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Lawfare and Legal Mobilization in the Conflict over the Steel Plant of Taranto, Italy

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Legal and Lethal

Lawfare and Legal Mobilization in the Conflict over the Steel Plant of Taranto, Italy

CARLO NICOLI ALDINI

DEPARTMENT OF SOCIOLOGY OF LAW | LUND UNIVERSITY



Legal and Lethal

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Lawfare and Legal Mobilization in the Conflict over the Steel Plant of Taranto, Italy

Carlo Nicoli Aldini



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DOCTORAL DISSERTATION

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Abstract: This study examines the conflict in Taranto, a city in Southern Italy that has hosted one of Europe's largest steel plants, Ilva, since the 1960s. Over the decades, Ilva has reshaped Taranto's socioeconomic and environmental landscape, causing severe pollution that epidemiological studies have linked to excess mortality and morbidity. This crisis has led to a conflict fought also through legal means: while the Italian government used law to protect its politico-economic interests tied to Ilva, broad segments of the local population mobilized to demand emission cuts and the stop of production. These campaigns took place both outside formal institutions and in domestic and European courts, often achieving important legal victories – though the government repeatedly limited or reversed their effects. The thesis traces the conflict's evolution from Ilva's establishment, focusing on the early phases (1960s-1970s) and its most recent developments (1990s-present). The material for the study was collected over four months of fieldwork in Taranto and from online databases of relevant institutions. The analysis draws on lawfare and legal mobilization theory, combined with concepts from environmental justice literature, and is situated against the historical process through which Southern Italy came to be constructed as a "question" during Italy's state formation. The thesis argues that the Ilva conflict exemplifies the contradictions generated by state efforts to "solve" the "southern question", which led Ilva to acquire a central position within Italy's steel economy. The thesis introduces several typologies of lawfare – understood here as the use of law by institutions in societal conflicts – including dominative, emancipatory, formalistic, lawmaking, and symbolic lawfare. It shows how lawfare has constrained legal mobilization in the Ilva case, narrowing its scope or undoing its achievements. In this sense, the thesis contributes to both lawfare scholarship and European legal mobilization studies. To the former, it offers new typologies to analyze institutional uses of law in societal conflicts, and it examines how lawfare interacts with the rule of law, shedding light on how institutions can, through law, engage in nondemocratic practices to advance their interests in a conflict. To European legal mobilization scholarship, it contributes by problematizing the possibilities of pursuing social change through institutional channels in the European context.

Key words: lawfare; legal mobilization; European legal mobilization; rule of law; law and social change; Taranto, Italy; southern question; environmental violence; environmental injustice.

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Lawfare and Legal Mobilization in the Conflict
over the Steel Plant of Taranto, Italy

Carlo Nicoli Aldini



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To Piero Mottolese

To Giulio Regeni

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Abbreviations

AIA	Autorizzazione Integrata Ambientale (Integrated Environmental Authorization)
ARPA	Agenzia Regionale per la Protezione dell'Ambiente (Regional Agency on Environmental Protection)
CJEU	Court of Justice of the European Union
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EU	European Union
IRI	Istituto per la Ricostruzione Industriale (Institute for Industrial Reconstruction)
SVIMEZ	Associazione per lo Sviluppo dell'Industria nel Mezzogiorno (Association for the Industrial Development of the South of Italy)
TFEU	Treaty on the Functioning of the European Union

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E tutto il resto è giorno dopo giorno

Niccolò Fabi, *Costruire*

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Malmö, April 2026

Abstract in Other Languages

Svenska

Lagligt och Dödligt: Lawfare och Juridisk Mobilisering i Konflikten kring Stålverket i Taranto, Italien

Denna studie undersöker konflikten i Taranto, en stad i södra Italien som sedan 1960-talet har hyst ett av Europas största stålverk, Ilva. Under årtiondenas lopp har Ilva omformat Tarantos socioekonomiska och miljömässiga landskap och orsakat allvarlig förorening, som epidemiologiska studier har kopplat till överdödighet och ökad sjuklighet. Denna kris har lett till en konflikt som också har utkämpats med juridiska medel: medan den italienska staten använde lagen för att skydda sina politisk-ekonomiska intressen knutna till Ilva, mobiliserade breda delar av lokalbefolkningen för att kräva minskade utsläpp och ett stopp för produktionen. Dessa kampanjer ägde rum både utanför formella institutioner och i nationella och europeiska domstolar, och ledde ofta till betydande juridiska segrar – även om staten upprepade gånger begränsade eller upphävde deras effekter. Avhandlingen följer konfliktens utveckling från Ilvas etablering och fokuserar på de tidiga faserna (1960- och 1970-talen) samt på de mest aktuella utvecklingarna (1990-talet till idag). Materialet för studien samlades in under fyra månaders fältarbete i Taranto och från relevanta institutioners nätbaserade databaser. Analysen bygger på teorier om lawfare (avsett som användningen av lagen som ett vapen av institutioner i en samhällelig konflikt) och juridisk mobilisering, kombinerat med begrepp från litteraturen om miljörättvisa, och är situerad inom den historiska process genom vilken södra Italien konstruerades som en ”fråga” under den italienska statens uppförande. Avhandlingen argumenterar för att Ilva-konflikten exemplifierar de motsättningar som skapats av statens försök att ”lösa” den ”sydliga frågan”, vilket ledde till att Ilva fick en central position inom Italiens stålindustri. Avhandlingen introducerar flera typologier av lawfare – inklusive dominerande, emancipatorisk, formalistisk, lagstiftande och symbolisk lawfare – och visar hur lawfare har begränsat den juridiska mobiliseringen i Ilva-fallet genom att snäva in dess räckvidd eller ointetgöra dess resultat. I

detta avseende bidrar avhandlingen både till forskningen om lawfare och till europeiska studier av juridisk mobilisering. Till den förstnämnda bidrar den genom att erbjuda nya typologier för att analysera institutionella användningar av lagen i samhällsliga konflikter samt genom att undersöka hur lawfare samspelar med rättsstatsprincipen och därigenom belysa hur institutioner genom lagen kan ägna sig åt icke-demokratiska praktiker för att främja sina intressen i en konflikt. Till forskningen om juridisk mobilisering i Europa bidrar avhandlingen genom att problematisera möjligheterna att uppnå social förändring via institutionella kanaler i den europeiska kontexten.

Italiano

Legale e Letale: Lawfare e Mobilitazione Giuridica nel Conflitto sullo Stabilimento Siderurgico di Taranto, Italia

Questo studio analizza il conflitto di Taranto sull'Ilva, uno dei più grandi impianti siderurgici d'Europa. Nel corso dei decenni, l'Ilva ha profondamente trasformato il panorama socioeconomico e ambientale della città, generando un grave inquinamento che studi epidemiologici hanno messo in relazione con eccessi di mortalità e morbosità. Questa crisi ha dato origine a un conflitto che si è sviluppato anche sul terreno giuridico: da un lato, il governo italiano ha fatto ricorso al diritto per tutelare i propri interessi politico-economici connessi all'Ilva; dall'altro, ampi settori della popolazione locale si sono mobilitati per chiedere la riduzione delle emissioni e la cessazione della produzione. Tali campagne si sono svolte sia al di fuori delle istituzioni formali sia davanti ai tribunali nazionali ed europei, conseguendo spesso importanti vittorie, sebbene il governo ne abbia in più occasioni limitato o annullato gli effetti. La tesi ricostruisce l'evoluzione del conflitto a partire dalla fondazione dell'Ilva negli anni Sessanta, soffermandosi sulle fasi iniziali (anni Sessanta-Settanta) e sugli sviluppi più recenti (anni Novanta a oggi). Il materiale empirico è stato raccolto nel corso di quattro mesi di lavoro sul campo a Taranto ed è integrato da atti e documenti delle istituzioni coinvolte. L'analisi si fonda sulle teorie del lawfare (inteso come uso del diritto come arma in un conflitto sociale da parte delle istituzioni) e della mobilitazione giuridica, integrate con concetti tratti dalla letteratura sulla giustizia ambientale, e si colloca nel quadro del processo storico attraverso il quale l'Italia meridionale è stata costruita come una "questione" nel corso della formazione dello Stato italiano. La tesi sostiene che il conflitto dell'Ilva rappresenta una manifestazione delle contraddizioni

prodotte dai tentativi statali di “risolvere” la “questione meridionale”, tentativi che hanno contribuito a conferire all’Ilva una posizione centrale nell’economia siderurgica italiana. A tal fine, la tesi introduce diverse tipologie di lawfare – tra cui lawfare dominatorio, emancipatorio, formalistico, normativo e simbolico – e mostra come il lawfare abbia inciso negativamente sulla mobilitazione giuridica nel caso Ilva, restringendone la portata o vanificandone i risultati. In questo senso, la tesi apporta un contributo sia agli studi sul lawfare sia alla letteratura sulla mobilitazione giuridica nel contesto europeo. Ai primi offre nuovi strumenti concettuali per analizzare gli usi istituzionali del diritto nei conflitti sociali e approfondisce le modalità attraverso cui il lawfare interagisce con lo stato di diritto, evidenziando come le istituzioni possano ricorrere al diritto per adottare pratiche non democratiche volte a promuovere i propri interessi in un conflitto. Alla letteratura sulla mobilitazione giuridica in Europa, la tesi contribuisce problematizzando le possibilità di perseguire il cambiamento sociale attraverso canali istituzionali nel contesto europeo.

Chapter I

Introduction

The Ilva steel plant of the company Ilva S.p.A. in Taranto is a factory of national strategic interest.

Article 3 of Decree 207 of 3 December 2012

Ilva is a killer.

Protest phrase used by movements in Taranto

1. The conflict over Ilva as a legal crisis

This thesis examines how law becomes a weapon in a societal conflict. It explores the legal mechanisms that institutions, civil society organizations, and individuals use to advance their objectives in a conflict over which they hold opposing positions. It interrogates how law mediates these conflicting instances, providing actors with resources for resistance while simultaneously creating the conditions that oppress them. This thesis is, fundamentally, about law's structural ambivalence, being both a sword and a shield that strike each other dialectically on the battlefield.

In this thesis, the battlefield stretches across Europe: Rome, Milan, Strasbourg, Brussels, and Luxembourg are some of the places where the battle has been fought. The central stage, however, is Taranto, a city of nearly 200,000 people situated on the Ionian coast of Puglia, a region of Southern Italy (see Figure 1).



Figure 1

The location of Taranto in Italy. Figure designed by Erik Lindholm.

Epidemiological surveys have long documented Taranto's critical public health conditions, as the city has consistently shown higher mortality and morbidity than the rest of Puglia (Comba et al., 2012; SENTIERI, 2010; 2011; 2014; 2016; 2019; 2023; Vigotti et al. 2014). The local population is dangerously exposed to high concentrations of toxic chemicals (Bianco et al., 2013; Bustaffa et al., 2014; Vimercati et al., 2013, 2016, 2017), and significant environmental damage has been observed in the local air, sea, and wildlife (Cardellicchio et al., 2016; Cofano, 2019; Giandomenico et al., 2013, 2016; Giannico et al., 2022).

Taranto is home to a large industrial complex that includes a steel plant, a cement plant, an oil refinery, and a company engaged in limestone extraction. Positive correlations have been found between living closer to the industrial area and cancer risk and general mortality (Gennaro et al., 2022; Gianicolo et al., 2016; Marinaccio et al., 2011). A higher risk of neurobehavioral problems has been reported among children living near the industrial complex of Taranto (Lucchini et al., 2019; Moschetti et al., 2024; Renzetti et al., 2021). Two epidemiological surveys found a causal nexus between mortality and

morbidity in Taranto and the continuous exposure to pollutants emitted by the local steel factory, Ilva (Forastiere et al., 2012; Alessandrini et al., 2016).

Ilva is, by surface area, the largest steel plant in Europe and the second-largest by production capacity (EUROFER, 2025). A brief digression on the name: Ilva was established as 'Italsider' and remained so until 1989 (for a few years, it was called Nuova Italsider). Technically, it is now called Acciaierie d'Italia.¹ Ilva remains, however, the name most used when referring to the factory in public discourse. For that reason, I will use it throughout the text, except for those parts that refer to the early days of the environmental conflict, where I will use the name 'Italsider' to maintain historical accuracy.

Ilva is situated just Northwest of Taranto, literally bordering the Tamburi district, and it is larger than Taranto itself. It was established in the early 1960s as part of a program by the Italian state to 'modernize' the South of Italy. Since the period of Italy's state formation, in fact, Southern Italy has been considered a 'question', as its socioeconomic conditions have consistently been framed as 'backward' and 'traditional', not enough to be properly part of a 'developed' and 'modern' Italy. The emergence of the 'southern question' prompted a sustained effort by the Italian state to reform southern society, a restructuring project within which the establishment of Ilva played a central role.

While supposedly 'modernizing' Taranto and thus contributing to 'solving' the 'southern question', Ilva was also supposed to increase Italy's steel production, in a period where the European common market was forming, and competition was increasing. It rapidly became Italy's principal steel plant, sustaining its national production, which accordingly became dependent on Ilva's production cycle (Biasi, 2013). Simultaneously, Ilva progressively became Taranto's main employer, providing salaries to thousands of workers and their families.

¹ From its establishment onwards, Ilva has always been formally organized as a joint-stock company and the state has, in alternating phases, been directly involved in its management. In fact, the plant was managed directly by IRI (a state-owned public entity that was responsible for Italy's economic development) until 1995. It was then sold to the Riva Group, one of the main Italian steel corporations. Riva owned Ilva until 2013 when, after the explosion of the environmental conflict, the factory was put under external management by the Italian government, though formally retaining its structure as a private corporation. The Italian government then began its attempts to sell the factory to private parties. After various vicissitudes, in 2020 the Italian government signed an agreement with Arcelor Mittal, one of the largest multinational steel corporations worldwide, for the joint management of the factory through the company Acciaierie d'Italia S.p.A. In January 2024, after longstanding disagreements between the Italian government and Arcelor Mittal on the management of the factory, the former decided to put it again under external management, thus regaining public control of the plant. Currently, the Italian government is trying to sell the plant again to private parties, with the American fund Flacks and the Indian company Jindal Steel as potential buyers.

Ilva's production has become, inevitably, the epicenter of a conflict. Its toxic and violent intrusion into residents' lives has fueled protests, demonstrations, and legal actions, from demands to curb Ilva's pollution to calls for its full closure. "Ilva is a killer", as the quote in the epigraph says, is one protest phrase utilized to underscore the deadly impact of the factory's production. Protests against Ilva have led to several trials at both the domestic and European levels, which have served as important stages in which segments of the local population have fought against the factory and the Italian government.

The latter has, conversely, consistently maintained a politico-economic interest in the preservation of Ilva's production. Accordingly, it has adopted measures that have systematically worked against the imposition of limits on the factory's production, ensuring the continuation of its operations. In 2018, the Italian encyclopedia *Treccani* published in its online version the expression *Salva-Ilva* ('Save-Ilva'), defined as a "measure aimed at preventing the closure of the Ilva plant in Taranto" (Enciclopedia Treccani, 2018). Decree 207/2012, quoted in the epigraph, which labels Ilva as a "factory of national strategic interest", is one of those save-Ilva laws, and it frames the plant in a way that is in stark contrast with the campaigners' narrative of Ilva being a killer.

The conflict over Ilva has often been narrated as a case of 'health-work blackmail', or as a crisis that demonstrates the alleged irreconcilability between the right to health and the right to work. This way of framing the conflict is particularly significant for this thesis. Italy is a country that considers itself a constitutional democracy, where the constitution is the basic law that prescribes the fundamental rights of citizens and the duties of public institutions to preserve them. Both the right to work and the right to health are foundational in the architecture of rights enshrined in the Italian constitution. If the right to work and the right to health have become irreconcilable in the Ilva case, it becomes essential to comprehend what factors led to that contradiction to exist.

This thesis explores the contradiction at the heart of the conflict over Ilva. It puts the law on trial by examining how the law itself contributed to creating and was shaped by that contradiction. Law is oftentimes sheltered from criticism, because its provisions appear normatively coherent and well-founded. After all, why criticize a constitution that enshrines the safeguarding of both the right to health and the right to work? However, legal texts do not exist in isolation from the reality that gives them concrete meaning. It is only by placing laws in their real context that one truly understands how law and the real world shape each other dialectically.

This thesis offers a reading of the conflict over Ilva from this sociolegal perspective. It interrogates how law itself made it possible for a factory to

become a “strategic” site of industrial production for Italy, while, in the process, creating a health and environmental crisis. In other words, this thesis explores how the two narratives in the epigraph – that Ilva is a factory of national strategic interest *and* a killer – were made possible by law, and how law became the terrain on which these very same narratives were expressed and fought out. In so doing, this thesis reconfigures the conflict over Ilva in a different light, seeing it not just as a socioeconomic, political, or technical crisis. This thesis explores the conflict over Ilva as a legal crisis, as the manifestation of contradictions that are inherent in law, not external to it.

2. Research questions and design

The thesis’s overarching and guiding research question has been: How has law constituted the environmental conflict over the steel plant ‘Ilva’ in Taranto?

This research question is further articulated in the following ones:

- How have institutions, civil society organizations, and individuals used law to advance their objectives in the conflict?
- What material and discursive effects has the use of law by different actors produced within the conflict?
- How can the use of law by different actors in the conflict over Ilva be understood within the longstanding process of framing Southern Italy as a ‘question’?

These questions are explored using a sociolegal research design that draws on lawfare and legal mobilization theory and integrates concepts developed in environmental justice scholarship into the analytical framework.

In particular, I have used an analytical approach that aimed to always engage the three questions in tandem: the first question pertained to understanding the legal techniques and strategies employed by different actors in the conflict over Ilva; the second question explored the consequences and implications that were achieved by employing those strategies; with the third question, I have consistently interrogated how my findings could be understood if contextualized within the discursive and material implications of the longstanding process of framing Southern Italy as a ‘question’. This analytical strategy has enabled me to give the study historical depth, tracing the roots of the conflict over Ilva in the process of Italy’s state formation, whose contradictions continue to manifest today in Taranto.

The material has been gathered in manifold ways. The bulk of it was collected during several months of on-site fieldwork in Taranto, from the end

of February to June 2023. During this period, I met with local people, activists, lawyers, and organizations, and participated in several activities and experiences. I also visited three historical archives (two in Taranto, one in Rome), where I found documents that enabled me to reconstruct the early days of the environmental conflict in the 1960s and 1970s. Finally, this research has also required examining legal documents, including statutes, regulations, and judgments issued by local, national, and European institutions.

The thesis traces the unfolding of the environmental conflict over Ilva, from expropriation processes to recent developments. It focuses on two periods: the conflict in the 1960s-1970s and from the late 1990s to today. The first period concerns the conflict arising from the expropriation of the land to establish Ilva and the pollution emitted by the factory from the very early days of its operations. The second period concerns how the conflict developed in the recent period, when the contradictions generated by the plant's production came to the surface. It is also the period when the conflict gained international attention, with the involvement of European institutions that have further shaped its development.

3. Research aims and contributions

This thesis explores the role of law in a societal conflict. The legal field has increasingly become the space where social and political struggles over contentious topics are fought, such as the rights of minority groups (Handmaker & Taekema, 2023; Jacquot & Vitale, 2014; Jjuuko et al., 2022; McCann & Lovell, 2020), democratic backsliding (Cummings, 2025; Gloppen et al., 2022; Scheppele, 2018), claims by conservative groups (Blokker, 2024; Cliquennois et al., 2024), the construction of the EU (Kelemen, 2011; Stone Sweet, 2004), abortion rights (Gloppen, 2021; Ruibal, 2021), religious freedom (Fokas, 2015; Mayrl, 2018), rights of indigenous communities (Cardoso & Pacheco-Pizarro, 2022; Hale, 2020; Huneeus, 2022). This has led to the increasing role of courts in managing societal conflicts (Burckhart, 2017; Hirschl, 2008; Kramarz et al., 2017).

Furthermore, the Ilva case is also one of thousands of environmental conflicts taking place worldwide. Environmental conflicts “can be broadly defined as social conflicts related to the environment” (Scheidel et al., 2020: 2). The Environmental Justice Atlas has mapped and documented environmental conflicts since 2011, and has reported more than 4000 conflicts thus far, spanning from nuclear and waste management conflicts to conflicts

around mineral ore extractions and fossil fuel industries (EJAtlas, 2025). As the environmental justice scholarship has long demonstrated, these conflicts happen most frequently in places that have been historically marginalized and oppressed, and their effects are unequally distributed along lines of race, class, and gender (see e.g., Taylor, 2014; Bullard, 2019; Lerner, 2010; United Church of Christ Commission for Racial Justice, 1987). Environmental conflicts thus intertwine with, and frequently are the manifestations of, other forms of historical domination, including capitalism, colonialism, and patriarchy (see e.g., Nixon, 2011; Martínez-Alier, 2002; Mallory, 2013; Liboiron, 2021; Whyte, 2016; Reed, 2009; Crook et al., 2018). Environmental justice research has also amply documented the practices of resistance developed by affected communities against various forms of environmental harm (see e.g., Wiebe, 2016; Domingue, 2022; Atilés-Osoria, 2014; Shah et al., 2021; Foster, 1998).

Law is pivotal in shaping the contours of these environmental conflicts. In fact, while international organizations and countries are progressively adopting policy documents and legislation to address environmental degradation and climate change (Bodansky, 2016; Gunningham, 2009; Lazarus, 2004; Walsh et al., 2022; Yang and Percival, 2009), socio-legal scholars have critiqued existing laws and regulations, exposing their shortcomings and discussing their social implications (Fontáñez-Torres, 2011; Gonzalez, 2012; Lalude et al., 2022; Mutlokwa and Okoloise, 2025; Purdy, 2018; Schlosberg, 2007; Scott, 2008). Simultaneously, governments increasingly criminalize protesters and climate activists across the world (Atilés-Osoria, 2014; Birss, 2017; Gulliver et al., 2023; Konkes, 2018; Lakhani et al., 2023), while creating a favorable legal and political environment for corporations to continue engaging in toxic productions (Bernat Molina, 2025; Jacques-Bérubé and Leman-Langlois, 2024; Nicoli Aldini, 2024; Tombs, 2012; Whyte, 2014). In this context, critical criminologists have traced the connections between state-corporate crime and environmental harms (Braithwaite, 1981; Davies et al., 2014; Davies, 2014; Lavorgna, 2021; Nicoli Aldini, 2024; Nurse, 2022; Passas, 2005; Ruggiero and South, 2010, 2013a, 2013b; Sollund, 2015; Walters et al., 2013; Whyte, 2014).

In turn, civil society organizations increasingly resort to courts to curtail emissions, fight unsustainable practices, and seek environmental justice overall (Chiaramonte, 2020; Derman, 2019; Hilson, 2019; Marshall and Sterett, 2019; Molavi, 2020; Muñoz and Moya, 2019; Peel et al., 2019; Ren and Liu, 2020; Roberts, 2019; Rodríguez-Garavito, 2022; Sterett, 2019; Vanhala, 2020, 2022), a process that leads to an increased role of courts in the governance of environmental problems (Angstadt, 2015; Anker et al., 2009; Burckhart, 2017; Chaurasia, 2024; Hasanat, 2020; Konisky, 2015; Kramarz et al., 2017; Molaiwa, 2021; Voigt and Makuch, 2018). Furthermore, socio-legal

scholars have shown the informal practices of legal resistance outside courts (Brink et al., 2025; Vargas, 2026), and how alternative understandings of legality – i.e., nonstate-centric and non-anthropocentric legal cultures – challenge the current dominant and exploitative mode of economic development (Curran and Dolkar, 2022; Hoddy et al., 2023; Humphreys, 2017).

In sum, societal conflicts are widespread in today's world, and the law is constitutive of the way they begin, develop, and unfold. Sociolegal theory has long explored the role of law as both an instrument of resistance and an instrument of oppression. The former has been in particular the focus of legal mobilization scholarship, which has created a considerable body of knowledge on the factors and implications of mobilizing law in a campaign for social change (e.g., Conant et al., 2018; McCann, 1994; McCann and Lovell, 2020). On the other hand, studies on law as an instrument of oppression and violence have been integral to the development of critical sociolegal theory as a discipline (e.g., Cover, 1986; Unger, 1983; Crenshaw et al., 1995; Mattei and Nader, 2008). Recently, a growing body of scholarship has begun to use the notion of lawfare to discuss the use of law as a weapon in societal conflicts (Comaroff & Comaroff, 2006; de Sousa Santos, 2023; Gloppen, 2018; Martins et al., 2021). This thesis draws on these two bodies of scholarship – lawfare and legal mobilization – to show how their integration can further our understanding of the role of law in today's societal conflicts.

In particular, this thesis offers the following contributions. First, it expands on current theorizations of lawfare, which have mostly been applied empirically in non-Western contexts (Comaroff and Comaroff, 2006; Gloppen, 2021; Gloppen et al., 2022; Gloppen and Rakner, 2025; Jjuuko et al., 2022; Martins et al., 2021). This thesis contributes to lawfare theory by examining how law becomes a weapon used by institutions to achieve their goals in a societal conflict within a Western parliamentary democracy. In so doing, this thesis expands on current discussions on the implications of lawfare for the rule of law (de Sousa Santos, 2023; Handmaker and Taekema, 2023; Matthews, 2023).

Furthermore, this thesis contributes to European legal mobilization scholarship (Conant et al., 2018) by exploring a case in which legal mobilization processes have occurred in (and exhausted) all judicial fora in Europe, from the domestic level to both European levels (the EU and the Council of Europe). Drawing on a constitutive approach to legal mobilization (McCann, 1994; McCann and Lovell, 2020), this dissertation discusses European legal mobilization against the backdrop of longstanding historical processes – in this case, the material and discursive manifestations of the

‘southern question’. In particular, it uses the notion of lawfare to critically discuss and assess the potential of European legal mobilization for social change (Conant et al., 2018; Cummings, 2013; McCann, 1994; Rosenberg, 1991).

In so doing, this thesis continues a conversation between lawfare and legal mobilization scholarship that has only recently begun in sociolegal theory (Handmaker and Taekema, 2023; Matthews, 2023; Molavi and Nicoli Aldini, 2026). This is arguably an important development in the field as it bridges two theoretical traditions that are both interested in understanding the role of law in societal conflicts. Establishing a dialogue between lawfare and legal mobilization scholarship can thus yield better analytical tools for understanding today’s societal conflicts. This thesis advances that conversation.

