzionale per la previsione e la prevenzione dei Grandi Rischi (CGR) ha stimolato un acceso dibattito sul rapporto tra conoscenza scientifica e comunicazione del rischio, e più in generale tra scienza e politica. Il fallimento nel fornire alla popolazione informazioni tempestive e coerenti sulla possibilità di un terremoto di magnitudo elevata all'Aquila ha rivelato il ruolo controverso degli esperti, soprattutto quando si mostrano incauti e soggiogati alla politica. Questo caso è emblematico anche per un altro motivo. È stata la prima volta in Italia che un antropologo ha svolto il ruolo di consulente per la Corte, contribuendo ad analizzare la comunicazione scientifica e il modo in cui questa è percepita e messa in pratica dalla popolazione locale. A processo ormai concluso, l'articolo si propone di rileggere il caso giudiziario dell'Aquila per analizzare il ruolo esercitato dai saperi scientifici in aula di tribunale, tenendo in considerazione sia le perizie per le quali gli imputati sono stati giudicati sia le consulenze fornite dagli esperti esterni nel corso del dibattimento, in particolare la consulenza antropologica. L'analisi del caso giudiziario dell'Aquila sarà utilizzata anche per riflettere sul ruolo delle conoscenze esperte sui disastri e la necessità di rafforzare la ricerca integrata per la prevenzione delle catastrofi, per evitare controversie causate da una comunicazione del rischio inaccurata.

Parole chiave: Legge; Processo; Disastro naturale; Rituale; Comunicazione del rischio

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

This paper is based on a part of a larger ethnographic study started in Brindisi in 2010 examining the relationship between industrial pollution, health and social struggles in a southern Italian city with high industrial density and with significant environmental and health criticality. These criticalities are the subject of constant disputes between movements for environmental justice, public institutions and industrial companies. In this general framework, in December 2012 began the trial against thirteen executives of energy company Enel, which owns the coal power plant Federico II. The P. P. accusations are dangerous emission of things and damage to crops referencing complaints filed by ten local farmers regarding a “open air” bunker and that contaminate the adjacent land. The paper draws on ethnographic extracts from the trial that are in turn linked to decisive variables specific to the ethnographic 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. On the other hand, I engage with public disputes over the causal links between pollution, the environment and health and explore seeking to file civil party by the movements as both dynamic, embedded processes of constructing the “injured party” and, at the same time, instances of political participation and biological citizenship.

Keywords: Trial; Pollution; Citizenship; Right to health; Activism.

«Siamo tutti parte offesa». Diritto alla salute e attivismo in un processo per inquinamento industriale.

Questo contributo si riferisce a una ricerca etnografica sui rapporti tra inquinamento industriale, salute e lotte sociali, avviata nel 2010 a Brindisi, una città del Sud Italia con un’alta densità industriale e con importanti criticità ambientali e sanitarie che sono oggetto di continue dispute tra movimenti per la giustizia ambientale, istituzioni pubbliche e compagnie industriali. In un tale quadro generale nel dicembre 2012 ha avuto inizio il processo a tredici dirigenti della compagnia energetica Enel, proprietaria della centrale termoelettrica a carbone Federico II. Le accuse presentate dal P. M. sono per getto pericoloso di cose e danneggiamento delle colture e si riferiscono alle denunce

presentate da alcuni agricoltori locali in merito alla presenza di un grande carbonile a cielo aperto che contaminerebbe i terreni adiacenti. Attraverso alcuni frammenti etnografici sul processo, connessi ad altre variabili determinanti proprie del contesto etnografico, durante il saggio saranno affrontate due linee tematiche intimamente connesse tra di loro. Da un lato sarà proposta una analisi di parti del dibattimento processuale sulle testimonianze degli agricoltori, come insieme di azioni finalizzate alla definizione giudiziaria delle vittime in quanto soggetti attivi o testimoni plausibili. Dall’altro, rispetto alle contese pubbliche sui nessi causali tra inquinamento, ambiente e salute, la costituzione di parte civile dei movimenti sarà esplorata come insieme di dinamici processi incorporati di costruzione della “parte offesa” e al contempo come azione di partecipazione politica e di cittadinanza biologica.

Parole chiave: Processo; Inquinamento; Cittadinanza; Diritto alla salute; Attivismo.