Finally, this thesis offers a novel account of the Ilva case. Romeo (2019) has already offered an exhaustive and detailed chronicle of the conflict’s evolution, mostly from an economic history perspective. This dissertation reorients the focus to the role of law, thus giving a specific account of how law has constituted the conflict over the years. Additionally, by engaging with the ‘southern question’ in the analysis, this thesis offers a new understanding of the conflict as a manifestation of longstanding historical inequalities rooted in the process of Italy’s state formation – an argument that has received little attention in the relevant literature (see Greco, 2016; Santa Cruz Grau, 2014).

4. Structure of the thesis

This thesis is divided into nine chapters, including this introduction, and two appendices. Chapter II situates the study within lawfare and legal mobilization literatures, identifying the debates it contributes to. It also positions the study within the literature on the Ilva case. Chapter III outlines the methodology of the thesis. It introduces the theoretical framework, which draws on theories of lawfare, legal mobilization, and environmental justice. I then present my epistemological position on the ‘southern question’, which influences the whole analytical approach of the thesis, including questions on positionality. I then discuss the data collection and the writing processes. Chapters IV-VII present and analyze the empirical material. Chapter IV explores the discursive and material implications that framing Southern Italy as a ‘question’ has had for the conflict over Ilva; in so doing, Chapter IV sets the background against which the analysis of the subsequent chapters is structured. Chapter V explores

the early phases of conflict, focusing on the expropriations of the land to establish Ilva and on the conflict that emerged from its environmental impact from the outset. Chapter VI focuses on the years from the late 1990s to the present, when the environmental conflict reached its peak and became transnational. Chapter VII focuses specifically on the symbolic role of both national and European judicial verdicts in the conflict. Chapter VIII contains theoretical reflections; it establishes a dialogue between the findings and the literature on lawfare and legal mobilization; and it examines their implications for debates over legal mobilization and change, as well as for the relationship between lawfare and the rule of law. In Chapter IX, I answer the research questions, outline the thesis's contributions and avenues for future research, and offer concluding reflections on the implications of my study. Finally, Appendices I and II contain supplementary material that complements the set of empirical data presented in the chapters.

Chapter II

Literature Review

1. Lawfare literature

The notion of lawfare has seen increasing use in recent years (Gloppen, 2021), and the relevant literature offers several ways to understand and theorize it. All usages, arguably, intend to gain something out of the word ‘lawfare’, which, in its clear derivation from ‘warfare’, carries with it the image of war, conflict, and violence. The various deployments of the term depend on which feature of empirical reality scholars intend to illuminate.

Dunlap Jr. (2001; 2008; 2009; 2015) fundamentally conceives of lawfare as a weaponization of law for military purposes. His definitions change over time, as he moves from seeing lawfare as “a method of warfare where law is used as a means of realizing a military objective” (Dunlap Jr., 2001: 4) to “the strategy of using – or misusing – law as a substitute for traditional military means to achieve an operational objective” (Dunlap Jr., 2009: 35). In any case, by using the word lawfare, Dunlap underscores the connection between law and military war; law is seen as a weapon, and a specific weapon of war conducted by the military (see also Geva, 2019; Jones, 2016; Kittrie, 2016).

Other research relies more on the evocative connection between lawfare and conflict. In these works, law is not seen as a weapon *of war*, but as an instrument weaponized in a broader struggle between various actors. The origin of this understanding of lawfare can be found in the works by Jean and John Comaroff (Comaroff and Comaroff, 2004, 2006; Comaroff, 2001). Lawfare is here conceptualized as an instrumental use of law for domination, governmentality, subjection, and dispossession. In this understanding, lawfare underscores the effort by colonial agents to seek legitimacy to their action by means of legal language, “to launder brute power in a wash of legitimacy, ethics, propriety” (Comaroff and Comaroff 2006: 31). The Comaroffs underscore that lawfare is a dialectic and processual process, where law is

utilized by the ‘weak’ as well, though in the conflict, it is generally the powerful that prevail.

This understanding of lawfare, which has inspired research in contexts of historical oppression and domination (Braverman, 2008; Jauregui, 2022; Lee, 2024; Yonucu, 2018; Zoettl, 2016), underscores the intimate connection between law and the upholding of hegemonic forces of power (Handmaker and Taekema, 2023; Matthews, 2023). In this vein, Santos (2023) argues that lawfare is the use of law to reproduce established systems of oppression, such as capitalism, patriarchy, and colonialism. Similarly, Handmaker and Taekema (2023: 8) argue that lawfare is the “illegitimate and even hegemonic use of law by state and/or corporate bodies to suppress these claims and to persecute individual advocates, NGOs, members of social movements and other civic actors”.

Handmaker and Takema’s definition frames lawfare as an *illegitimate* use of law, thus adding a normative content to the term. This normative content is often present in discussions of lawfare. Focusing on the use of criminalization as a political weapon in Brazil, Martins et al. (2021: 4, emphasis added) define it as “the strategic use of the law with the purpose of delegitimizing, harming or *annihilating* the enemy”. Dunlap Jr. (2009: 35) himself spoke of lawfare as a use or *misuse* of law for military purposes. Gordon (2014) shows how neoconservative groups use the term to delegitimize the activities of human rights NGOs and reframe those activities as a security threat. That lawfare implies a normative stance arguably stems from the image of conflict and violence the term evokes.

On this point, Gloppen (2018) takes a different position. Gloppen avoids attributing lawfare a normative stance and instead employs the term to underscore how various actors combat a conflict in the terrain of law, thereby using law as a weapon to advance competing political and social goals. Gloppen’s theorization draws on the Comaroffs’ idea of lawfare as an iterative process, where law can be used as a weapon by both institutional and lay actors; in her theorization, lawfare in fact does not underscore a particular use of law for certain purposes – contrary to, e.g., Santos’s (2023) and Handmaker and Taekema’s (2023) approaches. In Gloppen’s work (2018; 2021), it is the struggle, the battle, that matters to qualify something as lawfare, not the goal or the intentions. Following this analytical approach, Gloppen has developed the notion of lawfare in struggles over various contested fields, such as climate change (Gloppen and St. Clair, 2012), abortion (Gloppen, 2021), LGBTQI+ rights (Jjuuko et al., 2022), and democratic backsliding (Gloppen et al., 2022; Gloppen and Rakner, 2025).

Gloppen has also developed several typologies of lawfare (see e.g., Gloppen (2021: 10), including the notion of autocratic lawfare (Gloppen et al., 2022), which denotes the use of law in a struggle to promote autocratic reforms that lead to democratic backsliding. It manifests through various techniques that erode fundamental democratic pillars, such as rules that operationalize the separation of powers principle (see also Scheppele, 2018; Cummings, 2025). This form of constitutional and legislative lawfare is supported by administrative, judicial, and socio-discursive lawfare, which work together to erode democracy through democratic means (Gloppen et al., 2022; Gloppen and Rakner, 2025).

Although the conceptualizations vary, I concur with Gloppen that it is possible to identify an “analytical core” of the notion of lawfare in “the strategic use of rights, law and litigation by actors of different breeds to advance contested political and social goals” (Gloppen, 2018: 6). In this sense, current investigations of lawfare have focused primarily on formal reforms to the existing legal framework or the use of law for criminalization of political antagonists. Consequently, less attention has been given to exploring and theorizing lawfare in the context of the ordinary operation of law. How does lawfare manifest in a context where formal reforms are absent, and institutions achieve their objectives through the ordinary operation of law?

In this thesis, I distinguish the concept of lawmaking lawfare – lawfare through legal reforms – from formalistic lawfare, which instead denotes how legal categories, formalities, and technicalities can be weaponized in a conflict to gain an advantage over competing actors. I will use the notion of formalistic lawfare to show how institutions weaponize ordinary legal mechanisms and categories to gain an advantage in a societal conflict. In this sense, the concept of formalistic lawfare will also help expand current discussions on the relationship between lawfare and the rule of law.

That lawfare is antithetical to the rule of law is an idea that can be found in the Comaroffs’ (2006: 31) work, who describe lawfare as the use of law “to launder brute power in a wash of legitimacy, ethics, propriety”; it underpins Handmaker and Taekema’s (2023: 8) approach, who see lawfare as an illegitimate use of law that “often serves to subvert the rule of law”; it is also one of Santos’s fundamental tenets. For Santos (2023: 214), lawfare operates on a rule-by-logic, which is consistent with his conceptualization of lawfare as the law of the oppressor that upholds capitalist, patriarchal, and colonial relations of domination:

Lawfare by rule of law is an oxymoron. Simply put, in my conception, lawfare does not operate according to the rule of law; it operates according to rule by law.

This conclusion is consistent with these works' conceptual choice to treat lawfare as an inherently dominant phenomenon. From this perspective, lawfare is structurally incompatible with the rule of law principle because, by upholding hegemonic systems of oppression, it fundamentally infringes on everyone's freedom and equality through law. This thesis problematizes this conclusion by showing how it 'saves' the principle of the rule of law from its actual, real manifestations. In fact, the notion of formalistic lawfare shows that lawfare – including a dominative form of lawfare – is instead compatible with the rule of law principle; in fact, it is a manifestation of how the rule of law works in practice.

2. Legal mobilization literature

Legal mobilization literature constitutes a vast and well-established field that has explored the conditions and implications of civil society organizations and individuals in their use of law, rights, and strategic litigation for social change (see, e.g., Epp, 1998; McCann, 1994; Scheingold, 1974). Over the last two decades, attention has increasingly focused on understanding how legal mobilization manifests in the European context. In fact, the establishment of the EU and the Council of Europe has expanded the range of political and legal venues that civil society organizations and individuals can explore to claim their rights (Alter & Vargas, 2000; Anagnostou, 2014; Glavina, 2023; Hilson, 2002). This form of 'Eurolegalism' (Kelemen, 2011; see also Reiners & Versluis, 2023), combined with several legal doctrines established at the EU level, including the principle of the direct effect of EU law and its primacy over national law (Dawson, 2021; Glavina, 2023; Stone Sweet, 2000; Weiler, 1999; Weiler, 1994), have opened up new opportunities at the European level for citizens.

In the context of the EU, these opportunities are the preliminary ruling procedure set forth by Article 267 of the TFEU, which effectively enables actors to challenge national legislation based on EU law through national courts (Hermansen et al., 2025; Mayoral & Pérez, 2018; Ovádek, 2023; Passalacqua, 2021, 2022, 2025; Passalacqua & Costamagna, 2023). In the context of the Council of Europe, the ECtHR has become a venue for human rights litigation and another space in which European states are held accountable for their national politics (Anagnostou, 2014; Cichowski, 2006, 2016; Fokas & Anagnostou, 2019; Harms, 2021; Ozgul, 2017).

Research in this field has primarily explored the institutional and agentic conditions of European legal mobilization (Conant et al., 2018). A different problem lies in understanding its implications, namely, assessing the efficacy of European legal mobilization for delivering social change. This question has been at the core of legal mobilization scholarship since its inception, as it addresses the central problem of legal mobilization as a practice: is it strategic for movements to go to court to achieve social change, or should resources be directed elsewhere?

In the US context, Rosenberg (1991; 2008; 2023) argued that bringing about social change through court is a “hollow hope”, because of three fundamental constraints that courts have: established precedents must exist to achieve desired wins in court, broader political support is necessary to deliver the change achieved through court rulings, and, finally, courts lack implementation powers to enforce their verdicts. Rosenberg’s argument thus points to institutional, structural, and sociocultural constraints. Social change through the courts is achievable only if a broader legal and political culture is already geared toward that change.

Legal mobilization has also been criticized as a manifestation of liberal legal ideology, which holds that change is achievable through law while obscuring the fact that real systems of domination cannot be dismantled through court rulings (D’Souza, 2018; Hasnas, 2007). In this sense, legal mobilization inevitably reproduces law’s hegemony in society (Ewick and Silbey, 1998; Silbey, 2005), and in so doing it ultimately serves the interests of the ruling class. Furthermore, repeat and wealthy players generally prevail in court, skewing trials in favor of those with greater capital and financial resources (Bourdieu, 1985; Galanter, 1974). These critical voices thus point to the mystifying role that legal mobilization might have for a broader campaign for social change.

The constitutive tradition of legal mobilization scholarship (see e.g., McCann, 1994; McCann and Lovell, 2020), while acknowledging that centuries-old systems of oppression cannot be undone through rights litigation alone, has long underscored that legal mobilization campaigns are part of a broader effort for change and that the latter should be assessed incrementally over the course of a longstanding struggle. In this sense, courts’ verdicts (and law more in generally) have a much wider impact on building a mobilization campaign (Fokas and Anagnostou, 2019; Galanter, 1983; Holzmeyer, 2009; Levitsky, 2015; McCann, 1994; Ozgul, 2017); they can be deployed instrumentally as a discursive tool to build a movement’s identity and its actions (Fokas and Anagnostou, 2019; Galanter, 1983).

This thesis contributes to understanding change in European legal mobilization by bringing the concept of lawfare into the analysis. It does so by drawing on Molavi and Nicoli Aldini's (2026) argument that lawfare can be intended as a limit to legal mobilization, as the use of law by institutions can limit the scope of a legal mobilization campaign or curtail its achievements altogether. This argument is further explored and developed in this thesis, which demonstrates how lawfare can indeed operate as a limit to legal mobilization in several ways, thus effectively neutralizing the effects of a mobilization campaign.

In particular, the analysis offered in this dissertation assesses legal mobilization in the European context against the backdrop of longstanding historical processes – in this case, the material and discursive manifestations of the 'southern question'. This analysis offers a critical reorientation of the potentials of legal mobilization in Europe, problematizing the ideal of liberal legalism that rights litigation can effectively bring about social change. In so doing, it invites scholars in this field to integrate into the analysis of formal legal mechanisms a broader historical lens that can serve to assess whether European laws can function as a "weapon of the weak" (Jacquot & Vitale, 2014), and whether rights do effectively work in the European context (Fokas, 2020).

3. The literature on the conflict over Ilva

For decades, local scholars have discussed the socioeconomic and anthropological transformations that Taranto underwent as a result of the several rounds of industrialization (e.g., Nistri 2012, 2010; Nistri and Voccoli 2019; Resta 1990; Lo Martire 1988). Furthermore, following the conflict's 2012 escalation, the Ilva case has gained increasing attention and has appeared in several international publications. Barca and Leonardi (2016: 65) describe it as a "paradigmatic example of environmental injustice in its specifically industrial form", where workers have been relegated to a position of having to choose between health and work.

Numerous works discuss the economic underpinnings of the conflict, showing how the Ilva plant plays a fundamental role in both Taranto's economy and Italy's steel production (Biasi and Romeo, 2017; Di Fabbio, 2011; Romeo, 2011; 2019). Furthermore, several publications analyze the roles of laws and regulations in shaping the conflict. Lai et al. (2019) show how the Italian government, in official documents, constructed the risks associated with the factory's closure in a way that made them more visible. In contrast, the

environmental and health risks associated with Ilva's production were discursively constructed as less prominent. The discourse by public authorities is also the object of discussion in the ethnographies conducted by Alliegro (2018, 2020). He confronts the public discourse on the environmental crisis with local discourses and practices developed by the residents of the Tamburi neighborhood, the one closest to Ilva. He finds that the official way to manage the crisis, based on a "science paradigm" and the "tyranny of numbers", is developed by public institutions in ways that do not involve the participation of the citizenry.

Greco and Chiarello (2016) argue that the governance of the Ilva case has changed significantly following the company's privatization in 1995. Previously, the Italian state directly controlled Ilva and was able to maintain equilibrium among competing societal, political, and economic interests. Privatization disrupted this equilibrium, as it led to a "privatization of rules", pervaded by a market logic that has been inadequate to account for and consider the political and societal relevance of Ilva, and is effectively unable to address the environmental crisis. I have used a critical criminological lens to argue that the Italian government used law to create a "regime of permission" (Whyte, 2014) that has enabled Ilva to continue operating despite evidence of its harmful impact on society (Nicoli Aldini, 2024).

Several works discuss the societal implications of the conflict. Greco and Bagnardi (2018) analyze the environmental debate in Taranto and argue that there are two positions held in town: the environmentalists versus the industrialists. They maintain that the debate is post-political, in that both positions build on technical arguments disentangled from wider political considerations, which are maintained only by very few subjects in Taranto, namely, one union and two local organizations.

A vast literature engages with bottom-up reconstructions of the everyday experiences and practices of resistance of the residents in Taranto (Augello, 2024; Ippolito, 2022; Ippolito et al., 2025; Jokela-Pansini et al., 2024; Panico, 2020, 2025). For example, Jokela-Pansini (2022) investigates women's agency and their reproductive health concerns in the context of a public discourse that responsabilizes them, because, through pregnancy and breastfeeding, pollutants might be passed to fetuses and children. Jokela-Pansini and Militz (2022) and Panico (2025) explore how young people envision their futures in such a highly polluted environment. Coppola & d'Ovidio (2019) and d'Ovidio (2021) show how people in the old-town area of Taranto have developed a new type of economic activity, inspired by community and identity building and serving as tools for "bottom-up urban regeneration" in the face of the environmental and socioeconomic crisis.

Finally, the Ilva case has also been connected to Italy's 'southern question'. Greco (2016) argues that public authorities have fostered an othering and victim-blaming discourse on the environmental crisis that linked the excesses of mortality and morbidity to the unhealthy lifestyles of the local population. Santa Cruz Grau (2014) shows that the hegemonic discourse on the crisis has framed the possibility of Taranto's development as inevitably connected to the steel plant, revealing that modernizing ideology that is at the root of the 'southern question'.

This thesis advances the literature on the conflict over Ilva by offering a novel account of the role of law in the environmental crisis. In particular, this thesis contributes to this literature by examining how law was generative of the crisis and simultaneously reflected it, illuminating how institutions, civil society organizations, and individuals used law to advance their interests in the conflict. Furthermore, by taking place against the backdrop of the 'southern question', the analysis shows how the unfolding of the conflict over Ilva can be understood as a current manifestation of the contradictions generated by the process of Italy's state formation, with a specific focus on law as the site where these contradictions manifest.

Chapter III

Methodology

1. Theoretical framework

I consider conflict a structural component of modern capitalist society (Buckel et al., 2024). Conflict is structural due to capitalism's internal contradictions and its intimate connection to other historical forms of exploitation and oppression (de Sousa Santos, 2023). These contradictions fuel processes of resistance and emancipation, which trigger reactions by other actors in society, e.g., institutions, corporations, and civil society organizations. This dialectical dynamic constitutes the conflict over a contentious topic, which is also fought in the terrain of the law (Buckel et al., 2024; Turk, 1976). A legal struggle thus unfolds, fundamentally, as a conflict in which different actors compete to ascribe diverging and competing interests to law. Law is not necessarily the end-goal of the struggle; actors compete to ultimately arrange or change material conditions on the ground, not the language of law per se. Yet law is recognized as a fundamental instrument that must be invoked to legitimize one's discursive or material goal.

Actors are not equally equipped to fight the battle, as they occupy different positions and have relative power relations (Bourdieu, 1985), which influence their ability to compete in the struggle and to shape the production of law (Galanter, 1974). I therefore distinguish between the use of law in the struggle by institutions and by noninstitutional actors, such as individuals and civil society organizations. In particular, I term 'lawfare' the use of law by institutions in a struggle over a contentious topic; conversely, I term 'legal mobilization' the use of law by civil society organizations and individuals in the same struggle.

Before moving to the next section, I would like to briefly discuss the reasons behind my choice to keep the two terms – lawfare and legal mobilization – separate and distinct. In the lawfare literature, Gloppen (2018) notably uses lawfare to refer to the use of law by civil society organizations as well, and she

clarifies that lawfare and legal mobilization may overlap in instances where legal mobilization is part of a contentious struggle for social change (13). Other works (Handmaker and Taekema, 2023; Matthews, 2023; Molavi and Nicoli Aldini, 2026), instead, keep the terms distinct to underscore the difference in legal strategies between institutions and lay actors. I follow the latter approach, mainly to underscore the delta in legal power among competing players in the struggle, as reflected in their capacity to generate tangible outcomes through their use of law. If the state can engage in targeted legislation, constitutional reforms, or selective prosecution, civil society actors and individuals can engage in strategic litigation or protest. This power asymmetry should be accounted for analytically, which explains why I keep the term separate.

In my conceptualization, I will place corporations among institutional actors – and therefore, as subjects of lawfare rather than legal mobilization; in fact, corporations have the infrastructure and the financial ability to influence lawmaking and engage in strategic litigation in a way that needs to be kept distinct from the instrumental use of law by civil society organizations (e.g., Bouwen and McCown, 2007; Galanter, 1974; Godwin et al., 2012; Goyes, 2018). Furthermore, their interests oftentimes align with state interests, thus blurring the boundaries between public institutions and private capital (e.g., Bernat and Whyte, 2017; Ciocchini and Greener, 2023; Nicoli Aldini, 2024; Tombs, 2012; Vauchez & France, 2021; Whyte, 2014).

1.1. Lawfare

I define lawfare as the use of law by institutions in a struggle over a contentious topic. This definition draws on Gloppen (2018; 2021), as it identifies a fundamental connection between lawfare and a given struggle, and because it adopts a non-normative approach. In fact, in my definition, institutions can engage in lawfare for both dominative and emancipatory purposes. Keeping one unique term serves to illuminate that law(fare) can “cut both ways” (Scheingold, 1974, as cited in McCann and Lovell, 2020: 397), as in a given struggle, it may serve both oppressive and emancipatory purposes. To make my definition of lawfare sensitive to historical and hegemonic systems of oppression (de Sousa Santos, 2023; Handmaker and Taekema, 2023; Matthews, 2023), I will use the terms ‘dominative lawfare’ and ‘emancipatory lawfare’. In section 2 of this chapter, I will further elaborate on how dominative and emancipatory lawfare can be intended in the specific context of the conflict over Ilva.

Lawfare manifests through a series of legal techniques employed by institutions. For instance, it may occur through the weaponization of

constitutional reforms, legislation, and executive decrees (Gloppen, 2021: 10). This is a form of lawfare that is strictly connected to political institutions, such as parliaments and executives, and their lawmaking power. In this sense, it is an overt form of lawfare because it manifests through formal amendments to the existing legal framework. To refer to this type of lawfare, I will use the term ‘lawmaking lawfare’.

Lawfare can also manifest in more covert ways when institutions use the technicalities inherent in legal formalism to achieve their objectives in the struggle. For example, institutions may take advantage of legal formalities (e.g., textual interpretation of legal texts), procedures (e.g., deadlines), and established legal categories (e.g., the legal construction of property, the statute of limitations, immunity from prosecution) to gain a competitive advantage in the struggle. I term this form of lawfare ‘formalistic lawfare’.

When institutions engage in formalistic lawfare, they do not change the existing legal framework; they use the existing law, legal categories, and legal doctrines to their advantage, to promote their interests in the struggle. It is a type of lawfare that is strictly connected to legal experts, as it requires deep knowledge of the law and its technicalities to be carried out. In this sense, formalistic lawfare can occur within trials, where lawyers and judges compete to interpret law in a certain way (Bourdieu, 1985), but also outside trials, as institutions can weaponize a certain interpretation of the law, for example in the context of negotiations and communications, to uphold their interests and gain an advantage in the struggle.

Lawmaking lawfare and formalistic lawfare may overlap, as a new piece of legislation can introduce legal categories whose technicalities can be weaponized by institutions’ lawyers. The environmental justice literature has shown this point quite vividly. For instance, Nixon’s (2011) notion of “slow violence” has a strong legal component underlying it (Scott, 2012). Slow violence refers to “a violence of delayed destruction that is dispersed across time and space, an attritional violence that is typically not viewed as violence at all” (Nixon 2011: 2). Slow violence occurs slowly, in a cumulative manner, and over a long period of time, as toxic chemicals steadily and consistently interfere in people’s lives in ways that are not “newsworthy” (3) but that, over time, lead to harmful consequences to those continuously and repeatedly exposed to them. As Nixon claims, slow violence is a concept that fundamentally pushes us to rethink the temporality and spatiality of violence: violence is not just a rapid, instantaneous, harmful act; it is a process that sediments and consolidates over time and space.

Nixon’s idea of slow violence builds on Galtung’s (1969) notion of structural violence. In fact, it urges us to explore the underlying structural conditions that

make a certain (slow) violence possible altogether. Slow violence is inherently structural because it is a violence that originates from underlying, often invisible, “structural *and* political forces that permit gradual brutalities to persist” (Davies, 2022: 414, italics in the original), whose effects are however tangible, visible, violent and, often, deadly (Armiero and De Rosa, 2016; Armiero and Fava, 2016).

Law is constitutive of slow violence in many ways, as several legal techniques function to “underestimate – in advance and in retrospect – the human and environmental costs of slow violence” (Scott, 2012: 5; Nixon, 2011). These techniques lead to an underestimation of the cost of environmental harm, both in advance (through estimations of environmental impacts encoded in legal texts) and in retrospect (through tort law that claims to repair irreparable damages) (Scott, 2012). Another way law constitutes slow violence is by setting thresholds for pollutants within legal frameworks. While on the surface this is a legal technique that curbs toxic production, legal limits simultaneously legitimize production and legalize the underlying constant pollution emitted by factories; in so doing, they represent a paradigmatic example of how law constitutes the gradual and progressive nature of slow violence.

Another manifestation of the connection between lawfare and slow violence can be seen in the manipulation of time by corporations to frustrate competing actors in the struggle, leading to what Conde et al. (2023) have termed “slow justice”. Corporations, in fact, have the infrastructure and financial capacity to exploit legal mechanisms to their advantage, by constantly appealing verdicts, delaying procedures, and postponing the enforcement of judgments. For corporations, the lengthy duration of a trial is not a problem because they have the infrastructure and means to sustain that fight, whereas that is obviously not the case for ‘ordinary’ actors (Conde et al., 2023; Nixon, 2011). This weaponization of time can frustrate a movement, which might lose momentum, resources, and even support (Conde et al., 2023).

Additionally, both lawmaking lawfare and formalistic lawfare are strictly connected to what I term ‘symbolic lawfare’. By this, I mean a form of lawfare that refers to what the official legal discourse allows one to say or not to say. For instance, a new piece of legislation can introduce new legal categories that represent a new vocabulary to speak about the conflict and that mirror a certain underlying interest; or a judicial verdict establishes the official, institutional viewpoint over a struggle, and in so doing it enables institutions to speak about the conflict in a way that is now validated by official law (Bourdieu, 1985; Buckel et al., 2024), while simultaneously disregarding competing legal narratives as illegitimate (Cover, 1983; Lovell et al., 2016). The idea of

‘symbolic lawfare’ is strictly connected to Galtung's (1990: 291) notion of ‘cultural violence’, which refers to “those aspects of culture that can be used to justify or legitimize direct or structural violence”. Law and its images have, in this sense, an important role in upholding hegemonic worldviews, as Gordon (1984: 109) pointed out in relation to the cultural power of law:

The power exerted by a legal regime consists less in the force that it can bring to bear against violators of its rules than in its capacity to persuade people that the world described in its images and categories is the only attainable world in which a sane person would want to live.

Accordingly, symbolic lawfare has ideological implications, as it serves to masquerade the operation of real, underlying violent conditions (Thompson, 1990; Ewick, 2017).

Environmental conflicts also involve the operation of symbolic lawfare. In fact, communities that are suffering the consequences of environmental harm are pressed to speak about the violence they endure in legal terminology; they need, in other words, to turn their harm into legal categories, which inevitably reconstitutes the complexity of their suffering (Conde et al., 2023; Scott, 2012). For example, law requires harm to be proven in scientific language; accordingly, science is oftentimes weaponized against communities, as they have the burden to prove the causes of their harm scientifically (Molavi, 2020; Nixon, 2011). The difficulty of establishing this causal relationship – a requirement of law’s formality – may lead to unsuccessful verdicts that, eventually, give legal legitimacy to the interests promoted by the state or the corporation. These verdicts represent, in other words, an instance of symbolic lawfare, as they become a new weapon to be used in the struggle by institutions.

In sum, lawfare is the use of law by institutions to promote a certain interest and achieve certain goals in a given struggle over a contentious topic. Depending on its relation to hegemonic systems of oppression, it can manifest as both dominative and emancipatory lawfare. It may also manifest as lawmaking lawfare, through amendments to the existing legal framework; as formalistic lawfare, through the strategic use of legal technicalities; and as symbolic lawfare, when the cultural power of official law upholds and gives legitimacy to certain interests in the struggle. In environmental conflicts, lawfare manifests in various ways, ranging from the setting of legal limits to the exploitation of time and the weaponization of science, all of which contribute to the constitution of social and environmental harm.

1.2. Legal mobilization

Legal mobilization is the use of law by civil society actors to promote a certain interest and achieve certain goals in a struggle over a contentious topic. Legal mobilization can occur both in the formal venues of official institutions (e.g., parliaments, municipal councils, and courts) and outside formal channels, through demonstrations, protests, art installations, novels, banners, and music. It is therefore part of a broader campaign for or against social change (McCann, 1994; Teles, 2008). The course of a legal mobilization campaign is shaped by numerous factors that mutually influence one another, which relate to the extant political, legal, and sociocultural environment, and, in the relevant literature, are indicated by the “opportunity structure” term.

In particular, the notion of “political opportunities” was introduced in social movement theory to indicate the relative accessibility or closure of the political system to contentious claims (Bloom, 2014; McAdam, 1996; Tarrow, 1996; Tilly et al., 2015). Access to the structure of political opportunities is not only determined by the formal openness of the system, but also by the more contingent responsiveness of the political system to requests from civil society actors (Cichowski, 2006; Hilson, 2002; Passalacqua, 2021; Schaffer et al., 2024).

“Legal opportunities” instead represent the contextual factors that create conditions for mobilizing claims within the legal system (Andersen, 2004; De Fazio, 2012; Evans Case and Givens, 2010; Hilson, 2002; Molavi, 2023; Wilson and Rodriguez Cordero, 2006). In particular, the institutional design of the legal system creates a set of opportunities and constraints that shape the possibilities for individuals and groups to mobilize the law (Conant, 2006; Schaffer et al., 2024). These are the “stable” and “contingent” features of the legal system (De Fazio, 2012).

Stable features refer to those provisions on standing, costs, and the so-called “legal stock”. Legal standing refers to the procedural rules that determine who can access courts, what conditions must be met to start a lawsuit, and how to do so (Cichowski, 2016; Conant, 2006; Vanhala, 2012). Rules on costs relate to those provisions that establish who bears the costs of litigation, and that inevitably impact the viability of courts proceeding for a movement. Legal stock refers to the existence within the legal system of a set of justiciable rights (De Fazio, 2012; Vanhala, 2022). Contingent features, by contrast, refer to the broader culture of the judiciary, i.e., whether certain courts are receptive to and prone to rights protection (De Fazio, 2012).

In the European context, political and legal opportunities must be assessed at both the domestic and European level (Conant et al., 2018; Hilson, 2002;

Kahraman, 2023). In particular, both the EU and the Council of Europe have become spaces where actors can challenge domestic politics and legislation (Anagnostou, 2014; Cenevska, 2016; Cichowski, 2006, 2016; Fokas and Anagnostou, 2019; Harms, 2021; Hoek and Crosera, 2025, 2025; Krommendijk and Sanderink, 2023; Krommendijk and van der Pas, 2022; Mayoral and Pérez, 2018; Ozgul, 2017; Ovádek, 2023; Passalacqua, 2021, 2022, 2025; Passalacqua and Costamagna, 2023; Peters, 2022).

Resources are a pivotal factor that shapes a mobilization campaign. Resources denote the range of financial and intellectual means that movements need to employ in a mobilization campaign (Aspinwall, 2021; Epp, 1998; Lemaitre and Sandvik, 2015; Wilson and Rodríguez Cordero, 2006). They are not only financial, but also measurable in terms of knowledge and expertise. Lawyers play a fundamental role in any legal mobilization effort, making the legal system accessible to ordinary citizens by informing them of their rights, their options to sue, the costs involved, the risks associated, and the potential wins (see Anagnostou, 2014; Arrington, 2014; Gleeson, 2009; Kahraman, 2018; Kavar, 2011; Ovádek, 2023; Passalacqua, 2021; Pavone, 2019). Furthermore, in environmental mobilizations, scientific experts and knowledge also represent an important tool in the ‘arsenal of weapons’ available to civil society organizations (Conde, 2014; Conde and Walter, 2022).

Finally, mobilization campaigns always occur within a sociocultural environment that shapes the “discursive opportunity structure” (Koopmans and Olzak, 2004; McCammon, 2013), which influences how movements frame their campaigns and goals (Vanhala, 2012). Frames refer to the set of values and norms that inform the identity-making process of movements, and that influence their goals and broader objectives (Kurtz, 2003; Lemaitre and Sandvik, 2015; Marshall, 2003; Vanhala, 2009, 2012). Seen in the context of a legal struggle, the construction of new frames – for example, by obtaining a court victory – is part and parcel of a movement's mobilization strategies, as it offers new discursive tools that build the movement (McCann, 1994; McCann and Lovell, 2020).

In the construction of frames, civil society actors can propose alternative legal visions and worldviews drawing on a vast range of cultural repertoires. These subaltern ideas about law are what Gramsci (2014, vol. 3: 2316) termed “juridical folklore”, the “mass of popular ‘juridical’ opinions” diffused in society and that are oftentimes in opposition to institutional understandings of official law; these lay ideas about law are not isolated from official law though, as they often rely on its language and wording. Constitutions, for example, are usually important staples in the discourse that fuels mobilization campaigns.

This has been particularly the case in environmental legal mobilization (Vanhala, 2022), where non-state-centric understandings of law have been pivotal in shaping mobilization campaigns (Brink et al., 2025; González-Serrano, 2024; Hoddy et al., 2023).

In sum, legal mobilization is the use of law by civil society actors in a given struggle. Its course depends on the mutual interplay among factors pertaining to the extant political, legal, and sociocultural contexts. These factors are not watertight compartments, as they constitute and shape one another, as can be seen in environmental campaigns, where civil society actors draw on various ‘weapons’ to engage in the struggle, from international institutions to science to alternative understandings of law. In the next section, I discuss the effects of the dynamic interplay between lawfare and legal mobilization.

1.3. Assessing change in the dynamic interplay between lawfare and legal mobilization

Any legal conflict is characterized by a dialectic interaction between various players, who act following the other player’s moves. It is an iterative process, what Gramsci would call a “war of position” (as cited in McCann, 1994: 308). Each actor uses law to achieve a certain goal that is part of the broader struggle, and in its decision is influenced by the gains or losses previously achieved by the other actor, which reshape the structure of opportunities available (Gloppen, 2018). The analytical focus on the struggle enables one to capture this iterative process, thus showing how each move is contingent on prior moves and creates new conditions for subsequent moves.

For instance, the passage of a new statute may open up, or foreclose, legal opportunities for civil society actors. Judicial verdicts may have both emancipatory and oppressive potential: a win in court represents a capture of law’s symbolic power by counterhegemonic forces (Buckel et al., 2024) and, by giving official legal recognition to an injustice (Bourdieu, 1985; Buckel et al., 2024), it validates a movement’s struggle, it contributes to the formation of its identity, and it generates momentum (McCann, 1994). At the same time, a win in court might trigger backlashes from institutions or reactionary forces (Albiston, 2010; Gloppen, 2018).

In light of this, assessing change in a legal struggle is a complex and dynamic problem, as one needs to consider various levels of change: legal change is the modification of the extant legal framework, which occurs, for example, through the passage of a new statute or the issuance of a judgment; political change is the creation of new political alliances; symbolic change refers to a change in the discourse through which the struggle is framed and

discussed; material change refers to change in the constitution of reality, e.g., the closure of a polluting factory or the practicability of abortion (see, e.g., Gloppen, 2018; 2021). All these changes shape and constitute one another; in fact, while political, legal, and symbolic changes are oftentimes hardly the final goal of actors battling in a struggle, who ultimately desire to achieve material change, they nonetheless serve to build a movement and contribute to creating an infrastructure that sustains the desired change (McCann, 1994).

This point shows, once more, why all types of changes need to be assessed and considered in their dynamic interaction, showing how change is the fuel of legal mobilization and lawfare; both lawfare and legal mobilization are effort to *do* change and to *undo* change, as institutions may engage in lawfare to limit the effects of a victory achieved through legal mobilization, or civil society actors may engage in legal mobilization to fight back against institutions' lawfare and the change that followed from it.

In this dynamic, lawfare can operate as a "limit to legal mobilization" (Molavi and Nicoli Aldini, 2026). Lawfare is a limit to legal mobilization because of the structure of the legal struggle itself, which is designed in a way that will bring legal mobilization 'to face' the effects of lawfare in various instances. This can be seen regarding formalistic lawfare, lawmaking lawfare, and symbolic lawfare.

Formalistic lawfare can be intended as a limit to legal mobilization because institutions can rely upon law's formalities and technicalities to prevent a mobilization campaign from achieving its objectives. This can occur in the context of a trial, as well as during negotiations and political confrontations. In addition, political institutions can engage in lawmaking lawfare to undo the achievements of a mobilization campaign, thus substantially reversing their effects. Finally, symbolic lawfare operates as a limit to legal mobilization by shaping the boundaries of what can and cannot be articulated under the legitimating authority of official legal discourse.

In this sense, symbolic lawfare closely resembles Cover's (1983) argument that judges do not simply deliver verdicts; they also *kill* legal ideas and narratives. In fact, there are manifold ideas about law in society, ideas about how to interpret a constitution, a statute, a regulation. These "folk" ideas about law, as Gramsci (2014: vol. 3: 2316) would call them (see also Crehan, 2002: 105), are sometimes mobilized in the venues of official institutions to try to achieve change. A judge rejecting these ideas affirms that official law is deaf to alternative legal visions and worldviews (see also Lovell et al., 2016; McCann and Lovell, 2020).

Cover's perspective on legal narratives is Gramscian in nature: the relationship between official and alternative legal narratives is seen not in

terms of technical superiority, but in terms of hegemony over subalternity. What makes the judge's legal narrative superior is their power to make their judgments consequential, through force. Cover (1983: 53) in fact argued:

Judges are people of violence. Because of the violence they command, judges characteristically do not create law, but kill it. Theirs is the jurispatic office. Confronting the luxuriant growth of a hundred legal traditions, they assert that this one is law and destroy or try to destroy the rest.

At the same time, a judge cannot kill the underlying *nomos* that sustains a certain worldview (Cover, 1983). By *nomos*, Cover meant the set of ideas and narratives that form the imaginary of a group in society, including their legal culture (Cover, 1983; see also Lovell et al., 2016; McCann and Lovell, 2020). A judge cannot eradicate a *nomos* that has developed, historically, through generational struggles. In fact, even in the presence of a negative verdict, campaigners will most likely continue their fight for having their legal stances recognized by official law; a negative court's judgment, nonetheless, has the function of not conferring the legitimacy of official law on those alternative legal visions (Lovell et al., 2016). This is symbolic lawfare, and it is yet another way to understand lawfare as a limit to legal mobilization.

In sum, assessing the effects of the interaction between lawfare and legal mobilization, and their relation to change, requires evaluation at various levels. In this analysis, consideration of the actors' intended goals is essential (Gloppen, 2018; 2021). Furthermore, the analysis must always consider the broader material and discursive context in which the legal struggle unfolds, which plays a fundamental role in shaping the possibilities for change. I further discuss this point in the next section.

2. Italy's 'southern question' and methodological implications

Ilva is located in Taranto, in Southern Italy, an area of the country that has been consistently constructed as a 'question' in the history of Italy as a unified state. The 'southern question' is, in fact, an idea that was cemented in the 19th century, especially during the period of Italy's state formation (Conelli, 2022; Moe, 2006), and it is often intended as the socioeconomic gap between a wealthier, modern North and a poorer, backward South. This hegemonic understanding of the 'question' has fueled a whole set of reforms to 'solve' it,

as well as a whole range of academic works aimed at explaining the reasons behind the socioeconomic difference between the two parts of the country (see, e.g., Pescosolido, 2019; Felice, 2015; Daniele and Malanima, 2011).

A series of other works, instead, problematized the ‘objective façade’ of the ‘southern question’ – the socioeconomic gap between the North and the South –, and engaged with it critically by revealing its ideological roots in the process of Italy’s state formation. This reframing of the ‘southern question’ draws on Gramsci’s (1966; 2014) writings, who underscored the unequal positioning of the North and the South in the newly formed state. In particular, the annexation of the South to the forming Italian state was a process underpinned by a racist, discriminatory, othering discourse (Moe, 2006), a case of “orientalism in one country” (Schneider, 1998).

Images, ideas, and tropes, which formed the basis of coeval European colonialism, fueled the construction of the South as the “dark side” of Italy (Conelli, 2022: 6). In the process of development of industrial capitalism in the North of Italy, underpinned by a modernist ideology, the South of Italy was framed as a backward and traditional land populated by savages and criminals in need of discipline and reformation (see Moe, 2006). Once these territories were annexed, the newly formed Italian state thus gained a fundamental role, consisting in the development of a series of infrastructural reforms that would transform the South of Italy into ‘proper’ Italy, from its economy to its culture and society. The establishment of Ilva was part of these infrastructural reforms.

This critical approach to the ‘southern question’ pushes to rethink the position of the South of Italy; instead of considering the South the backward part of Italy that needs to be modernized, it should be seen as a land that became part of the forming Italian state in a position of constructed subalternity (Di Nola 1998; Dei 2023; see also De Martino [1959] 2024; [1961] 2023),² justified and reproduced through a discourse that has consistently framed the South as inferior vis-à-vis the North (Conelli, 2022). This discourse has become integral to the construction of Italian identity and the development of Italian culture. Furthermore, this discourse has inspired a series of infrastructural reforms that have connected Southern Italy to the country’s economic, political, and military interests, thus interlocking the South in global capitalist and colonial networks (Conelli, 2022).

This makes the ‘southern question’ not simply a problem of socioeconomic gap between the North and the South. It makes it an instrument of governance that has manifested through a series of interventions by the Italian state to

² For a discussion on whether the relationship between the North and the South should be seen as colonial, see e.g., Conelli (2022); Panico (2024); Dal Lago (2014).

promote its politico-economic interests while simultaneously ‘Italianizing’ the South. The affirmation of this process has led to the subalternization of a series of cultural practices considered ‘other’ because ‘non-Italian’.

Accordingly, the discursive and material plane connected to the ‘southern question’ is the fundamental background upon which the legal struggle over Ilva has occurred. Lawfare that upholds the material and discursive interests developed in connection to the ‘southern question’ will be framed as a form of dominative lawfare. Conversely, institutional conduct and acts that challenge those interests will be termed as instances of emancipatory lawfare. The analysis of the relationship between lawfare and legal mobilization, their effects, and their implications for change will be assessed against this backdrop, and its discursive and material implications for the conflict over Ilva. Therefore, the first empirical chapter of this thesis (Chapter IV) will be devoted to setting the discursive and material stage of the struggle, to highlight what kind of politico-economic interests are tied to Ilva, and what kind of discourse upholds them. Methodologically, therefore, Chapter IV contains the fundamental background against which all the subsequent analysis will be conducted.

3. Positionality and ethics

Growing up in Bologna, in the North of Italy, I have been exposed to the discourse on the ‘southern question’ in many contexts; at home, as one of my grandparents moved from the South to the North and often spoke about his experiences moving to Bologna; in political debates, as the ‘southern question’ has been part and parcel of Italian politics ever since I have memory, perhaps not openly as ‘the southern question’, but generically as a gap existing in the country that had to be addressed. In any case, growing up in the North exposed me to a certain discourse on the ‘southern question’, which I inevitably internalized and only later, during my master’s studies, began to problematize.

I studied law, and law school is hardly a place where you engage with critical theory. It was not the case for me, at least. After deciding not to continue working in the legal field, I began my master’s studies, which enabled me to engage with critical studies of law. This allowed me to approach law from a range of perspectives that problematize its role in society, its effects, and its implications. This PhD thesis originated from the desire to put to work my critical studies of law in the context of a case, the conflict over Ilva, that I had followed as an ordinary Italian citizen, especially after the 2012 events. I was

in law school at the time, and I struggled to come to terms with how the health-work blackmail could be acceptable in a country that promotes the protection of both values in its constitution. In my legal education, I could not find a satisfactory answer to how this problem came to be and was accepted by the legal system.

When I began working on this research project, I quickly understood that I could not have analyzed the conflict without interrogating the role of the ‘southern question’ in it; upon realizing that, the hardest part was, for me, to undo the idea of the ‘southern question’ that I had internalized and absorbed while growing up. I cannot speak for others, of course, but I think that the hegemonic idea currently existing in Italy is that the South *is* a ‘question’, and this question needs to be resolved. That is the idea of the South that generalist Italian culture gave me, through statistics, politics, comedy shows, and movies.

This project completely changed the moment I began reading the ethnographies by De Martino ([1959] 2024; [1961] 2023), the works by Schneider (1998), Conelli (2022), and Ghisu and Mongili (2021), and the fundamental underlying Gramscian perspective that underpins them. These readings made me understand that the ‘objective’ manifestations of the ‘southern question’ – the socioeconomic gap that everyone speaks of, that scholars have tried to explain, and that politicians have tried to fix – should be interrogated and problematized. In fact, we should rather explain and understand what thinking and speaking of the South *as a* question has implicated for the South, the North, and Italy as a whole. This thesis aims to do that, to read the Ilva case from this perspective. In that sense, this thesis is also part of my work-in-progress process of re-understanding the ‘southern question’, and, consequently, my home country, its history, and proclaimed identity.

Additionally, my position as a sociolegal researcher has inevitably affected the scope of this study, my epistemological perspective, and the inevitable theoretical and empirical choices one makes when writing a research project that draws on an ethnographic methodology (Campbell and Lassiter, 2014; Clifford and Marcus, 2010; Davies, 2008; Wacquant, 2002; Wilson and Chaddha, 2009). In fact, the material analyzed has been selected and interpreted through a distinctly sociolegal lens, structured by concepts drawn from sociolegal theory, such as lawfare and legal mobilization, and integrated with notions from the environmental justice literature. This is the analytical lens used to analyze and interpret the material, which ranges from laws and statutes to observations and interviews. Accordingly, the analysis of the material and the conflict altogether is a situated interpretation shaped by my

position as a sociolegal researcher: it foregrounds dimensions of lawfare and legal mobilization that become visible through this analytical perspective.

This analytical positioning has also informed the empirical scope of this work, as this thesis has focused predominantly on legal mobilization processes that led to court proceedings. This is a limitation of this project, because Taranto is a city full of legal ideas mobilized outside formal mechanisms. This reduction in scope became necessary to map the dialectic between legal mobilization and lawfare – in fact, the focus on lawfare, which is an institutional use of law, inevitably led this thesis to gravitate toward legal mobilization before institutional contexts.

Furthermore, my decision to position this thesis within the literature on legal mobilization in the European context pushed the project to gravitate toward lawfare and legal mobilization processes involving national and European institutions. Interventions by local institutions (municipality, province, and region), especially in Chapter VI, were not the main focus of the analysis, nor did administrative court proceedings fall within the scope of the research. These events need to be accounted for empirically to complete the reconstruction of the conflict, and can also serve to further refine the analysis of the multilevel dynamics between lawfare and legal mobilization in the European context.

Ethical considerations have also been part of my ongoing reflections throughout the research project (Josephides and Grønseth, 2017). Before conducting fieldwork, I received approval for this project from the Swedish Ethical Review Authority. Before the approval, I had travelled to Taranto twice. These trips were for familiarizing myself with the town, and I did not collect any sensitive data requiring prior approval. The only material from these trips used in this thesis consists of photographs of public places.

Before conducting fieldwork, I established procedures to ensure that my data collection and analysis protected participants' identities and avoided imposing risks on them. The people I interacted with in Taranto were informed about my identity and the scope of my research. I gave them a note that included information about me, my contact information, and my privacy policy. Consent was secured verbally, and in any case, I ensured participants that I would preserve their anonymity, as required by the Swedish Ethical Review Authority.

I have later realized, however, that pseudonymizing some participants does not guarantee full anonymization. Some of them have become, over the years, public figures in Taranto, and a reader of this thesis who is familiar with the conflict will likely understand who they are behind their pseudonyms. While they gave me their consent and agreed to participate in my project, I also

informed the Swedish Ethical Review Authority of this situation, and they confirmed their approval of my project. In any case, I decided that, to treat all the participants equally, I would still assign a pseudonym to all of them. To maintain a cautionary approach, I have refrained from reporting details that were not strictly necessary for the scope of the project.

4. Fieldwork

The bulk of the data was collected on-site in Taranto over approximately four months, from the end of February to June 2023. My connections in Taranto were developed autonomously and gradually. I had personally contacted some activists before arriving in town, via social media or through common friends. The majority of my contacts were developed on-site in various ways. I talked to people on the street, in caf  s, in bars, in stores, and at events. I messaged people online via social media, email, and messaging apps. The meeting with one activist in particular, Emanuele, changed the course of my fieldwork: he drove me around Taranto and the neighboring areas, introduced me to dozens of people, and established direct contact with people I would hardly have met otherwise.

Fieldwork has transcended the borders of Taranto, as it has been a mindset that has accompanied me through my four years as a PhD student. In fact, before and after being in Taranto, I have constantly followed the news, read fiction and nonfiction books, watched documentaries and movies, and, more generally, followed the development of the conflict, in an ongoing process that has constantly shaped my understanding of the struggle and the role of the law in it. After fieldwork, Emanuele has messaged me on WhatsApp at least weekly, sometimes every day, by forwarding me photos and videos about developments in the conflict. All these circumstances and interactions have continuously shaped the way I have studied and understood the case.

During fieldwork, I attended a wide range of events, during which I conducted what is generally termed ‘participant observation’ (Campbell and Lassiter, 2014); in particular, I was interested in understanding the way the conflict over Ilva was understood, spoken about, and discussed. Participant observation is inevitably a partial effort (Campbell and Lassiter, 2014; Clifford and Marcus, 2010), whereby my identity as a sociolegal researcher shaped the information I collected, how I interacted with people, and what I eventually wrote in my fieldwork notes. In fact, after informal conversations or while attending events, I used to write down jottings in my notebook or on my mobile

phone; these jottings usually contained a description of the situation and initial analytical reflections. Later, generally at night, I would copy these notes into a document on my laptop, which included the digital versions of all my fieldwork notes.

Furthermore, during fieldwork, I conducted 23 informal interviews with residents, former Ilva workers, activists, association members, lawyers, and plaintiffs in various actions against Ilva (Table 1 lists the interview details).

Table 1.

The list of interviewees.

	PSEUDONYM	ROLE	DURATION
1	Antonio	Former worker at Ilva	58:36
2	Letizia	Plaintiff in an application before the ECtHR	1:14:59
3	Guglielmo	Plaintiff in an application before the ECtHR	54:00
4	Ilaria	Member of association	43:44
5	Nicola	Member of association	1:06:56
6	Isabella	Plaintiff in an application before the ECtHR	1:04:56
7	Roberto	Lawyer	1:03:17
8	Edoardo	Lawyer	1:16:03
9	Stefania and Fulvio	Member and lawyer of association	1:07:57
10	Gianluca	Member of association	1:31:54
11	Riccardo, Stefano, Matteo, and Andrea	Members of association	1:30:39
12	Aldo, Elena, and Anna	Plaintiffs in the collective injunctive action	1:21:10
13	Giuseppe	Former worker at Ilva	45:15
14	Simone	Member of association	23:59
15	Giulia and Fabio	Members of association	33:17
16	Valentino	Member of association	20:23
17	Francesco	Member of association	42:17
18	Gabriele and Clelia	Former worker at Ilva and residents of Tamburi district	1:28:0
19	Cecilia	Public health office representative	35:04
20	Emanuele	Activist and former worker at Ilva	6:13:54 ³
21	Marco	Priest in the Tamburi district	1:19:40
22	Luigi	Former worker at Ilva	51:16
23	Giuliana	Activist and doctor	Not recorded

Inspired by McCann's approach in his legal mobilization studies, the interviews were "informal, interactive, and dialogic" (Schmidt and Halliday, 2009: 179). I had a generic interview script that contained a list of topics I

³ This is the sum of 15 different recordings. Emanuele agreed to be recorded also while we were having informal conversations in his car or while walking together.

wanted to cover in the talk. However, I also let the interviewee guide, so that the interview developed more spontaneously. This also made law and legal opinions emerge more spontaneously in the conversation, an idea that I drew from Ewick and Silbey's (1998) study on legal consciousness. Except for one, all interviews were recorded on a personal device with the interviewee's prior consent.