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La tempête au tribunal. Trajectoires de victimes et de prévenus au cours du procès de la tempête Xynthia en France

Cet article, qui se base sur l’ethnographie des deux procès qui ont eu lieu après la tempête Xynthia en France en 2010, appréhende le procès comme l’un des dispositifs du gouvernement des catastrophes. Un dispositif dont l’une des caractéristiques est de transformer la catastrophe et ses protagonistes, mais aussi de transformer la tempête elle-même pour la rendre saisissable par la justice pénale. Ce processus de transformation impose aux acteurs – victimes et prévenus – un important travail, qui s’ajoute à celui des acteurs judiciaires dans la longue trajectoire que constitue le procès. Les acteurs du procès, de même que la tempête, sont au cours du procès pris dans des jeux d’échelles et des processus d’identification multiples.

Mots clés: Droit ; Procès ; Catastrophe naturelle ; Rituel ; Transformation

A storm before the court. Trajectories of victims and defendants during the Xynthia trial in France

Based on an ethnographic study of the two trials that took place in France after Xynthia, the storm that devastated part of the French Atlantic coast in 2010, this paper considers the trial as one of the many dispositifs of the government of disasters. This particular dispositif is intensely characterized by transformation: it transforms

a disaster and its protagonists, but it also transforms the storm itself to make it "graspable" by criminal justice. This transformation process forces the actors – both victims and defendants – to play an important role that accompanies that of judicial actors during the lengthy legal proceedings. This paper will also show that, during the trial, the various actors involved are engaged in a "game of scales" and multiple identification processes.

Key words: Law; Trial; Natural disaster; Ritual; Transformation

Una tempesta in tribunale. Traiettorie di vittime e imputati durante il processo Xynthia in Francia

Sulla base di uno studio etnografico dei due processi che hanno avuto luogo in Francia nel dopo-Xynthia, la tempesta che ha devastato una parte della costa atlantica francese nel 2010, questo articolo considera il processo come uno dei tanti dispositivi di governo dei disastri. Si tratta di un dispositivo particolare, intensamente caratterizzato dalla trasformazione: trasforma un disastro e i suoi protagonisti, ma trasforma anche la tempesta per renderla "afferrabile" dalla giustizia penale. Questa esperienza di trasformazione costringe gli attori – entrambi vittime e imputati – a svolgere un ruolo altrettanto importante di quello giocato dagli attori giudiziari durante i lunghi procedimenti legali. L'articolo mostrerà inoltre come in aula di tribunale, i vari soggetti coinvolti siano impegnati in un "gioco di scala" e mettano in atto complessi processi di identificazione, anch'essi sfaccettati.

Parole chiave: Diritto; Processo; Catastrofe naturale; Rituale; Trasformazione

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Forms of truth in the trial against the Commission for Major Risks: Anthropological notes

In this article I present a reasoned synthesis and critical-analytical overview of the cultural anthropological consultation I provided as part of the trial against the Commission for Major Risks following the 2009 earthquake in L'Aquila.

My aim is to highlight two key issues: the first concerns the practicability of using an anthropological approach in juridical contexts to provide cultural expertise about mental causation; the second is a reflection on the problematic relationship between rational knowledge and irrational beliefs that continues to permeate the social

uses of scientific knowledge. The internationally significant L'Aquila trial concluded by establishing a legal truth, namely that an erroneous expert prediction of the absence of risk contributed to causing the earthquake to prove fatal for several people. This legal awareness generated a condition of hermeneutic ambiguity around the scientific and cultural truth about this series of events. In the first case, the issue touches on the role that jurisprudence grants to consultation aimed at establishing nexuses of mental causation in circumstances in which they can be inferred from cultural anthropological variables. In the second case, the central issue concerns the ways in which legal truth, by affecting or failing to affect scientific truth, contributes to creating a cultural (and therefore also historical) truth about the matter in question. At this level we might be able to understand if what was staged in L'Aquila was a performance of scientific evaluation or an instance of pseudoscience in which, beginning from a mystique of infallibility, expert authority produced not empirically based knowledge but rather irrational beliefs, not only about the events it scrutinized but also about the narratives describing its own activity.