I also visited three historical archives multiple times: two in Taranto and one in Rome. In Taranto, I visited the Archive of Taranto's Municipality and the Taranto branch of the Italian State Archive. In Rome, I visited the State Central Archive. At the Archive of the Municipality of Taranto, I found relevant material on the local institutions' involvement in the early stages of the environmental conflict. At both State Archives, I collected material on the involvement of state institutions, from the national government to the local prefecture. Table 2 includes a list of the collections and folders that I consulted in each of the official archives.

Table 2.

The archives, collections, and folders consulted during fieldwork.

ARCHIVE OF TARANTO'S MUNICIPALITY	○ Folder 27, File 140, 'Ist Zona Industriale'. ○ Folder 197, File 1077, 'Espropri'. ○ Folder 228, File 1311, 'Italsider – Tekne'. ○ Folder 29, File 152, 'Piano Regolatore Area Sviluppo Industriale'. ○ File 'Inquinamento Acque Costiere'. ○ File 584. ○ File 3223, 'Atti di Acquisto'. ○ Folder 'Proteste Bambini'. ○ Folder 'Collinette'. ○ Folder 'Ampliamento Depositi Olii'. ○ Folder 'Inchiesta CdS – 1'. ○ Folder 'Consigli di Quartiere'. ○ Folder 587. ○ Folder 589, File 3244. ○ Folder not inventoried.
TARANTO BRANCH OF THE STATE ARCHIVE	○ Folder 175.
CENTRAL STATE ARCHIVE	○ Collection IRI, Folder 213, 'Inizio Attività Stabilimento'. ○ Collection IRI, Folder 82, 'Ecologia/Inquinamento Acque'. ○ Collection IRI, 'Indennità di Espropriazione Terreni'. ○ Collection IRI, Folder B1200, 'Cassazione e Realtà Industriale'. ○ Collection Prefettura – Documenti Riservati.

Furthermore, three interviewees showed me their private archives, which included documentation on the conflict over Ilva, from demonstration flyers and newspaper clippings to official documents issued by public institutions.

In addition, a substantial amount of data consisted of laws and policy documents issued by various local, national, and international institutions, including the Italian government, the Puglia Region, the Tribunal of Taranto, the Tribunal of Milan, the EU Commission, the EU Parliament, the CJEU, the Council of Europe, and the ECtHR. These documents were publicly available online. Finally, data has also been obtained on the websites of national and local organizations, national and local media, Acciaierie d'Italia, and international organizations involved in the steel economy.

5. The writing process

Data collection yielded a vast dataset, and the biggest challenge was turning the material into a written dissertation. Nearly all the material (excluding the documents from international and supranational institutions and organizations) was in Italian. Translation was done personally, sometimes with the support of AI tools, after clearing the text of any potentially sensitive data. All translations done with the support of AI tools were subsequently checked for clarity and coherence. Apart from supporting translations, AI tools and digital software have also been used to check vocabulary, grammar, and syntax, to order the reference list, and to assist in the phase of proofreading.

In the writing process, the main difficulty was finding a way to present the Ilva case that did justice to both the material collected in Taranto and its broader historical context. In fact, I intended to show the ever-present manifestations of framing Southern Italy as a 'question' in the development of the conflict, to break from the idea of time as a linear process that moves from past to the future through the present (see Chambers 2022). In earlier drafts of the thesis, I used one main storyline – my fieldwork in Taranto – interrupted by flashbacks and flashforwards to connect the present of my fieldwork with past and future events.

That narrative strategy, while successful in showing how history *is* the present in Taranto, did not adequately highlight the back-and-forth between institutions and civil society actors, i.e., the legal struggle, which remains the main focus of the thesis. Consequently, in the final draft, I have decided to restore a more linear presentation of the case (especially in chapters V and VI, events are presented in a rather chronological order), which has enabled me to

highlight the iterative nature of the legal struggle, thus showing how each move followed prior moves by other actors – and therefore, how lawfare and legal mobilization constituted one another dialectically.

However, I have attempted to maintain this break in temporal linearity through other techniques. First, the empirical material is often punctuated with quotes from the interviews. This narrative technique enabled me to show how past events still shape the present in Taranto and are continuously reinterpreted and made sense of. Second, the constant engagement with the ‘southern question’ in the analysis brought the discussion of the dynamics of the conflict closer to the underlying material and discursive processes whose roots lie in the phase of Italy’s state formation; this analytical strategy has enabled me, arguably, to bridge the temporal gap between the past and the present.

The presentation of the material focuses on two fundamental moments: the establishment of the factory and the ensuing conflict (1960s and 1970s), and the explosion of the conflict (from the late 1990s onwards). The time gap between these moments does not mean that the conflict was not ongoing in that period; as Romeo (2019) shows, the struggle over Ilva has been continuous since its establishment. Furthermore, as I show in Chapter VII, a judgment on environmental crimes was issued by the local tribunal in 1982, thus demonstrating that environmental problems were pressing in those years as well. However, I did not find a sufficient amount of data in the archives to discuss legal mobilization and lawfare between the late 1970s and the late 1990s. This explains the time gap, and it invites completion with additional research in the future.

Overall, writing this thesis has been a rather dynamic process, at times undoubtedly hectic. The manuscript has undergone several drafts and has been built steadily over the four years of my doctorate. In particular, three types of events have represented essential milestones in the development of the text: the PhD seminars, where preliminary versions of this thesis have been presented to my department’s scrutiny; the supervision meetings, where my advisors have given me fundamental pieces of advice to correct my course; and the presentation of my work at various conferences, seminars, and workshops, which has enabled me to share preliminary findings and reflections and received relevant comments. This thesis is also the outcome of all these moments of confrontation and discussion.

Chapter IV

The Making of the ‘Health-Work’ Blackmail

In the seventies, the people of Taranto would have danced a waltz with a leper just to get a job at Italsider. The fishermen abandoned their boats, the cobblers shuttered their workshops, and the soldiers cast off their stars. Everyone headed for the blast furnaces, diving into slabs of steel, asbestos, and toxic fumes, everyone dipping a fingertip into the devil’s ricotta. All of them hooked by the promise of a steady job. Each man with his own hard hat and overalls. Everyone punching in and punching out, all branded on their backsides by Cassa del Mezzogiorno, which had decreed that progress would arrive in Taranto.

Cosimo Argentina, *Nud'e cruda: Taranto mon amour*, p. 66.⁴

Don’t subscribe to the legion of the obtuse opposers of the factory, of those who, without risking one inch of their honoured asses, are ready to close, dismantle and seal the Ilva of Taranto.

Giuse Alemanno, *Io e l’Ilva. Monologo metalmeccanico*, p. 44.⁵

⁴ I tarantini negli anni settanta avrebbero fatto un giro di valzer con un lebbroso pur di entrare nell’Italsider. I pescatori lasciarono le barche, i ciabattini chiusero le botteghe e i militari mollarono le stellette. Tutti negli altiforni, tutti a nuotare nella bramma, nell’amianto e nei gas tossici, tutti a inzuppare il ditino nella ricotta del diavolo. Tutti a pesce sul posto fisso. A ognuno il suo elmetto antinfortunio e la sua tuta. Tutti a marcare il cartellino, smarcare il tesserino, tutti marchiati sulle natiche dalla Cassa del Mezzogiorno che aveva deciso che a Taranto sarebbe arrivato il progresso.

⁵ The text is already in English in the original.

1. Ilva's economic role

It was a sunny morning in Taranto, my first day of fieldwork. While walking in the central Piazza Garibaldi, I stumbled upon a newsstand with several banners bearing the headlines of local newspapers standing outside. *Nuovo Quotidiano di Puglia* (The New Puglia Daily) titled “Marathon Talks on Wage Guarantee Scheme at Former Ilva. Lengthy Meeting in Rome”. I bought the newspaper, sat on a bench on the Taranto boardwalk, facing the Aragonese Castle, and spent some time leafing through it. I sat close to the *Monumento al Marinaio*, an installation on Taranto's boardwalk dedicated to the Italian Navy sailors. In the distance, behind the Aragonese Castle, I could see the harbor, which signaled the beginning of the industrial complex of Taranto, where Ilva is located. Ilva is, literally, just around the corner from Taranto's central area.

I left the boardwalk and entered the inner streets of Taranto's center, roaming around to get a sense of my surroundings. I found a store that sold coffee-related items, and I decided to enter to buy some capsules for the machine installed in my apartment. Two people were chatting in the store; one of them welcomed me and guided me through the various coffee flavors. Meanwhile, she kept up the conversation with the other person, whom I understood to be a friend of hers. Then, while paying at the cashier, she asked me how my day was going.⁶ I responded that I was doing fine, introduced myself, and explained why I was in Taranto, briefly introducing the topic of my research project. They both began to share their views: they acknowledged that the environmental problems stem from the factory's executives' failure to enforce safety regulations, and that the plant should be brought into compliance, following the example of Vienna, Austria. They both underscored that Ilva should not be closed because of its role in Taranto's economy: when Ilva's production decreases, there is less money for everyone. However, now, holding a job at Ilva no longer guarantees access to a mortgage. This contrasts with the past, when banks would readily grant mortgages to Ilva employees. Now, by contrast, workers are frequently placed on the wage guarantee scheme.

I thanked them for sharing their thoughts with me and left the store. This encounter offered a first indication of Ilva's hegemonic role: the factory is framed as necessary and should therefore not be closed, because it ensures the city's economic stability. Thanks to Ilva, there is more money for everyone. In fact, Ilva has not only been the main employer locally for decades and therefore

⁶ This conversation is reconstructed through the notes that I wrote down in my notebook immediately following the encounter.

the guarantor of local economic stability, but also the medium through which certain essential needs, such as buying a house, have been met. Furthermore, the problems associated with Ilva are framed as individual acts of negligence, i.e., the failure by the factory's executives to enforce safety regulations. The example from which good governance should be modelled is taken from elsewhere, from Austria, where laws are enforced.

A few days later, I met with a former Ilva worker, Antonio. During our talk, he mentioned several times that Ilva workers' viewpoint has been systematically excluded from the mainstream discourse on the conflict, to the point that workers have sometimes been regarded as accomplices in creating the crisis:

People believe that Ilva's problems belong to Tamburi, Paolo VI, Statte, Crispiano,⁷ yes, absolutely, but the problems of Ilva and the real tragedy of Ilva belong to the workers of Ilva, the first to be affected are the workers, because they are hit twice, once as citizens and once as workers, and so if we lose sight of this we lose sight of the heart of the problem. [...] If only there were one person who says, 'holy shit, maybe there are thousands of people who go to work there on any given day'. [...] because we, although I'm out now, I still say 'we', we are only people who are doing their job, nothing more than that, we are doing our job, that's it [...] and I respect profoundly every individual, even the one who says 'I must work there, I don't care, I must go, I must get that pay slip', I can't judge these people, because I was one of them [...] because, by the way, in the HR department of Ilva, there are heaps of job applications, and this is a big contradiction, isn't it?, that while part of the city demonstrates to request the closure of the factory, there are thousands of young men, Ilva is nearly exclusively a male factory, thousands of young men who would do anything to work there, and this is an important fact, this is not a minor detail.

Antonio reiterated the idea that closing the factory would have critical repercussions on the local economy, starting from the workers who would lose their source of income. His words highlight that Ilva has become, over the decades, a dominant economic player locally, providing thousands of men with a source of income and, accordingly, stability in life.

How has this situation come to be? This is a contradictory situation in which a factory serves as a dominant employer locally while, contextually, being a toxic source of pollution. How has this situation become possible? What conditions made the "work-health blackmail" a reality? To answer this

⁷ Tamburi and Paolo VI are two districts of Taranto situated near the city's industrial area. Statte and Crispiano are towns north of Taranto, located close to the industrial complex as well.

question, it is necessary to explore the process of Italy's state formation and the 'strategic' role that Taranto gained in the country.

2. The transformation of Taranto's economy following Italy's unification

According to Lapesa (2008: 39), in 1844 Taranto had a population of 17,476 inhabitants, of which 23.4% was actively working. Of the working population, 35.5% were farmers and 28.6% were artisans. In 1881, Taranto's population nearly doubled to 31,557 people. Of the active population, 32.1% were farmers and 35.2% artisans. Taranto's economy was thus based on agriculture and craftsmanship, the latter in particular "devoted to the processing of agricultural produce and to traditional activities including mills, woolen mill, cotton mill, and small factories for the production of food preserves (especially for the processing of Taranto's mussels)" (Lapesa, 2008: 48). This shows that, at the time of Italy's unification (which occurred in 1861), Taranto's economy was structured around the processing of resources of the local territory. Italy's unification led to a radical restructuring of this economy.

The process of Italy's unification, commonly called *Risorgimento*, was characterized by a series of wars through which the Kingdom of Sardinia – a state with its capital in Turin, Piedmont, in the northwest of Italy – progressively expanded and annexed the other states in the Italian peninsula.⁸ The Kingdom of Italy was established with Law 4671, on 17 March 1861, which declared that "Vittorio Emanuele II assumes for himself and for his successors the title of King of Italy". Vittorio Emanuele II, king of the Kingdom of Sardinia, became King of Italy, and the maintenance of the title 'II', *the second*, underscored the continuity of the Kingdom of Italy with the Kingdom of Sardinia. In fact, the infrastructure of the newly formed Italian

⁸ At that time, the Italian peninsula was divided into seven states: the Kingdom of Sardinia, which comprised the territory currently corresponding to the Northwest of Italy (Piedmont, Aosta Valley, Liguria), Southeast France (Savoy, Nice), and the island of Sardinia; the Lombardy-Veneto, including the cities of Milan and Venice, under direct control of Austria; the Duchy of Parma and Piacenza and Duchy of Modena and Reggio, both politically close to Austria; the Grand Duchy of Tuscany; the Papal State, which comprised a territory roughly correspondent to today's Centre of Italy, excluding Tuscany (Lazio, Umbria, Marche and part of Emilia-Romagna); and the Kingdom of the Two Sicilies, governed by the Bourbons, which was the largest state and corresponding to the entirety of today's South of Italy (excluding Sardinia).

state was an extension of the political and legal architecture of the Kingdom of Sardinia (Beales and Biagini, 2014: 131).

More generally, the process of Italy's unification was led by the ruling class of the Kingdom of Sardinia, which became the political elite of the newborn Kingdom of Italy. This elite subscribed to a worldview inspired by political liberalism and adhered to ideas of modernization and progress. It is through these lenses that the South of Italy was framed, categorized, and understood during the process of Italy's state formation.

In his book *The View from Vesuvius: Italian Culture and the Southern Question*, Moe (2006) presents the correspondence among Northern politicians in which they discussed opinions and views on the southern regions. In November 1860, the Minister of Justice of the Kingdom of Sardinia, Cassinis, wrote a letter to Cavour, then prime minister:⁹

In a certain sense it is necessary to remake the country, to remake or, better, create the public conscience; it is necessary to render these men capable of living under the constitutional system of government. And it would be something to despair over, to consider impossible, if this very land, so far from the ideas of progress and civilization, didn't offer us special opportunities (Moe, 2006: 166).

In the same period, politician Diomede Pantaleoni wrote to Cavour:

Our annexation of Naples and those provinces devastated and ruined by the most absurd despotism is already a bold test to which we have put ourselves, but at least with our force, our greater courage, with our superior intelligence and superior morality, with our experience and character, we can hope to govern and master them (Moe, 2006: 167).

Borromeo, the secretary general of the Ministry of the Interior, wrote in the same period:

It will take at least two generations before stealing, lying, and cheating are considered actions that are not merely prohibited by the legal code. Still, it is necessary for someone to assume the role of the master and pedagogue (Moe, 2006: 171).

The South was framed as a backward, uncivilized land in need of modernization, and the North gained the position of the civilizer, the "master

⁹ All the following quotations are taken from Moe (2006), which provides the English translation. The original sources of these quotations are cited in Moe's volume.

and pedagogue” with a “superior intelligence and morality”. As Moe (2006: 170) argues, during *Risorgimento*, the North-South divide became a “moral map” of Italy, in which the South represented all that was *wrong* and *bad*, while the North was the superior moral agent with a civilizing mission. In October 1860, Farini, a Piedmontese politician who became prime minister of the Kingdom of Italy between 1862 and 1863, wrote to Cavour:

But, my friend, what lands are these, Molise and the south! What barbarism! This is not Italy! This is Africa: compared to these peasants the Bedouins are the very pinnacle of civilization (Moe, 2006: 181).

This oft-cited quote demonstrates how the identity of the South was constructed; the South was framed as a barbarian land and, as such, it was compared to Africa, not Italy, showing how the same tropes that infused European colonialism in Africa fueled the construction of the idea of the South (Conelli, 2022). In this orientalist process, the South *is not* Italy; Italian identity is something else, and what defines it is determined by the Northerners. In the initial sessions at the newly formed Parliament of the Kingdom of Italy, the South is often referred to with medical images, as a “gangrene” or as a “wound”, which requires the healing intervention of a doctor (see Moe, 2006: 177). Farini made this point explicit in a letter to Cavour:

If the national parliament with its great moral authority does not establish a bit of effective authority here, believe me, the annexation of Naples will become the gangrene of the rest of the state. I see that the view of these parts of Italy held by the rest of the country does not correspond to the truth... Let us make sure that this phase of the annexation of Naples does not mark the beginning of the moral breakup of Italy! (Moe, 2006: 176).

The North needed to establish “effective authority” over the South. There was indeed a danger arising from the North’s potential inaction. If the North did not heal the Southern gangrene, the latter would spread throughout Italy’s body, leading to the “moral breakup” of the entire country. And the means to establish this authority were clear to Prince Eugenio di Carignano, who rendered them explicit in a letter to Cavour:

With this people’s ignorance, complete assimilation will not be felt here as it is in other parts of Italy. What’s needed here is troops everywhere and in great quantities; send governors and officials from the other provinces of the kingdom, scrupulous people, however, and I can assure you that things will go a hundred times better than at present (Moe, 2006: 179).

“Troops everywhere”! The idea that force alone could, eventually, lead to the moral upbringing and overall civilization of the South manifested in the words of Cavour himself, the first prime minister of the Kingdom of Italy, who wrote in the summer of 1861:

The aim is clear; it is not open to discussion. To impose unity upon the weakest, most corrupt part of Italy. There is no doubt about the means: moral force and, if that isn't enough, physical (Moe, 2006: 183).

These quotes reveal the ideological framework that gave meaning to how the Northern ruling class framed the South and its people, and they demonstrate the normative implications that followed from this understanding: the North had a pedagogical role vis-à-vis the South, to modernize and civilize it by any means. The South had to be Italianized, with the standard of what Italy was and ought to be set by the ‘modern and progressed’ North.

This project for the ‘Italianization’ of the South of Italy led to a process of radical transformation of Southern society. “Fatta l’Italia, bisogna fare gli italiani” is an oft-quoted expression attributed to D’Azeglio, which translates into “Now that Italy is made, we need to make the Italians”. And the Italians that had to be specifically ‘made’ were those living in the South. Southern society had to be radically transformed. Its customs had to be made into law. Its crime had to be punished.¹⁰ Its traditions had to be rationalized. Its economy had to be modernized.¹¹

And so the South became part of a newly formed state, which thus came to consider its newly acquired territories as part of its own political projects. In particular, starting in 1882, Italy undertook a process of imperial and colonial expansion. To support it, Italy needed to improve its military capacity, and Taranto was chosen as the site for an Arsenal of the Navy (see Lapesa, 2011: 45; Romeo, 2019: 11-12). The establishment of the Arsenal in 1881 set in

¹⁰ The logic of exceptionality of the South vis-à-vis the North permeated the adoption of several ‘exceptional laws’, or the declaration of ‘state of siege’, in the years following the unification (Barbagallo, 2017: 55). For example, between 1861 and 1870 it is estimated that 85 thousand brigands rebelled against the Piedmontese rule with the intent of restoring the Bourbon monarchy (Banti, 2004: 124). The newly formed Italian state viewed brigandage as a phenomenon the needed to be violently repressed, and approved a law, Legge Pica, applicable to those “Provinces infected by brigandage”. Brigands were punished with execution by shooting or, in case of mitigating circumstances, forced labor for life.

¹¹ Another example of this logic of exceptionality was Law 351 adopted on 8 July 1904, titled “Measures for the economic resurgence of Naples”, which provided a series of financial measures for the area of Naples aimed at restructuring its economy. This led to the establishment of a steel plant in Bagnoli, a district of Naples, which began producing in 1910.

motion the steady replacement of Taranto's agricultural, fishing, and craft economy with a new economy dependent on imperialism and war. In 1914, in fact, Taranto was chosen once more as the site for a Naval Shipyard, which gained key importance in the war economy that sustained Italy's military campaigns in World War I and II and colonial expansion in Africa (Romeo 2019: 12-13).

Therefore, the processes of Italy's unification and state formation radically altered Taranto's socioeconomic structure. The city moved from having an economy founded on agriculture and craftsmanship to being an industrial urban center. Most importantly, however, the unification of Italy moved the epicenter of decision-making on the local economy from Taranto to Rome. Taranto's economy began to depend not on the territory's resources and traditions, but on the political determinations of Italy's central government and its imperial, colonial, and war aspirations. The establishment of Ilva only continued this process.

3. The establishment of Ilva

The Arsenal and the Navy Shipyards sustained decades of Italian imperialism, colonialism, and wars. In 1945, the Arsenal alone employed 13,000 workers (20,000 including satellite activities), and 60% of the city's population depended on its salaries (Romeo, 2019: 13). This dependency inevitably generated a socioeconomic crisis at the end of World War II. With the end of the war and the dissolution of the Italian empire, the demand for the economic activities carried out by the Arsenal and the Naval Shipyard predictably collapsed. In 1960, the number of workers directly employed by the Arsenal reached 6,000, and unemployment rates in town were very high (Romeo 2019: 31; see also Pizzigallo, 1989). The collapse of Taranto's economy following World War II thus created the socioeconomic conditions for several segments of the local political class to demand state intervention to address it (see e.g., Bellifemine, 2018; Romeo, 2019; Pizzigallo, 1989).

This is where the local economic crisis needs to be connected to the national-level process of 'solving' the 'southern question'. On 10 August 1950, the Italian Parliament adopted Law 646, which established *Cassa per il Mezzogiorno*¹² (Fund for the South), an institution aimed at funding

¹² Mezzogiorno is a common expression to refer to Southern Italy.

infrastructure development in the South of Italy to close the socioeconomic gap with the rest of the country. The Fund, according to Article 1, was aimed “at the economic and social progress of the South of Italy”. In the first phase of its action, the Fund primarily adopted measures to modernize the local agricultural sector (Barbagallo, 2017: 152). However, political and cultural forces began to push toward the South's industrialization. In particular, the World Bank conditioned loan disbursements to Italy on the adoption of plans to industrialize the South (Barbagallo, 2017: 152). Furthermore, a think tank, SVIMEZ (Association for the Industrial Development of the South of Italy), began to lobby for the idea that only the industrialization of the South would lead to a final solution to the ‘southern question’.

Eventually, the ‘southern question’ made its way into both European and Italian law. On the one hand, the Treaty of Rome included specific provisions in favor of Italy in light of its efforts to address Italy’s internal economic inequality (Barbagallo, 2017: 153-154). The Treaty of Rome, signed on 25 March 1957, established the European Economic Community, a common European market that marked the first step towards what later became the EU in 1992. The Treaty included a series of measures to facilitate mutual trade among the signatory countries and to support the process of European economic integration. A ‘Protocol on Italy’ was annexed to the Treaty, which prescribed that Italy’s effort toward economic expansion, aimed especially at “rectifying the disequilibria in the structure of the Italian economy”, had to be taken into account in the enforcement of the Treaty’s provisions, and that European institutions should support Italy in this effort. At the domestic level, Italy adopted, on 29 July 1957, Law 634, titled ‘Measures for the South’, which established an obligation for state-owned companies to allocate to the South of Italy at least 60% of the investment for new plants and 40% of the total amount of investments.

It was in this legal environment that the discussion of establishing a new steel plant in Italy began. In the Central Archive of the Italian State, in Rome, I found an internal document by IRI,¹³ dated 24 February 1971, that recapitulates the reasons for the establishment of the new steelworks in Taranto:

¹³ IRI (Institute for Industrial Reconstruction), a state-owned public entity that was responsible for Italy’s economic development from 1933 until the wave of privatizations in the early 1990s, initially opposed the project. IRI, in fact, did not see the need of establishing a new steel factory in Italy, and especially it did not consider Taranto a viable option considering the town’s geographical location, located at the periphery of the steel production areas of Italy. But pressures from the national and local political class led to the approval of the plan in 1959 (see Bellifemine, 2018; Pizzigallo, 1989; Romeo, 2019).

In May 1959, the Government decided to approve a program for the development of IRI's steel industry in the 1960s, with the establishment of a new full-cycle steel plant in Taranto and the scaling up of production capacity at the Cornigliano and Bagnoli steel plants. This decision, we must underscore, fundamentally recognized the propulsive role of IRI's steelworks in the economic development of Italy and Mezzogiorno, through a massive intervention in a core sector like the steel industry. To understand the importance of IRI's duty, we must recall the challenges the national economy faced at the end of the 1950s. These challenges related to the consolidation of a process of economic development, whose intensity and characteristics Italy had never faced before, at the delicate time of the launch (1958) of the process of European economic integration, especially in relation to the steel sector, in open competition with the other States of the Community, which are industrially more advanced. [...] IRI had to ensure a cost-effective and steady supply to meet the rapidly growing national demand of steel, while simultaneously fulfilling the achievement of the government's political objective of industrializing Mezzogiorno. The Government's choice to establish a new steel plant in Taranto fully met these objectives. In fact it was a coherent choice, as compared to the possibility of establishing the steelworks in the Center-North of Italy, it responded to the fundamental need to cost-effectively meet the national demand of steel while, simultaneously, it created the indispensable conditions for the development of Mezzogiorno that thus was equipped with an advanced core industry, an effort that would radically move the barycenter of the national steel industrial sector in the South. [...] With the launch of the project for the establishment of the Taranto steel plant in 1959, as well as with the new objectives set forth above, we can safely conclude that IRI has set out the conditions for a process, mostly already achieved, which will make Mezzogiorno the most important area for steel production not only in Italy, but also in the Mediterranean area and one of the most important internationally (ACS, Collection IRI, Folder 213, 'Inizio Attività Stabilimento').

This document shows that the establishment of Ilva played a role in Italy's economic growth, marked by increased demand for steel and the creation of the European common market, which expanded competition among European economic actors. In this period, Italy experienced a steady process of economic growth, the so-called 'Italian economic miracle', where certain goods progressively became indispensable in the everyday life of people – such as cars, washing machines, fridges – which depended on steel for their production (Romeo, 2019: 31). In this new socioeconomic reality, steel became the new 'strategic' asset for the Italian state, and Ilva was supposed to become a fundamental pillar of this new economy.

There is therefore no break in continuity between the process that established the Arsenal and the Navy Shipyards and the one that established Ilva: both are symptoms of the geographical position of Taranto within Italy. When Italy wanted to be a colonial empire, Taranto became a strategic military base. When Italy wanted to play a role in the global steel economy, Taranto became a strategic site for a new plant. Both phenomena are symptomatic of a political process that has shifted the barycenter of Taranto's politics and economy away from Taranto and toward Rome.

Furthermore, both phenomena made Taranto's economy dependent on events occurring elsewhere, a very fragile and unsustainable equilibrium. The crisis that Taranto endured following World War II occurred because Italy's imperial wars had ended; that was an inevitable outcome, as wars cannot be sustained indefinitely. Thus, the crisis was the outcome of a short-sighted political vision that had no interest in making Taranto's economy sustainable in the long term. Similarly, the establishment of Ilva made Taranto's economy interlocked into the logic of the global steel market, making the local economy vulnerable to fluctuations in demand for steel products. These fluctuations are shaped by consumption patterns occurring, once again, outside Taranto.¹⁴ The periodic crises experienced by Ilva in the subsequent decades (see Romeo, 2019) have confirmed the structural fragility of this economic model.

IRI's internal document, furthermore, shows how this material need for steel was entangled with the Italian government's simultaneous desire to modernize Southern Italy. The 'southern question', in fact, permeated the process of the establishment of Ilva, as it was the fundamental discourse that was used to endorse the construction of the factory. This is the introductory speech of a promotional video released in 1962, during the construction of the plant, titled *Il Pianeta Acciaio* (The Steel Planet):

Please look! A classical landscape, the sea, the deserted shore, the olive trees, the Sun, the cicadas, the peace, the laziness, everything here has remained the same since the old Magna Graecia times. But pay attention now! All of this will be literally ravaged. Why? [...] Why? Because the olives, the Sun, and the cicadas meant sleepiness, neglect, resignation, misery, and now here men have built an enormous cathedral, made of metal and glass, to trigger in it the inflamed monster named 'steel', which means 'life'. We're close to Taranto,

¹⁴ One could further question whether these consumption patterns are themselves sustainable altogether, or whether instead the steel produced at Ilva has fed the production of goods that have contributed to the consolidation of a consumeristic culture – one that progressively transformed the population into consumers (see e.g., Pasolini, 2000). This analysis would require a mapping of the end products made from the steel produced at Ilva, which is beyond the scope of this thesis.

this is the new fortress of Italsider, which will be larger than Taranto itself, a metallic skeleton that has already become a factory, which produces enormous tubes, and here thousands of workers will find a job, tranquility, and confidence, hundreds already work here, they come from the fields, from the pasture, from resignation, but today they feel already different men, they finally feel alive and modern, they don't feel ashamed and envious, when they see cars and trucks with a license of Turin, Genoa, Milan, with those North-looking folks at the steering wheel, with such 'industrial' faces, now they feel like them, equally strong, equally good (Marsili, 1962).

This is how Ilva was brought to Taranto; those very same tropes that originated during *Risorgimento* became the discursive logic behind the establishment of the factory. The video establishes a fundamental hierarchy among Italian citizens, where the Northern residents of Turin, Genoa, and Milan are seen as exemplars of civilization, and the Southern population can do nothing but envy them. The only way to make them equal is to do what was done in the North: industrialize the area, finally bring them on par, and make them part of history. Steel is equated to 'life', suggesting that all that happened in Taranto before the establishment of Ilva was just some sort of quasi-existence, as the local population was deprived of what was necessary to be properly alive and thrive. This metaphor, in hindsight, is rather unsettling.

This logic also inspired several speeches held on the day of the groundbreaking ceremony, on 9 July 1960, by national and European politicians. Italy's President of the Republic said to the attendees: "The Steel plant of Taranto is one of the most important contributions that the Italian state [...] brings to strengthen our productive system and it marks a clear step toward the integration and the industrialization of Mezzogiorno" (Ferrajolo, 1960: 63). A minister echoed: "these people will not need anymore to leaf through the pages of their history to be proud, but they can start to read the book of their safe future" (Ferrajolo, 1960: 63). The IRI president declared that "the meaning of this plant goes beyond the economy, it has a historical value for the industrialization of Mezzogiorno and it thus becomes, for our workers, a strong expression of national solidarity" (Ferrajolo, 1960: 63). Finally a representative of the European Coal and Steel Community¹⁵ told the attendees that "this plant is clear evidence of European collaboration, as it arises in a historical area where the cultural and economic traditions of the classical world meet the reality of modern industrial Europe" (Ferrajolo, 1960: 63).

¹⁵ The European Coal and Steel Community was established in 1951 by Belgium, the Netherlands, Luxembourg, Italy, Germany, and France. It was the precursor of the European Economic Community, which later became the EU in 1992.

These speeches show how Ilva was ‘sold’ to the local population: as a sign of “European collaboration” and “national solidarity”, showing the paternalistic attitude ingrained in the cultural logic behind the ‘southern question’. In these speeches, one can see the savioristic role assigned to Ilva, which is portrayed as offering the local population a “safe future” in contrast to their dire present and backward past. As the video said, Ilva was considered to bring life to an otherwise dead territory. In the next section, I show how Ilva progressively gained dominance in the local and national economies.

4. Taranto’s economy after the establishment of Ilva

The works for the establishment of Ilva began in the early 1960s. In 1961, the tube mill was active, and in 1964 the whole factory began production. The establishment of Ilva continued the transformation of the province of Taranto’s socioeconomic landscape, where agriculture was progressively confined to a marginal position vis-à-vis the industrial and service sector (see Rinella, 2002: 50; Biasi and Romeo, 2017: 90). Most importantly, however, the relevance of Ilva for both the local and the national economy needs to be discussed. In fact, the factory began playing a fundamental role in both economies, creating a situation of “double dependence” (Biasi, 2013), which is arguably the core of the ‘health-work blackmail’.

In the literature on Ilva, one can find various estimates of Ilva's contribution to the economies of the municipality of Taranto, the province, and the Puglia region (see e.g., Biasi, 2013; Biasi and Romeo, 2017; Pirro, 2011; Rinella, 2002; Romeo, 2019). For example, Tonelli et al. (2013: 27) claim that, based on data from the Bank of Italy, in 2008 Ilva contributed to about 75% of Taranto’s GDP. Pirro (2011: 251) shows that, over the period 2000-2009, Ilva contributed between 58.7% and 84.6% of the province’s export, and between 11.5% and 22.8% of the region’s export.

Table 3 shows the number of employees at Ilva at the start of each decade since the beginning of the factory’s operation (Table 4 in Appendix I contains a more complete overview of the number of Ilva's employees over time). The table demonstrates that, even with the recent decline in employment (due to increasing restrictions on production following the environmental crisis), thousands of families rely on the company's salaries.

Table 3.

The number of Ilva's employees at the start of each decade since the beginning of production.

YEAR	ILVA'S EMPLOYEES	SOURCE
1961	486	Rinella (2002: 48)
1971	13,046	Consiglio and Lacava (1985: 289)
1981	21,734	—
1991	12,399	Rinella (2002: 83)
2001	12,600	Rinella (2002: 110)
2011	11,720	ILVA S.p.A. (2011)
2021	8,165	Acciaierie d'Italia (2021: 102)

Furthermore, the near totality of Ilva's employees have resided, and currently reside, in the province of Taranto (see Consiglio and Lacava, 1985: 291; Rinella, 2002: 93; Pirro, 2011: 256; Acciaierie d'Italia, 2021: 104). This means that the salaries paid by Ilva mostly contribute to the province's economy, as employees use them to pay for housing, consumption, and various ordinary expenses, thus adding to the weight of Ilva for the local economy.

Simultaneously, Ilva has steadily played a key role in the national steel economy. Italy has consistently been one of the world's main producers of steel. As of 2025, Italy is the twelfth-largest producer of steel in the world (World Steel Association, 2025), the second-largest in Europe after Germany (EUROFER, 2025), and Ilva undoubtedly has played a role in giving Italy this position.

In fact, the plant progressively increased its quota in Italy's steel production, from 7% in 1964 to 19% in 1970 (Rinella, 2002: 47). Starting from the mid 1970s, it steadily produced approximately 30% of Italy's steel: in 1981 it contributed 33% of national steel production (Rinella, 2022: 49). Furthermore, in the same year, 63% of Italy's production of pig iron was done at Ilva (Rinella, 2022: 49). This pivotal role in Italy's steel economy was maintained through the 1990s and 2000s (see Rinella, 2002: 82, 84, 105; Pirro, 2011: 253) and early 2010s, when Ilva still contributed 28% of national steel production (Biasi, 2013: 46). Following the explosion of the conflict in 2012, Ilva's contribution to the national steel economy has substantially declined (SVIMEZ, 2023), due to various restrictions on production.

However, Ilva's 'strategic' role must also be understood in the geographical context of Italy's steel production. Before 2005, Italy had two full-cycle steel plants, i.e., factories that produce steel directly from iron ore: one in Taranto and one in Cornigliano. Cornigliano is a suburb of Genoa, a Northern city that, with Milan and Turin, formed the so-called "industrial triangle", which has traditionally been considered the engine of Italy's industrial development.

Both plants were strategic sites for Italy's steel industry (Bonelli, 1982), and were managed by the Italian government until they both were privatized and sold to the Riva Group.

In 1999, following vast mobilizations and judicial interventions that had found excess mortality in Cornigliano, the national and local institutions signed a Framework Agreement with the Riva Group for the closure of the hot processing areas of the plant, the cleansing of the area, and the safeguarding of employment. The Agreement was signed to “pursue the objective of transforming the Genoa – Cornigliano steel plant for its high environmental impact, into a business that is compatible with the surrounding urban context” (Accordo di Programma, 1999: 2). It also stressed the importance of safeguarding income for all employees, through vocational training aimed at the decontamination and recovery of the industrial areas.

Importantly, the loss of production in Genoa for the Riva Group was offset by an increase in production in the hot processing areas of Taranto (Romeo, 2019: 256). This statement was released on 13 May 2005 by the trade union FIOM-CGIL, after a confrontation with the Riva Group:

In relation to the production prospects, the company declared its intention to push for the strengthening of the hot processing areas of Taranto [...] and to double production in the cold area in Genoa, to compensate for the loss of the hot processing areas. The loss of hot processing capacity [in Genoa] will be partly offset by Taranto and by electric ovens owned by the Riva group in other steel mills (FIOM-CGIL, 2005).

The last day of production of the hot processing areas in Genoa was on 29 July 2005. From that moment onwards, Taranto became the only steel plant in Italy with full-cycle production, i.e., the only steelworks where every phase of steel production is performed, from processing iron ore to producing coils, flat products, and pipes. These products are then shipped to the other plants located in Italy for subsequent processing (Biasi, 2013: 45-46). The 2022 Sustainability Report by Acciaierie d'Italia¹⁶ (2023: 31) confirms this geographical structuring of Italy's steel economy:

The steel complex located in Taranto is the plant where the first transformation of iron ore into primary products (“hot processing area”) takes place. The slabs produced in this area then feed all the downstream facilities of the same Taranto plant (“cold area”) as well as those of all the other sites of Acciaierie d'Italia S.p.A. In addition to supplying finished products to domestic and foreign

¹⁶ Acciaierie d'Italia is the company currently managing the Taranto steel plant, see footnote 1.

markets, the plant also serves various sectors of the national industry, including through the Genoa and Novi Ligure plants.

Accordingly, the steel economy of Italy is dependent on the Taranto's plant, a situation that makes the entire system very fragile (Biasi, 2013: 47). Crises in Taranto reverberate in the whole sector of steel production in Italy, which are located predominantly (more than 90%) in the North of Italy (Cassa Depositi e Prestiti, 2024: 2).

In 2024, in fact, Northern entrepreneurs active in the steel sector explained to the Senate that stopping the factory would “paralyze a big chunk of the Italian economy” as “Taranto is indispensable to the automotive sector and to industry more broadly; shutting down the blast furnace would jeopardize entire supply chains” (Redazione Economia, 2024). A similar remark was made recently by a representative of a national business association:

Ilva is a strategic asset for the Italian industrial system. It is not merely a matter of defending a large plant, but of preserving a production capacity that is unique in Europe, with characteristics that no other steelworks can currently replicate. Its viability is crucial for key supply chains in our economy and for major industrial clients, starting with Fincantieri.¹⁷ Losing Ilva would mean exposing the country to an industrial dependence that would be difficult to reverse (Alberti, 2026).

This point shows how the Italian steel industry is structured around a web of relationships sustained by the Taranto plant. This system cannot tolerate a crisis in Taranto, because it would collapse. *This* is the material core of the structural violence ingrained in the ‘health-work blackmail’, whose manifestations emerged vividly with the explosion of the crisis in 2012.

5. The manifestations of the blackmail

On 25 July 2012, Taranto's judiciary ordered the seizure of Ilva's hot processing areas without authorization to use them, thereby effectively suspending the core of Ilva's production cycle. Following this decision, a large number of workers protested, saying “it is better to die of cancer than of hunger” and “we will go eat at this judge's home” (Galeazzi, 2012). These

¹⁷ Fincantieri is an Italian shipbuilding company, the largest in Europe.

sentences express vividly the violent manifestations of the ‘health-work blackmail’, where workers frame their condition as implying a choice between death from cancer or from hunger, a choice that cannot be acceptable in a country that considers itself a constitutional democracy. They reveal the lack of alternatives for the workers, who are left to wonder where to find sustenance for their lives if the factory closes, another condition that cannot be accepted in a country that has supposedly built a welfare infrastructure. These sentences vividly convey the violence ingrained in the economic structure of Taranto and the total lack of institutional support.

The following year, on 14 April 2013, a referendum was held in Taranto to gauge the local population’s position on the factory’s closure. It posed two questions. “Do you, citizens of Taranto, wish to propose the closure of Ilva to protect your health as well as the health of the workers from pollution?” and “Do you, citizens of Taranto, wish to propose the closure of Ilva’s hot processing area, the main source of pollution, to protect your health and that of the workers, with the consequent dismantling of the ore yards?” (Marescotti, 2013).

As a consultative referendum, it did not have direct legal consequences, yet it would have provided meaningful information regarding the public opinion on Ilva. It would have been considered valid only if the majority of the electorate participated. At the end of the consultations, 19,55% of the electorate voted, with 81,29% voting yes to the first question and 92,62% to the second one (see Leone, 2013). Most of the voters resided in the town’s central and peripheral districts. In contrast, the two districts closest to Ilva – Tamburi and Paolo VI – had the lowest participation turnout (see Cavallaro, 2013). This turnout led some to interpret that the local population, especially those living in the most affected districts, does not care about their own health or that of their fellow citizens.

Instead, one could say that the referendum was just another manifestation of the ‘health-work’ blackmail, which, for a worker, meant to answer whether to choose between health and income. The Paolo VI district, which had one of the lowest turnout rates, was developed starting in 1966 to house Ilva workers and is still densely populated by them. A school principal of the district commented on the outcome of the referendum:

Here at Paolo VI, there are either unemployed people who manage as they can, or large families living on a single income, the father’s salary from working at Ilva. How can one ask for the factory to be closed in a reality like this? How can one even think of asking whether to die of hunger today or of pollution tomorrow? (Cavallaro, 2013).

Furthermore, reading the turnout as a symptom of workers' indifference reveals how political and economic structures fragment the subaltern class in ways that lead to inward antagonism, yet another manifestation of the 'health-work blackmail'. Taranto is a city full of associations and organizations involved in fighting the pollution crisis, often offering alternative proposals and ideas to address it. During fieldwork, I was told multiple times that they often receive comments on their fragmentation.

In reality, associations and activists in Taranto frequently collaborate and mobilize together, as it is exemplified by the case of *Piano Taranto* (Taranto Plan), which is a project that began in 2017 and that led to the drafting of a document written by thirteen associations of Taranto's civil society which included "Guidelines for the ecological, social, and economic transformation of Taranto" (Piano Taranto, 2020).

This document was drafted during a period when the government was selling the factory to Arcelor Mittal, one of the largest steel corporations worldwide. *Piano Taranto* strongly criticized this sale and offered alternatives. The document highlighted that Ilva's economic role today is solely to generate revenue to repay loans it has borrowed from private banks, amounting to more than a billion euros. The document proposed the closure of Ilva and the restructuring of Taranto's economy toward sustainable forms of development. It offered a detailed proposal to decontaminate the site and transform the economy, while safeguarding employment. In this sense, *Piano Taranto* is a project aimed at signing a framework agreement with local and national institutions, as had been done in Genoa.

The *Piano Taranto* initiative has thus far been ignored by government institutions, as Ilva was eventually sold to Arcelor Mittal and has continued to produce, and a structural transformation of the local economy has not yet begun. Furthermore, the decision to sell Ilva to Arcelor Mittal was symbolic of the longstanding phenomenon in which decisions *on* Taranto are not taken *in* Taranto but in Rome. The sale to a foreign corporation with its headquarters in Luxembourg further conveyed the message that the barycenter of decision-making on Taranto's economy is removed from the city's political compass. Moreover, by highlighting the role of Ilva in generating revenue to repay loans to banks, *Piano Taranto* reveals, once more, how Ilva's production is locked into sustaining wealth elsewhere, not in Taranto.

Finally, it is important to compare the *Piano Taranto* initiative with what happened in Genoa. There is a strong similarity between the ideas underlying *Piano Taranto* and those of the Framework Agreement signed in Genoa. Both were premised on the fundamental incompatibility of the steel factory with local public health and the environment, and thus pushed for its closure, the

cleansing of the area, and the restructuring of the economy, while providing employment security for the workers. The differences in outcomes between Genoa and Taranto cannot help but point to a fundamental gap in the way the lives of those in Genoa and those in Taranto are considered. This discrimination must be understood in the context of the structural violence embedded in the position Ilva assumed in the steel economy following the closure of the factory in Genoa.

As I showed above, the closure of the Genoa plant led the Taranto plant to gain a material position in Italy's steel economy that makes it 'impossible to close'. The 'impossibility to close' Ilva in Taranto is part of a cultural context where this factory was not just supposed to provide economic wealth; it was supposed to modernize Taranto altogether, to make it a proper part of Italy. In that sense, one could argue that there has always been a difference between the steel factories of Genoa and Taranto. The former was located in a city in the North that was *already considered* modern and developed. As such, the Genoa plant did not make Genoa part of Italy, because the latter was already enough to be Italy. Closing the hot processing areas of the Genoa plant did not affect its identity as a modern, developed Italian city.

Ilva in Taranto, instead, was part of a broader process of integrating Taranto into Italy. In this ideological context, closing it would be more than simply shutting down a factory: it would be a process that has existential implications for Taranto. In fact, there is a common discourse that upholds a vision that, without Ilva, Taranto would die. This discourse is how Ilva's indispensability continues to be justified publicly. It is, fundamentally, an ideological discourse that serves to hide the true operation of power and the underlying economic structure that creates the crisis in reality. This discourse is how the 'southern question' manifests today: by arguing that without Ilva Taranto's economy would collapse, this discourse makes Ilva essential and turns it into the source of all economic wealth for the local population.

It is the logic ingrained in the 'southern question' that permeates this discourse: the 'southern question' is premised on the idea that the South, before the unification, was a backward land waiting for its turn to enter history. Before steel, Taranto was dead. The Italian state provided that opportunity, and Ilva was one of those paternalistic interventions that generously offered a solution to the local lack of civilization. Ilva's steel gave Taranto life. If these are the premises, then eliminating Ilva would eliminate civilization, progress, and life. Without Ilva, Taranto dies. In reality, Ilva has generated toxic pollution and recurrent economic crises, which are the surface manifestations of the economic structure underlying it. The *Piano Taranto* initiative wanted precisely to counter this ideology: "We must replace the paradigm according

to which ‘without Ilva, there would be nothing’ with ‘there is nothing precisely due to Ilva’” (Piano Taranto, n.d.). *Piano Taranto* reorganized the hierarchy of factors, restoring the order between causes and effects.

Before closing, I would like to point to another manifestation of the ‘health-work blackmail’ in Taranto, today, and how that reproduces the fundamental ideas that sustain the ‘southern question’. During fieldwork, I spent many days at *Parco Archeologico delle Mura Greche* (Archaeological Park of the Greek Walls of Taranto), where the association *Cittadini e Lavoratori Liberi e Pensanti* was organizing its annual concert for May 1st, Labor Day.¹⁸

During those days, I mostly spent time with a member of the association, Sebastiano, at the booth where they were selling t-shirts to raise funds for the concert. One of the t-shirts said on its back: “Yes to rights. No to blackmails”. Being there allowed me to interact with several people whom Sebastiano often introduced me to and who shared their views. In particular, I had a brief conversation with a couple, during which the husband said to me,¹⁹ “What needs to change in Taranto is the mentality of the people. First, you need to remake the locals, and then you can remake Taranto. Taranto has it all, it has culture, Taranto was founded before Rome”, to which the wife added: “I’m angry because young people leave to go live and work in the North. This is a deliberate plan to drain the South of its brains. But when workers are needed, factories are built in the South”.

These statements reveal some of the mechanisms through which the ‘southern question’ operates today. The establishment of Ilva has generated a socioeconomic and environmental crisis that now pushes young people to leave the city in search of work. This process reproduces the idea that the North is the place where work can be found, while the South is the backward land where “nothing exists” and employment possibilities are scarce, and locals are to blame for the situation. But the establishment of Ilva has contributed to creating this situation; it happens *because* of Ilva, not *despite* Ilva, as *Piano Taranto* says explicitly.

In that sense, the ‘southern question’ can be seen as a self-fulfilling prophecy; by framing the South as a question, it has generated a political impetus that has created the conditions for continuing to think about the South as a question. This is the ideological component of the ‘southern question’, which manifests in the commonly held idea that if things are the way they are,

¹⁸ Historically, the May 1st concert has been held in Rome. Since 2013, this association has organized a parallel concert in Taranto, to expose the failure of mainstream politics to deal with work-related issues.

¹⁹ This dialogue is reconstructed through fieldwork notes.

it is fundamentally the locals' fault. It is an ideological discourse because it hides the underlying workings of the structures that are primarily responsible for the situation as it is.

6. Taranto and the 'southern question' from a European perspective

During fieldwork, I often heard people say that Taranto has been treated as a "land of conquest" or that it is a city "enslaved by those who are in power". As I showed in this chapter (and as I will show throughout the thesis), since Italy's unification, Taranto has never been free to decide its own present, let alone the future. It was designated 'strategic' by the Italian government and has been treated as such. Taranto is not only home to the Arsenal, the Navy Shipyards, and Ilva. From the 1960s, several other factories were established in Taranto, either by the Italian government or by multinational and private corporations. These include a cement plant, an oil refinery, and a company engaged in limestone extraction. From the 1980s, Taranto became a naval base for NATO (Romeo, 2019: 223), thus making the city, once more, a strategic site from a military perspective.

On 15 May 2023, I attended a meeting between the local citizenry and Frans Timmermans, then Vice President of the European Commission. The session lasted approximately one hour, during which Timmermans, who is fluent in Italian, answered questions from the attendees. In his words, one can see how Taranto has a 'strategic' role in the European context as well:²⁰

To me, Taranto is a symbol, because there's this false opposition that says you must choose between the environment and jobs, as if environmental action is against workers' interests. That's simply false. The result of this opposition is that we're slowing down the transition instead of accelerating it. In Taranto, we can demonstrate that there's a future with clean jobs and clean steel, and that we can protect and improve the environment while creating future-oriented employment. Taranto could be the symbolic city that proves this is possible. Talking about climate neutrality by 2050 sounds nice, but we must act now. And to have people's support, we must show we can solve problems and create

²⁰ These quotes are not part of a unique speech, but they were uttered in response to various questions raised by the moderator and local attendees.

green, sustainable jobs. I truly believe it's possible here. And if we can succeed in Taranto, then we can do it anywhere in Europe or in the world [...].

Climate and environmental action must happen at every level, global, European, and local. It depends on the citizens here, on the city, the province, the Italian state, and on us. After the Covid tragedy, we created a fund to help transform our industrial and economic structures. No country is more capable of doing this than Italy, though sometimes I wish there were more optimism here, more confidence in this country's strength, especially in Southern Italy. With EU support and both public and private investments, we can build a future economy, offering local youth the chance to stay in Puglia and Taranto and give their children and grandchildren a future because the great illness of our time is that we're prisoners of the present. We must think of our children's and grandchildren's future. If we don't act now, they'll face wars over water and food. So action today is essential for our future [...].