Key words: Expertise; Risk; Social representations; Pseudoscience; Mental causation.

Le verità del processo alla Commissione Grandi Rischi: note antropologiche

In quest'articolo presento una sintesi ragionata e una rassegna critico-analitica su un lavoro di consulenza antropologico-culturale che ho svolto nell'ambito del processo alla Commissione Grandi Rischi, dopo il terremoto dell'Aquila del 2009. La finalità che mi propongo è quella di evidenziare due questioni chiave: la prima riguarda la proponibilità di un approccio antropologico in contesti giuridici, come possibilità di expertise culturale nell'ambito del tema della causalità psichica; la seconda concerne una riflessione sul problematico rapporto tra conoscenza razionale e credenze irrazionali che tutt'ora inerisce agli usi sociali dei saperi scientifici. La conclusione di questo caso giuridico di rilevanza internazionale ha fissato la verità giuridica secondo cui un'erronea previsione esperta di assenza di rischio ha concausato, nel caso di varie persone, l'esito mortale del sisma. All'ombra di tale acquisizione si assiste a una condizione di ambiguità ermeneutica circa la verità scientifica e culturale di questa vicenda. Nel primo caso la questione comprende il ruolo che la giurisprudenza riconosce alle consulenze che rilevano nessi di causalità psichica in circostanze di derivabilità degli stessi da variabili di tipo antropologico culturale. Nel secondo caso la partita si gioca sulle modalità con cui la verità giuridica, influenzando o meno quella scientifica, concorrerà a formare una verità culturale, e quindi storica, sulla vicenda. A questo livello sarà forse possibile comprendere se all'Aquila andò in scena una performance di valutazione

scientifica o un episodio di pseudoscienza; dove, a partire da una mistica dell'infallibilità, l'autorità degli esperti, in luogo di produrre conoscenza empiricamente fondata, genera credenze irrazionali, non solo sugli eventi che esamina ma anche rispetto alle narrazioni del proprio operato.

Parole chiave: Expertise; Rischio; Rappresentazioni sociali; Pseudoscienza; Causalità psichica.

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«*Forseeable yet unforeseen events*»: Ethnography of a trial for unpremeditated disaster

Over the last thirty years, Italian courts have staged a series of criminal cases that raise important public issues, thus offering a valuable window onto shifts in collective perceptions of complex social phenomena such as risk and environmental or natural disaster. This article focuses on a criminal case initiated by the Public Prosecutor of Messina following a 'natural' disaster – flooding accompanied by mudslides – that destroyed a number of villages in the Ionian province of this Sicilian city in October of 2009, causing 37 fatalities.

In terms of its formal features, I approach this trial as a competitive communicative interaction expressed through a highly structured ritual. From a social and political perspective, I treat the trial as a dispositif, that is to say, a preordained concatenation of sequences that establishes limits and contributes to shaping the possible action of the various subjects involved. As such, the dispositif functions to both describe the reality in question (on the basis of a system of proof and evidence) and modify it. I then go on to analyze the procedural documents in order to clarify the discursive practices through which the disaster was narrated, deconstructed and reassembled during the course of the hearings, an analysis aimed at uncovering the complex web of knowledge and expertise that contributes to shaping contemporary public perceptions of disaster.

My interest in the plaintiffs' representations of disaster is part of a broader ethnographic research project that I began in the months following the 2009 flood. As part of this research I took an active part in the political and social life of the villages affected by joining a local committee and participating in its activities. My choice to address processes of legal truth construction was also dictated by my personal involvement in the events discussed in the courtroom. I suffered physical and property damage due to the flooding and thus requested compensation. This gave me the opportunity to sit on the witness stand and take an active part in the legal proceedings.

Keywords: Criminal Trial; Flood; Foreseeability / Unforeseeable; Representations of disaster; Risk.

«*Eventi prevedibili e non previsti*». Etnografia di un processo per disastro colposo

Nell'ultimo trentennio le aule dei tribunali italiani hanno ospitato processi penali che, per la rilevanza pubblica delle questioni discusse, rappresentano un piano prospettico privilegiato da cui osservare le modificazioni nella percezione comune di fenomeni sociali complessi quali possono essere considerati i rischi e i disastri ambientali o naturali. L'articolo prenderà in considerazione un processo avviato dalla Procura della Repubblica di Messina in seguito ad un disastro 'naturale' - un'alluvione accompagnata da colate detritiche - che nel mese di ottobre del 2009 ha devastato numerosi villaggi della provincia ionica della città siciliana, provocando la morte di 37 persone.

Nei suoi aspetti formali il processo è interpretato come un'interazione comunicativa competitiva che si esprime all'interno di una ritualità fortemente strutturata. Da una prospettiva di analisi sociale e politica considero il processo come un dispositivo, ovvero una concatenazione preordinata di sequenze che definisce i vincoli e gli elementi a supporto delle azioni dei diversi soggetti coinvolti e destinata tanto a descrivere la realtà, basandosi su un sistema di prove e dimostrazioni, quanto a modificarla. L'analisi degli atti processuali, aiuterà a chiarire le pratiche discorsive con cui il disastro è stato narrato, decostruito e riassemblato nel corso delle udienze dibattimentali, con l'obiettivo di far emergere l'articolata rete di saperi e conoscenze che oggi concorrono a determinare la loro percezione pubblica. L'interesse nei confronti delle rappresentazioni del disastro proposte dalle parti coinvolte nel dispositivo si inscrive all'interno di un più ampio percorso di ricerca etnografica avviato nei mesi successivi all'alluvione del 2009 e contraddistinto da un attivo coinvolgimento del ricercatore nella vita politica e sociale dei villaggi colpiti, grazie alla partecipazione alle attività di un comitato cittadino. L'attenzione ai processi di costruzione delle verità giuridiche è inoltre dettata dal particolare posizionamento del ricercatore, al contempo etnografo e testimone in qualità di parte offesa, nelle vicende discusse in aula.

Parole chiave: Alluvione; Prevedibilità/Imprevvedibilità; Processo penale; Rappresentazioni del disastro; Rischio

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the complexity of factors, which mediate the relationships between ontology and politics, this generally being a blind spot for the “ontological turn”.

Keywords: *Ontological turn; Descola; Latour; Viveiros de Castro; Political anthropology.*

Antropologia, “svolta ontologica”, politica.

Descola, Latour, Viveiros de Castro

Il testo esamina, con un intento di valutazione critica, la configurazione della dimensione politica negli approcci teorici di Descola, Latour e Viveiros de Castro, considerati i capifila del cosiddetto *ontological turn* nelle scienze umane degli ultimi vent'anni. Questa configurazione è analizzata da due punti di vista: il ruolo giocato dal politico e dai rapporti di potere nelle teorie del sociale proposte dai tre studiosi, e le implicazioni politiche che essi annettono alle loro teorie.

Si sottolinea la differenza tra l'approccio di Descola, in cui il politico e i rapporti di potere sono considerati elementi appartenenti a un piano diverso dalla logica di strutturazione delle “ontologie” e degli *ethos* che tuttavia influenzano la dominanza di alcuni modi piuttosto che altri e la loro dinamica storica di cambiamento, e gli approcci di Latour e Viveiros de Castro nei quali i nessi tra ontologia e politica sono intrinseci.

In tutti e tre i casi, si argomenta che questi approcci teorici non rendono conto della complessità di fattori che mediane le relazioni tra ontologia e politica, e che ciò rappresenta più in generale un punto cieco dell'*ontological turn*.

Parole chiave: Svolta ontologica; Descola; Latour; Viveiros de Castro; Antropologia politica.

Anthropology, ontological turn, politics.

Descola, Latour, Viveiros de Castro

With the aim of a critical assessment, the paper deals with how the political dimension is configured in the theoretical approaches of Descola, Latour and Viveiros de Castro, as acknowledged leaders of the so-called “ontological turn” in human sciences during the last twenty years. This configuration is examined by two points of view: the role played by the political and power relations in the three scholars’ theories of the social, and the political implications that can be drawn from these lasts.

The essay highlights the need to distinguish among, on one side, Descola’s approach, in which the political and power relations are features belonging to another level than that one of the logic of structuration of “ontologies” and ethos, even though influencing dominance of some modes rather than others as much as their historical changes; from the other side, Latour and Viveiros de Castro’s approaches, in which ontology and politics are directly linked.

In all these cases, these approaches does not account for

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