Science is evolving, and we're discovering almost daily new chemical substances that are dangerous, ones that perhaps we didn't know were dangerous even yesterday. We will make a new proposal on REACH,²¹ which you know very well, still this year, to push chemical production in the right direction so that it no longer poses dangers to our young people or our environment. And I want to insist on something else: what we can do right now, and I'm not just saying this as a gesture of friendship and love for this country and this society, is to demonstrate at the European and international level that a green industry is possible. An industry that doesn't harm people. An industry that allows people to find sustainable, clean jobs. And I am convinced we can prove in Taranto that we don't need to abandon environmental and health protections to make room for more industrial production. I want to show here in Taranto that clean steel is possible, that clean, sustainable energy can give us the electricity we need for this country's industrial development. We cannot safeguard the environment and people's health if they have no job opportunities, no place in industry or services, etc. So the contradiction we've lived with for decades, on one hand the environment, on the other industrial production, must end now. We must use this time to end that contradiction. And for me, Taranto can be the symbol of the success of this transition.

In the European context, Taranto's strategic role lies in the fact that it must be a "symbol", a symbol of that "green transition" that is so important for some politicians and corporations alike, to make capitalism green. Timmermans' words convey, once more, that Taranto cannot be what the local population

²¹ REACH is EU Regulation 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals.

would like it to be; its economy cannot be restructured to align with local intentions and desires (for instance, *Piano Taranto*). Taranto now must be a symbol of green industrial production.

For Timmermans, the contradiction unfolding in Taranto between health and employment is not a fundamental contradiction of the industrial-capitalist model of development; it is an accident, an error, perhaps because, as he himself admits, scientific knowledge on the toxicity of certain pollutants is still lacking. It is quite unsettling to see such a high political figure admitting that, despite this lack of knowledge, industrial production is done nonetheless, and that some will have to bear the costs of that ‘unknown toxicity’ – revealing a utilitarian and profit-oriented logic that has underpinned the unfolding of the Ilva case throughout the decades.

Another important point to underscore is the subtle blaming of the local population and the responsibility placed on them to improve the situation. Timmermans says that environmental action “depends on the citizens here” and he wishes for “more optimism [...] especially in Southern Italy”. This statement is yet another example of the inversion of the hierarchy of factors, where a lack of optimism is seen as the cause of the lack of ‘progress’ of Southern Italy, instead of it being configured as an effect of the unjust structural conditions underlying the position of the South, and Taranto specifically, within Italy.

In conclusion, this chapter has reconstructed the material and discursive context that serves as the fundamental background against which the analysis in the following chapter will be conducted. It has shown the political, economic, and military interests – mostly located elsewhere – that Taranto’s economy has sustained throughout the decades. The ‘health-work blackmail’ is a violent symptom of this structural condition, where Ilva cannot be close because it must sustain interests that are mostly located elsewhere.

The narrative that “without Ilva, Taranto dies” should therefore be challenged. In reality, vast segments of the local population have demonstrated a political vision to change Taranto’s economy while safeguarding workers’ incomes, as the *Piano Taranto* initiative shows. What is most at risk of dying without Ilva is the Italian steel industry, predominantly located in the North of the country. The Ilva case shows that what is often seen as a ‘southern question’ is instead a ‘northern question’ or, perhaps now, a ‘European question’, masqueraded by tropes and stereotypes that place blame where it should not be placed, and that hide the underlying relationship of domination and subalternity at play.

I want to close this chapter with a graffiti painted on the walls of a church in the Tamburi district (Figure 2):



Figure 2.

Graffiti reading "Steel or life!!! You must choose." Photo by the author.

The promotional video *Pianeta Acciaio* said that 'steel' meant 'life'. This graffiti is the final nail in the coffin of that idea, as it reads: "Steel or life!!! You must choose".

Chapter V

The Establishment of Ilva and the Ensuing Conflict

A tale of a fertile land kissed by the sea, wounded by the bulldozers that razed a peasant civilization to lay open the heart of Magna Graecia to the progressive destinies of industrial development.

Carlo Gubitosa and Kanjano, *Ilva. Comizi d'acciaio*, p. 24.²²

Once Italsider was made it was necessary to make the workers.

Giuse Alemanno, *Io e l'Ilva. Monologo metalmeccanico*, p. 45.²³

1. The transformation of the landscape

The industrialization processes that Taranto underwent following Italy's unification radically altered its landscape. With the establishment of the Arsenal, for example, a long wall was constructed that effectively cut off an entire part of the city and prevented access to the sea along the northern shoreline. As Nistri (2010: 18) points out, this wall “visibly and psychologically erased the symbiotic relationship between the people of Taranto and their primary resource, namely the sea”. The connection to the sea,

²² In cui si narra di una terra fertile baciata dal mare, ferita dalle ruspe che hanno spianato la civiltà contadina per aprire il cuore della Magna Grecia alle sorti progressive dello sviluppo industriale.

²³ The text is already in English in the original.

which formed the basis of the local fishing economy (see Stea, 2023), was severed. The Arsenal too depended on the sea, but differently: while Taranto's sea was for the local population the source of fish for sustenance and commerce, it became for the Italian state the space where to prepare imperial and colonial wars. The long wall still stands today, as can be seen in Figure 3, a photo that I took while in a car.



Figure 3
The Arsenal wall. Photo by the author.

On the bottom right, there is a graffiti reading “Ilva killed my mother”. On the top left, there is a yellow banner saying “Military zone. Access forbidden. Armed surveillance”. In a photo, one can see decades of violence against Taranto by the Italian government: the construction of the Arsenal wall and the resulting militarization of the area on the one hand, and, on the other, the lethal consequences of Ilva’s pollution on the local population.

Industrialization led to a violent transformation not only of Taranto’s urban landscape, but also of its natural territory. When I visited the Taranto branch of the Italian State Archive for the first time, I was shown an old map of Taranto hanging on a wall. The map showed Taranto before Ilva’s establishment, which included the Island of San Nicolicchio. This island does not exist anymore, as it was incorporated into the mainland during the expansion of the city’s harbor to accommodate the increase in traffic of ships delivering the iron ore. By typing “Isola di San Nicolicchio” on Google Maps, one is in fact redirected to the docks of today’s Taranto harbor (see Figure 4).

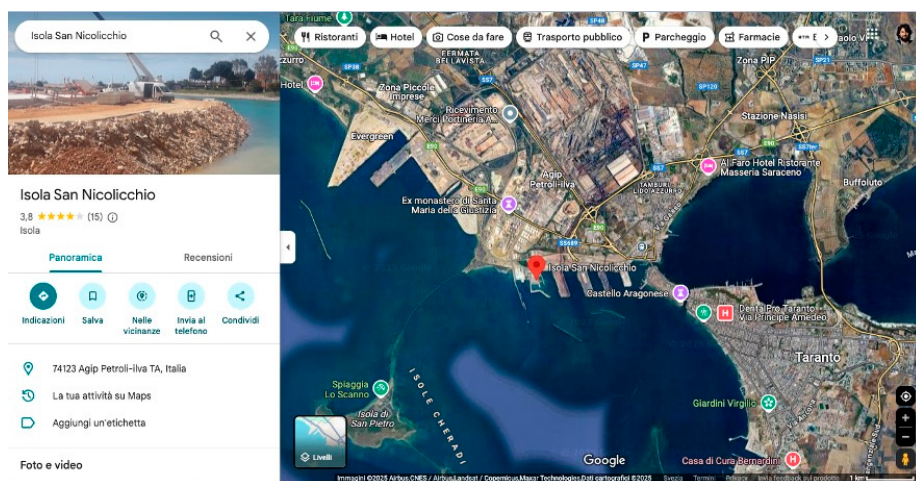


Figure 4.

The Island of San Nicolicchio (red pin). Screenshot obtained from Google Maps. © Google 2025.

The firm Tekne was tasked with preparing a plan for the restructuring of Taranto’s urban landscape during the industrialization process that led to the establishment of Ilva. This excerpt of the urban plan discusses the restructuring of the harbor:

The new industrial port will be built to the west of the current commercial port of Taranto, in correspondence with a large roadstead, featuring deep waters and protected from silting. In this way, the unloading and loading of raw materials from overseas and of finished or semi-finished products can be carried out with ships of maximum capacity and on a continuous basis, thereby enabling the highest levels of economic efficiency. The new industrial port will extend the existing commercial port, forming a unified entity with it and thereby enhancing its value. Future expansions can be carried out westward in continuity with the industrial port in a convenient and economical manner. This arrangement will enable the port's quays to be connected directly to the steel plant via relatively short conveyor belts (Tekne, 1965: 130-131).

Ilva was constructed in an area Northwest of Taranto, in proximity to the harbor, due to the need to shorten as much as possible the distance between the harbor and the factory (Romeo, 2019: 96), to lower the costs for the transportation of the iron ore, as the quote above shows. The decision to locate Ilva in that position made the factory border the Tamburi district, which was already 'existing' there. This detail is important to clarify, as recently the idea that the district was constructed *after* the factory was promoted by Guido Crosetto, Minister of Defense in the Meloni government since 2022, who tweeted on 1 June 2021:

One day, I'd like to know the names of those who designed, authorized, and pushed for the Tamburi district right next to an existing steel plant and downwind from it. Because Italsider has been there since the beginning of the century (Crosetto, 2021).

First, Italsider (the first name of Ilva), was not "there since the beginning of the century". Then, this statement is yet another example of how responsibility for the pollution crisis is placed on the local population – a process that, as I mentioned in the previous chapter, reproduces the ideological framework that underpins the 'southern question', and that obscures the underlying causes of the crisis. During fieldwork, I attended a presentation by Francesco, a local activist, on the historical development of the crisis. In his talk, Francesco said:

The Royal Decree 1265/1934 established that operations that are dangerous to human health must be confined to fields far away from residential areas. It was already scientifically clear at that time that these distances were insufficient to safeguard health. And so, when they say, "we did not know", no, it was known since 1934.

Francesco mentioned Royal Decree 1265/1934, *Testo Unico delle Leggi Sanitarie* (Consolidated Act on Health Laws), which established the obligation to set certain distances between factories and residential areas, to preserve human health. This same law is also cited in *Piano Taranto*. Although an outdated law, largely abrogated, this decree still served an important function for Francesco and the organizations that drafted *Piano Taranto*. It gave them a point of comparison and critique, as it proved that locating Ilva in that position, in proximity to the city, was not compliant with the extant legal framework. It was, therefore, an illegal establishment. That law shows that the excuse “we did not know” is invalid; it had been known “scientifically,” as Francesco says, and legally by the mid-1930s. An outdated law thus gave local activists a frame for critiquing the process of establishing Ilva.

By exploring the archives, I also found how law was an essential tool utilized by the Italian government to legitimize the expropriation of the land that led to the construction of the factory. The next section shows this process.

2. The expropriation of land and the ensuing conflict²⁴

When the decision to establish Italsider in Taranto had not been adopted yet, and other cities were still in the ballot, the mayor of Taranto, on 3 and 4 March 1959, wrote letters to national politicians, including the prime minister, to persuade them that Taranto was the ideal choice:

Taranto residents felt in their souls the rebirth of a hope for a new economic order in town. [...] [Taranto has] more than any other city, the required natural conditions (magnesium rocks, harbor, water, etc.) for a favorable development of the steel plant, while a highly qualified workforce is currently unemployed due to the contraction of the Arsenal's and the Shipyards' activity. [...] Moreover, the Municipality, to show [...] a tangible sign of sincere cooperation in the undertaken endeavor for the economic rebirth of the South, would consider the option to offer the land for the establishment of the new steel plant for free (ACT, Folder not inventoried).

²⁴ In this section, Ilva is referred to as ‘Italsider’, to be consistent with the archival material. I will also refer to IRI and Finsider. IRI was the state-owned public entity responsible for Italy's economic development. It was directly controlled by the government. Finsider was a financial company of the IRI group that was devoted to the steel sector, and it was thus directly involved in the process of establishing Italsider in Taranto.

While affirming that only industrialization would lead to the “rebirth” of the city, the mayor, to strengthen the case for Taranto, offered the land for the establishment of Italsider free of charge. However, a large part of this land did not belong to the municipality, but to landowners and farmers who drew their sustenance from it. To establish Italsider, it was thus first necessary to acquire these tracts of land, and on 26 February 1960, the government contacted the prefect of Taranto to start arranging the expropriation process:

To establish the fourth²⁵ steel plant in Taranto by IRI²⁶, it is necessary, among other things, to urgently acquire land (30-40 hectares) for the pipe mill, which should be operating right from next year. [...] Accordingly, Finsider²⁷ will submit to you a request for the immediate expropriation of the areas necessary for the quick realization of the pipe mill [...]. I would greatly appreciate it if you could approve this request, which is also justified by the fact that, since many different owners own the land, it is not possible to conduct quick and effective direct negotiations with them (AST, Folder 175).

On 29 February 1960 and on 19 September 1960, IRI submitted a request to the prefect to be authorized to occupy the land immediately, considering the length and complexity of the expropriation procedure (ACS, Collection IRI, Folder ‘Indennità di Espropriazione Terreni’). The prefect gave these authorizations in March 1960 and February 1961 (ACS, Collection IRI, Folder ‘Indennità di Espropriazione Terreni’). Meanwhile, IRI began approaching the landowners to negotiate with them what they called “amicable agreements”, but found widespread resistance:

[...] only 49% of the landowners agreed to meet, and only 52,50% of the negotiations reached a positive ending [...] Italsider can do nothing but notice the behavior of those landowners who do not even show up to negotiate, and who do not permit the amicable reaching of an agreement (ACS, Collection IRI, Folder ‘Indennità di Espropriazione Terreni’).

For Italsider, landowners’ resistance was even more incomprehensible in light of the following:

²⁵ At that time, there were three main steel plants in Italy, in Cornigliano, Bagnoli, and Piombino. Taranto was to become the site of the fourth steel plant.

²⁶ See note 24.

²⁷ See note 24.

Three of the expropriated heads of the household have been employed by the Company. At the same time, eight have already been selected for the same job, and other farmers have been hired by those companies that are now building the Steel Plant, thanks to Italsider itself, with employment security of at least 5 years (ACS, Collection IRI, Folder 'Indennità di Espropriazione Terreni').

In other words, as part of its strategy to persuade landowners and farmers to leave the land “amicably”, Italsider was offering them a job at the factory or in the companies involved in the construction of the plant. Meanwhile, landowners began contacting national institutions to protest the ongoing expropriations. On 18 September 1961, a landowner wrote a letter to the president of the republic, the prime minister, the minister of the interior, the minister of state holdings, and the prefect, to raise objections on how the expropriation procedure was conducted:

While I want to acknowledge the grandiose effort for the rebirth and development of our town following the establishment of this grand industrial complex, and thus while I join the celebration of the whole Taranto population, I also would like to highlight a few things of important relevance and prestige for a Nation and a Government that are inspired by the Christian social thought. Wanting progress and welfare for all is a great and good thing, but it is not a humane thing to deprive a person of his work and goods, who has been expropriated of his land without just compensation. The area where the fourth steel plant is being established was one of the most flourishing, thanks to its lush and verdant olive trees, vineyards full of fine vines for the export, and it became that way thanks to huge capital investments for the machineries and mechanical tools, such as tractors, artisan wells, irrigation pipes, etc. [...] Now, after having worked with so much passion and right when it was time to collect the harvest, the result of hard work, here comes an expropriation. The vineyard, in fact, was destroyed a few months before the harvest [...] The other farmers and I accept the expropriation; we too want the progress of Taranto, but we cannot renounce those inalienable rights, sanctioned by God and nature. [...] While in Italy, where it is said that all citizens are equal in front of the Constitution, in front of God, and with the same rights and equal duties, we shall think that there are privileged groups of industrialists who own everything and do and undo as they like, maybe within a favorable legal framework, my Christian and citizen conscience refuses to accept that, and I cannot accept that these people, who lack a human, social, and Christian common sense and have a bullying and crushing approach toward others people's rights, while taking advantage of the power given to them by their velvety seats of power, can keep on dictate their rules that crush our spirits, to demoralize us to and ultimately push us to accept their meager sum of money voluntarily. These people dispose at their will of the destiny, work, and life of workers who have loved their land

and soaked it with their forehead's sweat, and who have been deprived of the possibility to start all over again, by not giving them due compensation for the damages suffered. We asked, through our Parliamentary representatives and the local authorities, to intervene to secure at least a down payment, but our claims have been unsuccessful (ACS, Collection IRI, Folder 'Indennità di Espropriazione Terreni').

The protests by the expropriated owners continued on various fronts. On 18 October 1961, the local Federation of Land Ownership sent a telegram to the minister of state holdings, expressing regret at the lack of compensation for the landowners (ACS, Collection IRI, Folder 'Indennità di Espropriazione Terreni'). Furthermore, several of them did not want to leave their houses and lands. On 13 November 1961, the prefect wrote to the mayor to point out that:

Italsider [...] has now made it clear that it has the absolute necessity to have available the entire area for the construction of the Plant, within 15 December 1961 (AST, Folder 175).

On the same day, the Tamburi district police station wrote to the central police station in Taranto to inform them that Italsider would take possession of certain tracts of land the following day. The letter also indicated that:

[Italsider's] management reassured that it will make sure that the majority of the men capable of working will be employed at the satellite activities of the factory, while waiting for direct employment at the factory [...] Italsider, in agreement with the Independent Institute for the Public Housing of the Taranto Province, released to those who requested them, certificates aimed to facilitate the attribution of public housing (AST, Folder 175).

Italsider, therefore, continued to offer employment at the factory and, allegedly, facilitated the allocation of public housing to the expropriated owners. However, on 22 November 1961, the Institute for Public Housing Taranto Province sent a letter to the prefect, the mayor, and Italsider itself, to state that no house was available for the "families that were forced to go away due to the need to build the Fourth Steel Plant" (AST, Folder 175).

As the prefect had previously informed the mayor, Italsider 'needed' the land no later than 15 December 1961. In fact, on that day, the police station of the Tamburi district informed the Central Police Station that the following day Italsider would obtain the possession of the land of 12 families, comprising a total of 42 people, who "tomorrow will be in their own houses with the intention of not ceding them, unless Italsider's management will give them a higher sum than the reimbursement of expenses" (AST, Folder 175). Two days

later, in an update note, the Tamburi police office informed that the families “ceded their properties amicably, yesterday, to the Company’s representative” (AST, Folder 175).

In the archives, I found additional material documenting the environment in which these “amicable agreements” were negotiated. This is a letter written by the Provincial Union of Farmers to the minister of state holdings on 22 February 1962:

Italsider never manifested its intention to reach amicable agreements with the expropriated owners [...] we confirm that the expropriated owners continue to pay land taxes because the decree of urgent occupation only transfers the possession and not the ownership, and so the landowners are obliged to pay taxes until the expropriation decree has been issued and registered in the real estate register. [...] This incontrovertible state of affairs pushes us to refrain from commenting on Italsider’s behavior (ACS, Collection IRI, Folder ‘Indennità di espropriazione terreni’).

The Union also asked the minister to:

personally intervene so that the expropriated landowners will be given a fair and meager compensation and to instruct Italsider and the Prefect of Taranto to execute the expropriation [...] pursuant to principles of humanity and Christian compassion toward people who have lost all of their belongings and as fast as possible (ACS, Collection IRI, Folder ‘Indennità di espropriazione terreni’).

In fact, the expropriated owners were in the following situation: they were no longer in possession of the land, which had been occupied following the prefect's intervention; yet they were still formally the owners of the land and thus liable for land taxes. To formalize the transfer of ownership, the expropriating authority (in this case, the government through IRI) had to submit to the prefect a list of all affected owners, their properties, and the compensation offered to each, thereby rendering the offer public and legally contestable by the owners. This request was finally submitted, and on 21 December 1962, the prefect issued the decree that formalized the expropriation and transfer of ownership (ACT, Folder 197, File 1077, ‘Espropri’), thereby ending the landowners’ liability for land taxes.

Many expropriated owners refused the compensation offered by Italsider, which led to several lawsuits at the local tribunal. In the archives, I found several documents, dated 21 March 1963, 31 May 1963, and 21 January 1965, which included an overview of pending trials. In these documents, Italsider reiterated its intention to reach “amicable agreements” with the landowners:

“Italsider is ready to resume the negotiation on a friendly tone” (ACS, Collection IRI, ‘Indennità di Espropriazione Terreni’). Conversely, several of the landowners who were part of these court proceedings began sending letters to national institutions. On 18 November 1964, they wrote to the prime minister (emphasis in the original):

Since 1960, the Italsider group, protected by the law on public interest, has expropriated hundreds of hectares of incredibly fertile land in the vicinity of Taranto, offering meager sums that are far from the real value and thus unacceptable. [...] The expropriated owners still have not received what is due to them, and this has crushed the much-praised and sacrosanct respect for the right to private property. We invite those who should to intervene quickly and in an equitable way (ACS, Collection IRI, ‘Indennità di Espropriazione Terreni’).

A group of landowners sent a letter to the minister of state holdings, which the latter forwarded to IRI on 11 March 1965. The condition of the letter in the archives was quite poor, and it was difficult to read properly in its entirety. The landowners spoke of “Italsider’s abuse of power” under “the law protecting general interest”, they conveyed their frustration with the meager sums offered by the company and, finally, they demanded the minister to intervene so that they could obtain “the compensation due to them for the sacrosanct right inspired to the respect that is due to private property (Encyclical by Pope John XXIII).” (ACS, Collection IRI, ‘Indennità di Espropriazione Terreni’).

In response to this protest, Finsider²⁸ began threatening further legal action. In a letter to IRI, they underscored “the gravity of the language used by the signatories”. They asked IRI to consider telling the minister of state holdings that “such a language will not be further tolerated and that, in the future, Italsider will protect its reputation and its executives’ in all legal fora.” (ACS, Collection IRI, ‘Indennità di Espropriazione Terreni’). IRI forwarded Finsider’s message to the minister on 10 May 1965 (ACS, Collection IRI, ‘Indennità di Espropriazione Terreni’).

²⁸ See note 24.

3. Lawfare and legal mobilization in the expropriation conflict

Approached through the lens of lawfare and legal mobilization, the legal struggle over the expropriation of land brings into focus the dynamics of their interaction. In the archives, I found an internal document by IRI that offers important information on the legal framework within which the expropriations were carried out:

As it is known, the Steel Plant of Taranto, pursuant to law 1598 of 14 December 1947, must be considered a project of general interest, urgent, and that cannot be postponed. Pursuant to the mentioned law, it has been carried out, and it is still ongoing, the expropriation procedure pursuant to Law 2359 of 25 June 1865 (ACS, Collection IRI, Folder 'Indennità di Espropriazione Terreni').

The expropriations were thus conducted under the framework of Decree 1598/1947. This law prescribes that projects for the industrialization of the South of Italy "are considered to be of general interest". This wording is significant because it mirrors the requirement of Article 42 of the Italian Constitution, which allows for the expropriation of property "for reasons of general interest". Accordingly, Decree 1598/1947 was drafted to confer automatically constitutional relevance, protection, and legitimacy to the expropriations undertaken for the industrialization of the South. In so doing, Decree 1598/1947 legalized (and implicitly 'constitutionalized') the expropriation of land to industrialize the South, considered a necessary effort in the process of 'solving' the 'southern question', of which the establishment of Italsider was part.

Furthermore, Decree 1598/1947 prescribes that expropriations must follow the procedure set forth by Law 2359/1865. This law contains several provisions relevant to the expropriation conflict, especially articles 71, 72, 24, and 50. Article 71 prescribes that, in case of "absolute urgency", the prefect may authorize the occupation of the land necessary to execute the works *before* the formal expropriation has taken place. In such cases, the prefect also determines a provisional compensation for the owners (Article 72). The owners may accept the compensation or refuse it; in the latter case, the procedure for determining the compensation follows the ordinary regime established by Article 24. Article 24 requires the expropriating authority to compile and publish a list of all affected owners, their properties, and the compensation offered to each, thereby rendering the offer public and legally contestable by the owners. Finally, pursuant to Article 50, the ownership of the property is

transferred to the expropriating authority only upon issuance of the prefect's decree pronouncing the expropriation. Before this decree, the expropriated owners were still the formal owners of the land.

Reading the conduct of Italsider presented in the previous section in light of this law, enables us to better understand its conduct. What Italsider did, in fact, was to request the prefect to authorize it to occupy the land urgently (article 71). Once the authorization was granted, Italsider obtained possession of the land but not its ownership, which would remain with the landowners until the final decree by the prefect (article 50). The distinction between ownership and possession, a classic one in private law, had fiscal implications, as property owners remained liable for land taxes. Landowners and farmers were thus in a paradoxical situation; they had been materially expropriated of their land, a source of sustenance for them, and yet they were still liable to pay land taxes. This paradoxical situation, yet rationalized by law, was conveyed in many of the protest letters quoted in the prior section.

At this point, IRI and Italsider began to exploit this situation. Taking advantage of the fact that ownership would be transferred only after IRI's submission of the expropriation plan to the prefect (article 24), they weaponized their material occupation of the land to delay the submission of the plan and frustrate the landowners. In other words, they leveraged their legal position to weaponize space and time to their advantage. In the State Central Archive in Rome, included in the 'Reserved Documents' of the collection of the Prefecture, I found a document without a date, which suggests Italsider's intention to frustrate the landowners:

The conditions of the expropriated by Italsider (the large majority are smallholders) are sad. Since March 1960, they have left their lands and continue to pay taxes and duties, and their due compensation has not been determined yet. More than one hundred expropriated await the publication of the list in the Municipality Board to file a petition in court. Italsider has a dilatory behavior (ACS, Collection Prefettura – Documenti Riservati).

"Italsider has a dilatory behavior" signals awareness, at IRI, of how Italsider was taking advantage of this (legalized) situation to extend landowners' financial liability.

Furthermore, Italsider had already occupied the land; it had already materially taken it over. From that position, it began offering jobs at Italsider to the expropriated landowners and farmers. This is a paradigmatic example of what Marx (1976) called "primitive accumulation", where the working class was literally 'created' by turning farmers into metalworkers, while also continuing that process of eradication of the nonindustrial economy that was

dissonant with the idea that the Italian state had of itself. It is in this legalized environment, where power relations were strongly unequal and law's formalities were weaponized to gain an advantage in the struggle, that Italsider's "amicable agreements" were negotiated.

Several tried not to cede the land and remained on their properties to resist the violent occupation of their houses and fields. Many began sending letters to national institutions, protesting Italsider's use of the "law protecting general interests", thus revealing awareness of the strategic and exploitative use of the law by Italsider. In some instances, their mobilization is fueled by legal narratives in which religious norms shape the meaning of law and rights. Many protested the expropriation of fertile agrarian land that was essential to their economy. These letters reveal a profound sense of injustice arising not only from the execution of the expropriation but also from the infringement of their right to property and to receive fair compensation.

This is an important point; in several of the letters quoted earlier, landowners were only demanding compensation that was fairer than the meager sums that Italsider was offering them. But the response by Italsider seemed more to continue using their position of dominance in the struggle to frustrate the owners further and obtain their land at the least possible expense. When the struggle reaches the courts, Italsider continues trying to reach "amicable agreements", and when landowners keep protesting before national institutions, the company responds with threats of more lawsuits.

In sum, during the expropriations, the dynamic between lawfare and legal mobilization shaped the conflict over Ilva. Formalistic, dominative lawfare was carried out through the exploitation of legal formalities and technicalities by the Italian government and Italsider, enabling them to achieve their desired change and to react against any form of resistance and legal mobilization by the expropriated landowners. The latter leveraged political opportunities by sending letters to various democratic institutions and drew on a repertoire of frames in which the experience of injustice is framed through law and, sometimes, religious norms. They also leveraged legal opportunities by filing lawsuits to challenge the compensation sums offered to them.

In this dynamic, law's formalities were turned into weapons that Italsider used in the struggle to frustrate the landowners and achieve its desired change: the occupation of land, the establishment of Italsider, and the creation of a workforce. All these changes were instrumental in the broader impetus of the Italian state to 'solve' the 'question' of Taranto, by transforming the local 'backward' socioeconomic landscape into a modern, industrial, 'lively' center. In this sense, this section marks the beginning of that slow and violent (Nixon, 2011) reconfiguration of Taranto's economy and landscape, and it reveals

law's instrumental role in it. Soon, the environmental effects of industrial production became apparent, prompting the legal struggle to continue.

4. The early phases of the environmental conflict

On 25 January 1964, the public health officer²⁹ of Taranto wrote a letter to warn several local institutions, including the mayor, about the serious health concerns connected to industrial pollution: “There are reasons to believe that Taranto and its inhabitants will have to pay the price of industrial development, the same price paid by the inhabitants of those industrial cities like Milan, Turin, and Genoa” (ACT, File ‘Inquinamento Acque Costiere’, see Document 1 in Appendix II for an extended excerpt of the letter). The officer challenged the hegemonic narrative of industrial development as inherently good progress, and used the North of Italy as an example of what Taranto should not aspire to be. Furthermore, he based his argument on research that had proven the cancerogenic effect of substances released in the production process, such as benzopyrene. The environmental problems associated with industrial production quickly became the object of public conversation, to the point that the province of Taranto organized a conference on this topic on 24 and 25 October 1964, where representatives of local institutions and members of civil society participated.³⁰

In the following months, local citizens began sending letters to local institutions to complain about the pollution's impact on their lives. On 30 May 1965, nearly fifty residents of Taranto wrote to the mayor:

We appeal to your authority to require Italsider to adopt measures aimed at preventing the spreading of huge amounts of raw materials when they are transported on the conveyor belt, from Italsider's docks to the factory. We clarify that the fine dust spreads when it reaches the transshipment station that connects the first and the second segments of the conveyor belt [...] this station is not adequately closed, and it would suffice to adopt adequate measures to

²⁹ The public health officer was a public official who supervised public health in Italian cities, a figure that was suppressed in 1978 with the establishment of the National Health Service.

³⁰ The conference was titled “Issues of Public Health in an Area of Rapid Industrial Development” and its proceedings show widespread awareness of the environmental problems associated to industrial production. In several speeches, however, industrialization is portrayed as the only solution to the socioeconomic problems of the South and Taranto alike (see Amministrazione Provinciale di Taranto, 1964).

prevent serious damages to humans and objects. [...] The inhabitants of this area request this authority to intervene, and we deem it necessary to clarify that if no measure is adopted, we will sue to protect our interests (ACT, File 'Inquinamento Acque Costiere').

Residents thus demanded that local institutions order Italsider to adopt measures to stop the spread of iron ore dust, which was dispersing from the conveyor belt that transported it from the harbor to the factory. In the meantime, Italsider's production began polluting the local sea. Consequently, the public health officer issued an ordinance on 3 June 1965, requiring Italsider to obtain a permit to discharge water in the sea:

Considering the serious hygienic consequences on the western coast of this city, due to the pollution caused by wastewater of the sewer of the Fourth Steel Plant, without the required authorization, pursuant to article 22 of the Ministerial Instructions 20 June 1896 [...] Orders [...] to obtain the above-mentioned authorization as soon as possible, and, meanwhile, to adopt all the necessary measures to purify the wastewater, to avoid the pollution of the coastal water, which could lead to compromise citizens' health and marine life in the area. In the event of noncompliance, legal consequences will follow (ACT, File 'Inquinamento Acque Costiere').

This ordinance was challenged by Italsider, which requested the public health officer to withdraw it in a letter sent on 8 June 1965, on the following grounds (emphasis in the original):

Article 22 of I.M. 20.6.1986 explicitly and exclusively refers to the discharge of industrial wastewater in lakes, streams, or canals and "in the underground aquifer", not to the discharge of industrial waters in the open sea. The authorization by the Prefect indicated in this law is, therefore, required exclusively for the discharge of industrial waters in inland waters, not for their discharge in the open sea, as is the case" (ACT, File 'Inquinamento Acque Costiere').

Drawing on a textual interpretation of the law, Italsider argued that it did not have an obligation to obtain an authorization to discharge water in the open sea, as "open sea" was not explicitly indicated alongside lakes, streams, and underground aquifers as bodies of water into which industrial discharge requires authorization.

Protests by the local population continued. On 20 July 1965, 10 people sent a letter to the prefect and the mayor to demand the adoption of measures to stop water pollution:

The undersigned, residents of the Rondinella area, which is adjacent to the drainage canal of Italsider, request that these authorities adopt urgent, adequate measures to address the serious danger to their health deriving from the toxic gas emissions that come from the canal's water. In these hot months, we suffer even more, as we must sleep with the windows closed, to avoid breathing these stinky gases, which poison our lungs and the lungs of our children. What right do they have to deprive us of clean air, which is a gift given by God to all? We hope that these authorities will not be indifferent to our suffering, as other authorities have done, and will urgently adopt adequate measures to avoid even worse damage to our health. They had reassured us that they would only discharge cooling water, whereas they discharge processing waters, which are harmful to human, fish, and plant health. We respectfully thank you (ACT, File 'Inquinamento Acque Costiere').

Another letter was sent to the mayor and the Department of Hygiene and Health, with the same goal of obtaining institutional intervention to curtail industrial pollution:

Last February, we sent a request to the Prefect and the Mayor of Taranto, as well as to the Management of Italsider, and copied the Public Prosecutor's Office, asking for a quick intervention to require the management of Italsider to implement adequate measures to impede the spreading of minerals from the conveyor belt, which causes serious damage to people and objects. [...] since nothing was done to impede such indecency, and the entire neighborhood was and still is constantly hit by a dense cloud of dusty minerals, we reiterated the request of the last 30th of May [...] Unfortunately we are still waiting for the slightest sign of interest – meanwhile, objects and people, especially the young ones, keep on suffering the damages. The undersigned, on behalf of 50 signatories, asks for the prompt intervention of the Health authority, following which the local authorities have the obligation to issue an injunction against Italsider to adopt adequate measures to eliminate such indecency (ACT, File 'Inquinamento Acque Costiere').

On 2 August 1965, the public health officer sent a letter to the mayor and the Department of Hygiene, to which he attached the protests that residents had sent to him:

[The protestors] highlight the harsh conditions in which they are forced to live due to the irrational and dangerous operation of some of Italsider's plants and, specifically, of the conveyor belt that transports the ore from the harbor to the factory and the drainage canal of industrial waters. [...] the Steel Plant of Taranto keeps on polluting, undisturbed, the coastal waters and the sea, because not only has it not obtained the required authorization, but it also has not

adopted adequate purifying systems for the wastewater, emissions, and gases that spread from the plant. The air in the area adjacent to the drainage canal of industrial waters [...] is contaminated by emissions of hydrogen sulfide and sometimes even chlorine, which make the air unbreathable in some hours of the day. This is a very serious problem, which will get worse if not only Italsider [...] remains indifferent, but also if the Authorities deputed to control toxic industries do not intervene. In my opinion, it is necessary to: 1) demand Italsider [...] to obtain the required authorization; 2) require Italsider to adopt all the necessary measures to avoid air and sea water pollution [...] (ACT, File 'Inquinamento Acque Costiere').

The public health officer was thus urging the mayor to intervene and demand that the factory promptly execute the environmental measures. Furthermore, in a letter sent to the provincial doctor³¹ on 17 August 1965, the public health officer commented on Italsider's challenge to his ordinance:

[...] the Ordinance aimed at requesting the Consortium ASI³² to obtain the authorizations required by law and to obtain all the necessary measures to avoid the pollution of the coastal waters. The biological exams carried out in a marine biology lab confirmed such pollution, and in fact, it was proven that fish exposed to such waters die intoxicated within three minutes. [...] At the moment, despite the ordinance, Italsider's wastewater continues to pollute the coastal sea and emit harmful and annoying emissions, which have caused rightful complaints from citizens who live close to the canal (ACT, File 'Inquinamento Acque Costiere').

In the archives, I could not find how the sequence of events on this authorization ended.³³ A few years later, however, similar problems continued to manifest. On 1 December 1970, the prefect sent a message to the mayor and other local authorities, asking all of them to do whatever was in their power in relation to the worsening of pollution:

³¹ The provincial doctor was a public official responsible for overseeing public health at the provincial level.

³² Consorzio per l'Area di Sviluppo Industriale di Taranto (Consortium ASI) was established in 1960 to develop industrial projects in Taranto and its province (see Romeo, 2019: 99ff.). It was one of the institutions involved in the management of Italsider.

³³ The public health officer kept pressuring local institutions to demand Italsider to adopt measures to curtail emissions. On 21 September 1967, he wrote to the mayor, the provincial doctor, and the prefect, a letter titled "Environmental pollution" in which he raised several problems associated to industrial production. The letter also contained an eerie omen of what would happen, forty years later, with the piece of pecorino cheese (see next chapter): "It would be a disgrace if an organization or the citizens themselves would have to arrange themselves for a lab analysis to know if the water they drink is drinkable." (see Document 2 in Appendix II).

Taranto has become one of the most important industrial centers in Southern Italy, thus obtaining several advantages but also the inevitable consequences of its modern vocation, above all, the pollution of land, air, and water. [...] It is necessary to intensify the monitoring of the operation of industrial activities, and I urge, therefore, all these authorities to adopt, each one for its own power, the adequate measures required by laws and regulations in force (ACT, File 'Inquinamento Acque Costiere').

Meanwhile, planning for the expansion of Italsider³⁴ had begun, including a project to build a new drainage canal. In a letter sent on 24 May 1971 to the mayor and the Departments of Urban Planning and Hygiene, the public health officer reiterated once more the need for Italsider to obtain an authorization to do so:

Considering that, in addition to the above-mentioned new processing plants, the coke furnaces, the high furnaces, the steel mill, and the thermoelectric central will be doubled, it is foreseeable that a worsening of the already serious pollution state of the coastal waters, with considerable damage to the fishing and tourist life of the western area, will occur. The most recent inspections of Italsider's wastewater show that the existing purification systems cannot ensure the removal of the various polluting substances [...]. Water pollution is such that the first three substances (iron oxide, ammonia, and mineral oils), considering the flow rate of the drainage canal, are discharged in the sea in the order of tons per day. [...] In conclusion, I believe that the authorization to construct a new drainage canal of Italsider must be conditioned upon the building of an adequate biological treatment basin, located in the right position, for the final processing of the industrial waters, which the new plants will discharge and the more polluting ones coming from the existing plants (ACT, File 584).

On 31 January 1971, a demonstration “for a human industrialization” was held in Taranto. Participants showed bedsheets that had become black from industrial fumes. On trees, they hung banners that read “relic”, and they displayed other “relics” such as “non-polluted air”, “non-polluted water of the Ionian Sea”, and “purest agrarian land” (Fiume, 2012). On 27 and 28 April 1971, the province organized a new conference, titled “Environmental Pollution and Public Health”. Several of the attendees spoke in the following terms: “The rivers [...] are reduced to open-air cesspit” (Amministrazione Provinciale di Taranto, 1971: 7), “the environment is degrading to the point that it is inhospitable to humans” (Amministrazione Provinciale di Taranto,

³⁴ Italsider's complex was doubled in the early 1970s (see Romeo, 2019: 134ff.).

1971: 9), “the precarious conditions of Mar Piccolo,³⁵ which is invaded more and more by copious slime and unhealthy mud, are not conducive to life of marine plants as well as animals [...] it will be the complete death of Mar Piccolo” (Amministrazione Provinciale di Taranto, 1971: 146). Where the video *Pianeta Acciaio* had equated ‘steel’ with ‘life’, images of decay and death became increasingly associated with industrialization. The legal consequences of the worsening sea conditions were promptly manifest, as on 22 July 1971, the provincial doctor issued a decree prohibiting the farming, relaying, and harvesting of mussels in the local sea (see Document 3 in Appendix II).

The sea conditions did not improve, and the following year, on 17 May 1972, the prefect issued a formal warning to Italsider, “to adopt within 90 days all the necessary measures to eliminate the polluting substances within the limits set forth by existing standards” (ACT, File 584). On 30 May 1972, ten children wrote a letter to the mayor to demand the adoption of measures to clean the environment and the enforcement of environmental laws (capitalization in the original):

Most Illustrious Mr. Mayor, we are a group of children who care about the environment, especially in Taranto. [...] We have noticed that the factories surrounding Taranto, since they are too close to our city, pollute it heavily, destroying the few green areas left. [...] We would like to invite you to adopt some measures so that the industrialists make their purifying systems more efficient; [...] that there would be more GREEN areas in town and that the laws for the defense of nature currently in force are more enforced and effective [...]. P.S. We attach some photographs we shot that demonstrate the status of our city (ACT, Folder ‘Proteste Bambini’).

The mayor followed suit with a warning, issued a few days later, on 10 June 1972, which required Italsider “to adopt, within the undelayable term of 60 days from the date of notification of this warning, all the technical measures aimed at containing within the legal limits the toxic substances of the wastewaters of Italsider. Otherwise, legal consequences will follow” (ACT, File 584). At this point, Italsider began requesting repeated extensions of the deadline to fix the wastewater drainage system. The first request was sent to the mayor on 26 June 1972:

³⁵ The sea in the Gulf of Taranto is divided into two parts that are commonly called *Mar Grande* (Big Sea), which faces the open sea, and *Mar Piccolo* (Small Sea), which is the inner, enclosed basin.

This extension is necessary because, considering the complexity of the problem and of the works to execute, the required processing times to execute the mentioned works cannot be overlooked, and we believe the extension is more than justified considering that the results of mentioned analyses have still not been released [...] and that only [these results] can highlight the actual extent of the ecological problem of our wastewaters canal (ACT, File 584).

Italsider's request was supported by the fact that they had asked a laboratory in Rome to analyze the waters in Taranto, and that only the outcome of those analyses could truly assess the extent and gravity of water pollution. The mayor granted the extension on 4 August 1972, and Italsider sent a letter to thank him, on 7 August 1972 (ACT, File 584).

In the meantime, fishing became progressively more challenging. On 25 September 1972, local fishermen sent to local institutions a letter, in which they also demanded, if the situation did not improve, that the local industries should employ all fishermen (emphasis in the original):

Fishing in Taranto was, until a decade ago, an activity that ensured a living; now it is the hardest-hit sector. The causes of this progressive decline are: the increasing restrictions on the areas of sea and the natural habitat, and the source of "income" for the fishermen, due to the development of the harbor and sea traffic caused by the industrial site. In addition, given that the area devoted to fishing had already been heavily reduced by military facilities and the resulting no-entry zone, it is evident how dramatic the situation for fishing is today. In addition to this, one must consider the most dangerous, critical, and damaging causes related to pollution, whose effects are patently obvious, and so we have a clear picture of the progressive decay of the fishing sector and Taranto's economy. [...] If the expert's analyses reveal with "absolute" certainty that it is impossible to continue fishing, at least at a professional level, in the roadstead of Mar Grande and Mar Piccolo, we require the employment of all fishermen at the industries responsible for this crisis. To confirm that a young and productive workforce engages in fishing, we include some data: Fishermen enrolled in cooperatives, n. 506. Then, there is an additional 5-10% of autonomous fishermen. Average age: 41-42 years old (ACT, File 584, emphasis in the original).

On 19 December 1972, as the (already extended) deadline for completing the works approached, Italsider submitted a new request to the mayor for a further extension to September or October 1973 (ACT, File 584). On 9 January 1973 – already beyond the original deadline – the mayor sent a letter to the prefect expressing his favorable opinion on the requested extension, considering the "technological complexity of the plants under construction" (ACT, File 584).

On 30 January 1973, the prefect granted an extension to 30 September 1973 (ACT, File 584). Finally, Italsider requested an additional extension, which the prefect granted, setting a new deadline on 28 February 1974 (ACT, File 584).

Meanwhile, protests by the local population continued. On 27 November 1974, the Council of the Tamburi District held a meeting, to which the mayor was also invited to partake. The minute of the meeting conveys the frustration coming from the constant delays by public institutions to address the problem of pollution:

[The Council] Acknowledges the worsening of environmental conditions caused by the decay of industrial plants and their irrational utilization caused by profit maximization; Believes that Taranto population has paid already too much for the indiscriminate use of local resources which has completely subverted the ecological equilibrium, leading to environmental decay and pollution to a non-tolerable level; Demands that the defense of health is the first and most important battle that Taranto and its workers must endure without hesitation, knowing that the problem cannot be delegated to anyone and refusing the principle of so-called science objectivity; Denounces the culpable delays in the execution of the antipollution systems and the long silences of the institutions deputed to protect health and the law enforcement; Invites every District Council to be tenacious in the fight against pollution and supportive in the actions aimed at preserving the health of citizens and workers; Approves that the Region, the Province, the Taranto Municipality implement controlling measures and promptly intervene against the industries that in the name of profit do not install the antipollution systems [...] (ACT, Folder 'Consigli di Quartiere').

Finally, in the archives, I found an undated letter written by a local District Committee, sent to the prefect, the mayor, the president of the province, the president of the tribunal, and several local organizations, including the press (capitalization in the original):

We the undersigned, citizens of the Tamburi District, residents in the zone of Via Troilo and Via Lisippo, want to underscore to all the relevant Authorities our precarious living conditions due to the atmospheric pollution caused by Italsider for the lack of implementation of the necessary systems, aimed at eliminating at least part of the dust of iron ore, carbon and smoke that poison us every single day. We demand that adequate measures be adopted to safeguard our health and that of our children. In more than a decade since the establishment of this 'modern' factory, thousands of people and children in our district have fallen sick and died due to intoxication. Italsider, or whoever acts on its behalf, bears most of the responsibility and must urgently adopt adequate measures. Too much chit-chat has been going on until today, but nothing

concrete has been done. This is why we are fighting, and if necessary, we will pursue legal action to obtain compensation for the physical and material damages we suffered. We cannot live like this any longer. Therefore, we have grouped, and we have formed a DISTRICT COMMITTEE that requests to be received at the Prefecture to express all our demands, to establish contact between us and the relevant Authorities (ACT, Folder ‘Consigli di Quartiere’).

Following the constant delays and the lack of implementation of environmental measures by Italsider, residents formed a common platform to fight together in the environmental conflict. They also began to envisage the possibility of formal legal actions.

5. Lawfare and legal mobilization in the early phases of the environmental conflict

In the early stages of the environmental conflict, we continue to see the dynamic interplay between lawfare and legal mobilization. In the events narrated, local institutions (the public health officer in particular) repeatedly demanded that Italsider adopt the required authorizations and environmental precautionary measures, thereby displaying instances of emancipatory lawfare. Oftentimes, these interventions followed requests submitted to the institutions by residents, who demanded that Italsider adopted measures to curtail its pollution. This was the overarching goal pursued by these public institutions and residents: to implement measures to limit pollution and therefore to protect the health of the local population and the surrounding environment.

The response to these demands displayed several characteristics of formalistic, dominative lawfare that we have already seen earlier in this chapter. Italsider instrumentally used law’s formalism to challenge the public health officer’s request for authorization on the grounds of a textual interpretation of the law. It strategically leveraged law’s procedural norms to repeatedly demand the postponement of the deadline for implementing the measures. In this process, Italsider also weaponized science to justify its delays in fixing the wastewater drainage system. Each request was granted, and in so doing, local institutions legalized the slow, steady, violent overtaking of the surrounding environment by Italsider. In fact, the possibility of using resources in the local environment was quickly (legally) rearranged: forbidding the harvesting of mussels represented yet another instance of law relegating the nonindustrial economy to a position of subalternity. This is how the slow

violence (Nixon, 2011) of Italsider's overtaking of Taranto occurred through formalistic dominative lawfare.

No one doubts that, if it is proven that the sea is contaminated, it is the duty of public institutions to ban the harvesting and commercialization of fish coming from that sea; however, this regulatory approach reveals the fundamental double standard adopted by institutions. When Italsider's wastewater canal needed a permit, the deadline for implementing safety measures was repeatedly postponed. When the sea was contaminated due to industrial pollution, fishing activities were immediately prohibited. The legal logic is clear: if the factory pollutes, it is the surrounding environment that gets regulated, not the factory itself. And in so doing, the local economy was progressively transformed and nonindustrial economic activities subalternized. The cultural consequences of this approach were clearly highlighted by the president of the association *Italia Nostra* in his speech at the 1971 conference:

I believe that there are some ordinances that require the move and, contextually, the prohibition of the sale of mussels, which creates a massive social problem because these are fishermen who will lose their jobs, and this is not any industry for us; it is an industry that qualifies our life. Think about how many expressions in our dialect refer to the mussel industry! It's no small thing to think that this industry could disappear (Amministrazione Provinciale di Taranto, 1971: 115).

In fact, worsening sea conditions led local fishermen to demand employment with the polluting factories. This was yet another instance of the (legalized) progressive replacement of the local economy and the creation of a workforce for Italsider to employ in its productive cycle.

In the early phases of the environmental conflict, therefore, dominative lawfare by Italsider operated as a limit to legal mobilization (Molavi and Nicoli Aldini, 2026), and also to emancipatory lawfare by the local institutions. Any demand to curtail emissions and to implement measures to limit pollution was opposed and delayed, and legal formalities were instrumental in this effort. In this sense, formalistic lawfare was instrumental in continuing the progressive reconfiguration of the local territory, by relegating nonindustrial economies, in this case fishing, to a position of subalternity.

In conclusion, this chapter shows how both formalistic lawfare and lawmaking lawfare were instrumental in enabling the Italian government and Italsider to establish the steel plant. Law's formalities were weaponized to progressively encroach on the local environment, frustrate the landowners, and pay small sums in compensation. Laws were also passed to render competing economic activities, such as fishing, illegal, thereby subordinating them to the

plant. This process led to the simultaneous creation of a working class, composed of former farmers and fishermen who had lost their source of livelihood. In this sense, these forms of formalistic and lawmaking lawfare must be intended as dominative: they rendered possible the plan of the Italian government to industrialize Taranto as part of its efforts to ‘solve’ the ‘southern question’.

In contrast, in these early phases, we can see how the local population began engaging in forms of resistance, also through legal mobilization. In particular, the letters show the underlying *nomoi*, i.e., the legal ideas, worldviews, and narratives, that underpinned their protests (Cover, 1983). In fact, the demand for measures to curtail emissions is premised on a narrative where health is defined as “the first and most important battle that Taranto and its workers must endure without hesitation” (ACT, Folder ‘Consigli di Quartiere’). Health is seen not only as a value, but also as a *battle*, an expression that underscores the citizens’ understanding of the conflictual nature of constitutional rights. Furthermore, this statement reveals a profound chasm between the narrative of modernization at any cost promoted during the establishment of Ilva, which underpins the instances of dominative lawfare discussed here, and the worldviews of segments of the local population, which view health as something to be instead protected at any cost.

Therefore, the material presented in this chapter demonstrates that the struggle over Ilva was, from the very beginning, a conflict over fundamental values and the acceptable costs of economic development. Dominative lawfare, in this phase, manifests as a use of law that treats the goal of economic ‘progress’ through industrialization as an end that ought to be achieved at any cost. Legal mobilization and emancipatory lawfare, by contrast, operated on a different logic, in which health is seen as the fundamental value that cannot be sacrificed on the altar of alleged economic progress. This chasm will further exacerbate the conflict’s subsequent developments, as I show in the next chapter.

Before closing, I would like to quote an excerpt from the public health officer’s private diary, which an informant showed me during fieldwork. In a document titled ‘The outrage’, dated June 1965, the public health officer expressed his disappointment at how political institutions opposed his efforts to impose restrictions on Italsider’s production, revealing the broader political climate in Taranto at the time:

They left me alone to fight for the defense of Taranto from the vast pollution caused by the discharges in the sea of the processing waters of the Steel Plant, which recently began operating (Private archive).

Chapter VI

The Transnationalization of the Conflict

In the Tamburi district, if you lift your eyes, you grasp the reason for all of this. Little hills and spirals: artificial little hills and a monster climbing on our shoulders, that's the reason. Italsider occupies an apartment in this neighbourhood. Unfortunately, this apartment is twice the size of Taranto. From its dwelling, a hundred thousand rooms and more, the steel plant pays no heed to emission bans, to prohibitions against provocative and harmful acts, or to any imaginable condominium rule. The other residents have demanded its eviction.

Cosimo Argentina, *Vicolo dell'acciaio*, p. 169³⁶

1. The pecorino case

The worsening of environmental pollution led to the judiciary's progressively greater involvement. Toward the end of the 1970s, a specific environmental unit was established at the public prosecutors' office (Romeo, 2019: 242), and the local population increasingly began to raise complaints and present evidence of the environmental harms arising from the industrial area of Taranto.

In 1995, Ilva was sold to the Riva Group, as part of the wave of privatizations that led the Italian government to abandon its role in directly

³⁶ Ai Tamburi se sollevi lo sguardo capisci il perché di tutto questo. Collinette e spire: collinette artificiali e un mostro arrampicato alle nostre spalle, ecco il perché. L'Italsider occupa un appartamento di questo quartiere. Purtroppo 'st'appartamento è due volte Taranto. Dal suo domicilio, un centomila vani e accessori, il siderurgico se ne sbatte del divieto di immissioni, del divieto di atti di emulazione e di tutte le regole condominiali possibili e immaginabili. Gli altri abitanti ne hanno chiesto lo sfratto.

managing the national economy through IRI. The privatization of the factory introduced the logic of private capital, thus further altering an already fragile socioeconomic equilibrium (Greco and Chiarello, 2016).

In the late 1990s, industrial pollution kept disrupting residents' lives. An activist showed me a private archive containing excerpts from numerous complaints filed by hundreds of residents with local authorities in this period. They described difficulties sleeping, the bad smells and noise from the industrial area, the fumes emitted by Ilva's smokestacks at night, the red dust settling on houses, and the general deterioration of health conditions. Many of them demanded interventions by the local authorities. In this period, the judiciary acquired an important role in the eyes of affected residents. This is a statement by the president of the Council of the Tamburi District reported in an article published by the newspaper *Gazzetta del Mezzogiorno* on 10 March 1999:

Why in the North, the representatives of District Councils have a dialogue with the guests of their territory, the big, medium, and small industry, while here we cannot even dare to say, 'we are here, and your decisions affect us on our skin?' [...] The district, now, in the daily fight against environmental, electromagnetic, and acoustic pollution, no longer trusts anyone but the judiciary (*Gazzetta del Mezzogiorno*, 1999).

Meanwhile, the judiciary, which had begun investigating the causes of industrial pollution, requested an expert report to survey the health and environmental situation. On 7 December 2000, the two public prosecutors in charge of the investigations sent a letter to the minister of the environment, the Puglia governor, the prefect, the regional councilor on the environment, the president of the Taranto Province, and the mayor, to inform them about the outcome of the expert report:

The findings seem to confirm a situation of serious harm to the atmosphere in Taranto's residential area and the surrounding areas. [...] The expert report found [...] a significant amount of fallen dust characterized by high levels of metals (mostly iron) [...] The settleable dusts found in the densely populated Tamburi district are higher than those found in an industrial area, such as the storage yard of the Cementir factory. [...] We believe it is necessary, in light of a spirit of collaboration among public institutions, to inform you about these results, considering you are in charge of the power-duty to intervene for the protection of the environment and public health. We are well aware of the necessity to safeguard employment in a territory that still dramatically experiences under-employment and unemployment, but in the balancing of interests that enjoy appropriate protection under the Constitution, the political

and administrative bodies cannot favor some interests at the expense of others: safeguarding the employment cannot disregard the protection of the health of the workers and the residents of Taranto and the neighboring towns, as well as the environment. Furthermore, an omission by those who have the power to intervene can be criminally relevant, because this situation, whose illegitimacy is amply demonstrated, cannot be postponed any longer (Procura della Repubblica di Taranto, 2000).

The two public prosecutors articulated a clear legal argument: there is evidence of a public health crisis in Taranto caused by industrial pollution; this evidence represents a breach of the constitutional right to health; the safeguarding of employment cannot lead to a compromise of the right to health, even in an area with high unemployment rates; public institutions have a power-duty to intervene, and if they do not, they can be criminally liable.

As a result, in the spring of 2001, the mayor of Taranto issued several ordinances to instruct Ilva to rebuild its coke furnaces, with the threat of stopping them if effective measures were not taken (Romeo, 2019: 250-252). In August 2001, the residents of the area of the Tamburi district bordering Ilva installed this plaque on the wall of a house (Figure 5):



Figure 5.

Protest sign on the wall of a house in the Tamburi district. Photo by the author.

When the wind comes from the north and north-west, we are buried by iron ore dust and suffocated by gas fumes coming from the industrial area “Ilva”. For these reasons, we “curse” those who can do something and do nothing to fix it. The citizens of: Via De Vincentis – Lisippo – Troilo – Savino. August 2001

On 10 September 2001, the Tribunal of Taranto ordered the seizure of some of Ilva’s coke batteries, as their environmental impact breached the local citizens’ and workers’ right to health (Romeo, 2019: 252). The subsequent events are described by Romeo (2019: 252-254): Ilva began a dialogue with the local institutions, which, in turn, displayed their willingness to negotiate with the company. On 22 May 2002, they signed a memorandum of agreement with Ilva and the trade unions, which required the factory to renovate the coke oven batteries 3-6. However, the seizure required Ilva to progressively slow the use of the coke oven batteries, which would inevitably have led to a decrease in production. Ilva then threatened to withdraw the agreed-upon investments and lay off more than 3,000 workers. This situation led to a standoff, which was resolved by the signing of a new memorandum of agreement on 8 January 2003 between Ilva and the Puglia Region. The region agreed to issue an authorization on industrial emissions, conditioned upon Ilva’s obligation to align the factory with the guidelines issued by the Ministry of the Environment.

On 27 February 2004 and 15 December 2004, two more memoranda of agreement were signed. With the first one, the Region authorized the revamping of the batteries 3-6 and their progressive reactivation. With the second one, Ilva undertook the obligation to adopt adequate measures to control the spread of dust. In exchange, the Municipality and the Province of Taranto agreed to withdraw their participation as injured parties in the appeals procedure of a trial against Ilva’s executives.

In sum, the message was clear; Ilva accepted limiting and curtailing pollution, but only if something was done in exchange. This is how the health of the local population got, quite literally, negotiated, as a graffiti in Taranto states: “Health is not negotiable” (Figure 6):



Figure 6.

Graffiti reading “Health is not negotiable.” Photo by the author.

Meanwhile, knowledge of Ilva’s pollution gradually accumulated. At a roundtable held on 22 April 2005 at the Taranto branch of the Polytechnic University of Bari, it was highlighted that Ilva accounted for 8.8% of the dioxin released in Europe (Romeo, 2019: 256). On 3 May 2007, a report stated that 90.3% of the dioxin in Italy was produced in Taranto (Peacelink 2007a). On 2 July 2007, the association Peacelink released a statement, highlighting that, if the legislation of other regions of Italy were to apply, the amount of dioxin emitted by Ilva would lead to an immediate suspension of the factory’s production:

How much dioxin is there in Taranto? [...] If we calculate the average of ARPA³⁷ measurements for the 12 – 14 – 16 June 2007, we have 11.1 nanograms of dioxin per cubic meter [...] Is it much? Is it little? Is it above the legal limits? There are two possible answers. It’s not much for Italian law (law 152/2006 and

³⁷ ARPA is the regional authority on environmental protection.

annexes), whereas it's a lot for the regional decree of Friuli Venezia Giulia (which is based on EU Decision n. 259, 19/12/2004). [...] In conclusion, if we apply Law 152/2006 in Taranto, the sinter plant is fully compliant [...]. If instead the chimney of the sinter plant were in Friuli Venezia Giulia, a regional law that acknowledged the European threshold would apply [...] the limit would be 0.4 nanograms per cubic meter. In this case, it would be 27 times beyond the legal limit. "In case of breach of the limit, the sinter plant shall be stopped immediately", the Friuli Venezia Giulia decree prescribes (Peacelink 2007b).

In February 2008, two activists, Francesco and Emanuele, brought a piece of pecorino to a laboratory in Lecce, a town close to Taranto, and asked for a chemical analysis. The lab's report revealed that the pecorino contained 4.28 picograms of dioxin and 19.5 picograms of polychlorinated biphenyls (PCBs) (Peacelink 2008). Peacelink issued a statement declaring that these concentrations were illegal under EU Regulation 199/2006, which set 3 picograms and 6 picograms as the legal limits for dioxin and PCBs concentrations in foodstuffs (Peacelink 2008). Francesco and Emanuele brought the report to the public prosecutor's office of Taranto, which began investigating for the crime 'poisoning of the food chain', article 439 of the criminal code.

During fieldwork, I met Francesco several times. During one of our encounters, I asked him to recount to me the events surrounding the piece of pecorino and its role in the conflict:

That's the period when Ilva was truly almighty. Ilva had an immense power, I mean, it was difficult to find someone in power who had not had contacts with Ilva's fixer, the person in charge of Ilva's PR, there is wiretapping of him speaking with all the most influential people, maybe I was the only person who didn't have his phone number [...], he managed to have relationships with everyone, and it was a power bloc, luckily all that happened later with our fight, we managed to dismantle a super strong power bloc, it was so strong that maybe you would talk to the mayor, to the city cabinet members, to the councilors [...] you would go to talk about things, about serious stuff. Half an hour after you left, Ilva's fixer would enter and tell the mayor that all that I had said wasn't true [...] this person would work to undermine our legitimacy, because I, say, I was a teacher of Italian, so that he would say, 'but would you listen to that grammar teacher? We have engineers'. It was always like that, they, Ilva, they had science and technology, while the rest were the alarmists [...] So their effort was to undermine our legitimacy, to say 'no, but them, they are making things up', etcetera, but we had an ace up our sleeve, one morning, at my dad's home, in great secrecy, the four leading dioxin experts in Italy had arrived, and we had put together an action plan, so this was no small deal, we're talking about the

four leading experts [...] they wanted to stay anonymous, and so we used their knowledge to know how to proceed, because if you want to find dioxin you shouldn't look for it in the oranges, but rather in the liver of goats and sheep, and an expert knows how to hit the mark, because dioxin is not water-soluble, it doesn't dissolve in water like sugar, and so it shouldn't be absorbed by oranges [...] if you try that, you fail, and so these people guided us, and they gave us the tools to be credible, this is the power of knowledge, it completely changes power relations [...] The piece of pecorino was the crack through which we started to tear down the wall. And the crack through the pecorino was essential, why? Because in Italy they had constructed a whole legislation that was designed to make sure that Ilva was never illegal, to the point that, if we had said, 'ah, we discovered that in Taranto there's the most amount of dioxin, 8.8% etcetera', and we brought this data to the public prosecutor's office, the prosecutor's office would have said, 'let's check the chimneys' [...] eventually, Ilva would have laughed hard and said, 'whatever, I'm below the legal limits' [...] Italian legislation was designed in a way that Ilva's chimney could emit a quantity of dioxin 10,000 times that of an incinerator. Furthermore, in Germany, the legal limits for dioxin were 1,000 times inferior than in Italy, so if we would have designed a fight against the chimney, we would have not solved the problem, whereas the pecorino was an intuition, it was an intuition because, because Ilva was compliant with all the legal limits, but there was a European limit on foodstuffs [...] Regarding the data on the chimneys, they were compliant because those limits were tailor-made. But the moment dioxin leaks, it lands on the ground, the sheep and goats graze it, it enters the food chain, and so pecorino, milk, meat, etcetera, all these things can be transported to Brussels, to Paris, in Spain, and there is a problem of safeguarding the health of the European population, and so there is a set of European laws that are much stricter [...] and so the pecorino that Emanuele managed to find, and you see, we had to find the right piece, the one made with milk coming from sheep that grazed nearby Ilva, and the starting point was TarantoSera³⁸ that published a press release of a councilor of Statte's³⁹ municipality who said 'We spotted a flock of sheep close to Ilva' [...] and so there was this flock of sheep, and they must have made cheese with the milk, so let's find that flock of sheep, and who knows the territory better than Emanuele?

Emanuele is the person who went to meet the shepherd who used to bring the sheep to graze in the fields surrounding Ilva. Emanuele worked at Ilva for decades. After retiring, upon gaining a clearer understanding of the factory's

³⁸ TarantoSera is a local news outlet.

³⁹ Statte is a town just north of Taranto, situated very close to Ilva and the industrial complex of Taranto.

impact on local public health and the environment, he became an activist in campaigns against Ilva. Emanuele knows the territory very well.

During my time in Taranto, Emanuele showed me around the city and the surrounding areas; he also took me to the fields where the sheep grazed, and to the places where the shepherd kept the sheep and made the cheese. Emanuele shared many stories and reflections with me, and often referred to the health crisis of Taranto: “Here, everyone died of cancer”, he said while driving in a town in the proximity of Ilva. One day, we walked together in the fields surrounding Ilva:⁴⁰

I can show you where the sheep would enter, many years ago [...] these nets here, they were open, there you see! [he points to a net] Here the sheep would pass, he [the shepherd] would let the sheep go and they would eat the grass, you know, 200 sheep, here you see, this happened several years ago [...].

While walking, Emanuele kept recounting events:

People used to come here, and here also came those who had sheep to graze, so the shepherd used to come here with the sheep, all the sheep [...] now we go where the shepherd kept the sheep in the summer, in the winter he kept them close to the cemetery, somewhere else, and here, one day, I was sitting, I could only hear the wind, the leaves were moving, after a little bit I could sense a big wind on my back, I turn, I saw something that was, a big bird, an Egyptian vulture, and so in the morning I was walking in this road and I would meet him [the shepherd] here, we talked, we talked, how are you? How are you doing? [...] Cancer is everywhere in the world, anywhere, but in Taranto, this cancer thing has gone too far, SENTIERI⁴¹ speaks loud and clear.

He paused for a moment, and then restarted:

At night, when I take the dogs out, I hear everything; they [Ilva] go half speed. Look, it's beautiful. If you see the landscape there, you can see what humans have devastated. [...] He was a good man, the shepherd, he knew how to do his job, I mean, he knew how to take care of the animals, he knew how to do mozzarella, he was a shepherd of the past, you see, close to the cemetery, you see that little house with the green on the top, in the winter he would put the

⁴⁰ Emanuele agreed to be recorded while we were walking together.

⁴¹ SENTIERI is a publicly funded epidemiological survey focusing on Italy's so-called polluted sites, including Taranto, where it has consistently found excess mortality and morbidity across its successive issues released over the years (SENTIERI, 2010; 2011; 2014; 2016; 2019; 2023).

sheep there, and now I'm showing you where the journey of the pecorino started, over there, there's the shepherd house, and I went to his place, you understand?

He paused again:

I mean, what a shame, having lost all the sheep, it's so strange and we don't realize it, you know? The sheep is everything, the shepherd is everything, it's part of our culture, and I would love for things to go back as they used to, for real, on paper Timmermans⁴² said that green steel is a good idea, ok, we accept that too, it's convenient for us to accept that too, but we must always double check that, you know, because they have always made a fool of us, not him [Timmermans] specifically, God forbid! Taranto has always lived with a steel plant, and they have always made a fool of us, of the people, of the locals. They always blamed the workers, and the workers, they can speak up to a certain point, but then they can't anymore, because they will put them in their place, in the blink of an eye.

In his home, Emanuele has a massive archive documenting the conflict around Ilva and the local mobilization campaigns against the factory. Emanuele has also kept the piece of pecorino cheese, wrapped in aluminum foil and safely stored in a freezer in his house. He showed it to me, while saying, sarcastically, "What's important is that you don't eat it!" (see Figure 7).

2. The legal limits on pollutants

The release of the lab analyses shocked the public, as they proved that the local food chain had been compromised. In fact, in October 2008, the Puglia Region resolved to cull 1200 sheep (Romeo, 2019: 262). On 29 November 2008, a massive demonstration was held in Taranto, where more than 20,000 people took to the streets to demand the adoption of a law to set limits on dioxin emissions and to monitor them continuously, to achieve permanent control of Ilva's pollution.

⁴² This meeting with Emanuele occurred after the event with Timmermans presented in Chapter IV.



Figure 7.
The piece of pecorino cheese. Photo by the author.

The Puglia Region responded with Law 44, adopted on 19 December 2008, the so-called *legge anti-diossina* (anti-dioxin law). This law established specific thresholds for dioxins and furans: an initial limit of 2.5 ng TEQ/Nm³ was to take effect on 1 April 2009, while a stricter limit of 0.4 ng TEQ/Nm³ was to be enforced from 31 December 2010. Furthermore, the law required industries to submit a plan for continuous monitoring of emissions.

Ilva challenged the anti-dioxin law. In particular, the requirement of the continuous monitoring was problematic for the factory, because it would have revealed its persistent and continuous emissions; the company sought support at the national government, which leveraged its exclusive competence on environmental issues contained in the Italian constitution, to push for amendments of this law (Romeo, 2019: 264).

This effort led to the adoption of a new regional law, Law 9, passed on 30 March 2009, which postponed the entry into force of the first limit by three months, from 1 April 2009 to 30 June 2009. This law also prescribed that the value of the emission limit had to be estimated based on an annual average,

calculated from at least three measurement campaigns conducted each year. This new provision thus supplanted the requirement for continuous monitoring; Ilva's pollution was now calculated on average over specific measurement campaigns, not as a continuous and persistent phenomenon.

On 23 February 2010, with Ordinance 176, the Puglia Region ordered the destruction of the livers of sheep and goats slaughtered in farms within 20 km of the industrial complex of Taranto, while also forbidding grazing in the same area. On 4 June 2010, ARPA, the regional health agency, issued a report stating that 99.74% of the benzo(a)pyrene emitted in an area of 25x25 km around Taranto was emitted by Ilva (ARPA Puglia, 2010: 17). Local organizations mobilized and asked for the adoption of additional measures to curtail industrial emissions (Corriere del Giorno, 2010).

On 13 August 2010, the government adopted Legislative Decree 155, which transposed the European Directive 2008/50 on air quality into Italian law. With this law, the Italian government prescribed that the entry into force of the legal thresholds for several pollutants, including benzo(a)pyrene, was postponed to 1 January 2013. Article 9, section 2, prescribed:

If [...] the level of pollutants indicated in the article 1, section 2 [...] go beyond the limits outlined in the annex XIII, the Regions adopt [...] measures that would not result in disproportionate costs to target the main sources of emissions that cause the violation of the threshold, and to pursue compliance with the legal threshold within 31 December 2012.

In other words, the national government passed a law that gave Ilva more than two years to implement measures to be compliant with the legal limits, insofar as they do not "result in disproportionate costs". Conversely, on 22 July 2011, the local public health authority banned the harvesting of mollusks found in the first inlet of the local sea (Manna, 2017), and in July 2012, it ordered the destruction of all the mussels collected there (Mortato, 2012). Once more, we can observe a lenient approach toward the factory while, simultaneously, nonindustrial forms of economy are rendered illegal and subalternized.

In the meantime, the investigations following the submission of the pecorino analyses led the judiciary to request experts to issue a chemical and an epidemiological report, which were both issued in the spring of 2012. The chemical report found that: 1) toxic pollutants, dangerous to workers' and citizens' health, spread from Ilva; 2) dioxin and polychlorinated biphenyls found in animals, people, and land surrounding Ilva are traceable to Ilva; 3) Ilva has not adopted all appropriate measures to avoid the spreading of pollution (Sanna et al., 2012: 516-528). The epidemiological report, additionally, found a causal nexus between exposure to pollutants emitted by

Ilva and mortality and morbidity in Taranto (Forastiere et al., 2012). It concluded:

The continued exposure to airborne pollutants emitted by the steel plant has caused and causes degenerative effects on various systems of the human body, resulting in illness and death (Forastiere et al., 2012: 226).

Following the publication of these studies, on 25 July 2012, the local judiciary ordered the seizure of Ilva's hot processing areas without authorization to use them, which effectively meant suspending the core of Ilva's production. Before exploring the government's reaction to the seizure, I offer my interpretation of the legal struggle surrounding the pecorino case in the next section.

3. Lawfare and legal mobilization surrounding the pecorino case

The piece of pecorino occurred at a moment in the conflict when the judiciary had taken center stage, even sending formal messages directly to political institutions to urge them to intervene to limit the environmental impact of local industries. The letter sent in December 2000 is an example of emancipatory formalistic lawfare, as the two public prosecutors offer a formal interpretation of the law to warn local political institutions of the manifest illegality of the environmental situation of Taranto. Furthermore, during this period (in 2002 and 2007), two judgments were issued against Ilva executives for environmental-related crimes (see next chapter). In the 2007 judgment, the Tribunal of Taranto included an indirect message to political institutions, reminding them that the management of the conflict could not be 'externalized' on the judiciary:

A criminal court does not have the duty, nor the measures and the capacity, to manage situations of social conflict, or to worry about economic matters; it can only, more modestly, verify if a certain behavior by certain individuals can be legally classified under a generic criminal offense (Tribunale di Taranto, 2007).

In those years, local political institutions signed several memoranda of agreement. This conduct was symptomatic of the negotiatory approach toward the environmental problem, but, most importantly, of the power relations at play: one of them was signed following Ilva's threat to lay off thousands of workers due to the slowdown in production following a judicial seizure. The

economic dominance of Ilva is here weaponized as an instrument to react against emancipatory lawfare by the judiciary (the seizure), and it leads to the signing of new memoranda that favored the factory in any possible way: by enabling it to continue producing; by reducing the costs of production, as local institutions even agreed to withdraw their involvement in the appeals trial against Ilva executives, where they participated as injured parties claiming compensation for environmental damages on behalf of the local population. Here, we can see how dominative lawfare always superseded emancipatory lawfare: the politico-economic interests associated with Ilva consistently prevailed over the use of law to curb its production.

In the years leading to the pecorino case, the judiciary gained a preeminent role in countering Ilva's economic dominance. Simultaneously, the conflict became increasingly 'scientific', as information on the very high levels of dioxin in Taranto accumulated. In the statement by the association Peacelink, we see how law is essential in the analysis of the data on pollution. Peacelink shows how Puglia and Friuli Venezia Giulia, two regions that are part of Italy and the EU, allow for the spread of different amounts of the same chemicals. By resorting to the comparison with the law of Friuli Venezia Giulia, Peacelink underscored the politics of legal limits, as they vary by space. A divided legal geography gave Peacelink a possibility of comparison and, consequently, enabled the association to highlight the injustice taking place in Taranto; if stricter limits protected the population in the Northern region of Friuli Venezia Giulia, why was the same not done in Taranto?

The interaction between science, space, and law is at the core of the pecorino case. The piece of pecorino, analyzed by a laboratory in Lecce at the suggestion of leading experts on dioxin, was framed by the activists as *illegal* because it infringed EU law, in particular the EU regulation setting limits on contaminants in foodstuffs. Here, once more, we can see how a divided legal geography can enhance spaces for action by expanding the range of discursive opportunities and frames that mobilizers can draw on in their campaigns (Koopmans & Olzak, 2004; McCammon, 2013; Vanhala, 2012). The analyses of the piece of pecorino were then brought to the prosecutor's office, which began investigating for 'poisoning of the food chain'.

Before continuing the analysis of the legal struggle, I would like to elaborate on the meaning of the piece of pecorino from a more historical perspective. In the state-driven process that led to the progressive industrialization of Taranto and the violent subalternization of the local nonindustrial economy, the piece of pecorino represents the traditional economic culture of pastoralism turned against the dominant industrial economy. The piece of pecorino symbolizes power and counterpower, violence and resistance. In fact, the lab analyses can

be seen as a snapshot of the slow, progressive accumulation of dioxin that settled on Taranto's fields over the years, eventually grazed by sheep whose milk was used to produce that piece of pecorino. This slow and violent (Nixon, 2011) process deprived that piece of cheese of its 'traditional' identity as food to be eaten at the dinner table. Yet the piece of pecorino was 'transformed' once more by Francesco and Emanuele, who used it as evidence against Ilva. In this sense, the piece of pecorino condenses dominative lawfare, emancipatory lawfare, and legal mobilization, and, as such, the dynamics inherent in the 'southern question'. The piece of pecorino *is* the 'southern question' today.

The aftermath of the pecorino case reveals the dynamics of dominative lawfare that we witnessed already in the previous chapter. In fact, following it, local institutions issued ordinances to cull sheep, prohibit mussel farming, or destroy them. It bears repeating that, while it is arguably the duty of institutions to stop the commercialization of potentially toxic foodstuffs, this process reveals the disparate regulatory approach taken by institutions in managing the environmental harms caused by Ilva. With the factory, local institutions adopted a lenient and negotiatory approach; with nonindustrial economic actors, local institutions had an uncompromising approach, which led to the killing of sheep and mussels. Both the factory and the mussels were proven to be toxic: although the latter are toxic because of the former, the latter are destroyed, while the former is allowed to continue producing. This conduct shows how lawfare operates as a limit to legal mobilization (Molavi and Nicoli Aldini, 2026), as institutions can use their lawmaking power to reconstitute the boundaries between legality and illegality, fundamentally advancing their objectives while simultaneously limiting competing interests.

On the day of the culling, a shepherd commented:

We think that by killing the sheep we solve the issues of Taranto, but if they check the Taranto residents, they'll find dioxin in them too, should we then kill the people too? (Marigliò, 2015).

The shepherd points to the fundamental illogical nature of killing the sheep: in a context where Ilva is still allowed to produce (and therefore, to pollute), what is the point of addressing the symptoms while leaving the causes of production intact? Emanuele's words to me while walking in the fields reiterate the violence of culling the sheep:

I mean, what a shame, having lost all the sheep, it's so strange and we don't realize it, you know? The sheep is everything, the shepherd is everything, it's part of our culture, and I would love for things to go back as they used to [...].

Emanuele points to the economic and cultural violence inherent in killing the sheep, which is an act that erases the historically entrenched tradition of pastoralism. On another occasion during fieldwork, a local fisherman told me that when local news outlets titled “Dioxin-flavored mussels”, this inevitably generated a crisis in the fishing market that led some fishers to take their lives.

These points, once more, demonstrate the slow violence (Nixon, 2011) and the processual nature of the subalternization of Taranto's nonindustrial economy. The Italian state did not ‘modernize’ the local economy once and for all; the dominance of Ilva over the surrounding economy and the environment continues to be reproduced through constant acts of subalternization of other forms of economic culture, which are rendered incompatible and impossible. Dominative lawfare is a manifestation of this process, and it constitutes it at the same time. At times, it manifests through the open, legalized culling of animals, which generates economic crises that often lead to human crises, often with tragic consequences.

Moving back to the struggle, the aftermath of the pecorino case generated legal mobilization campaigns, such as demonstrations demanding the adoption of laws to set stringent limits on dioxins. The Puglia Region quickly responded by adopting a law that established legal thresholds, a legal change that can be seen as an instance of emancipatory lawfare. However, when I spoke with Letizia, a chemist who was also the promoter of the 2013 application before the ECtHR, she was critical of the idea of setting limits for certain pollutants:

What's the point of legal limits on dioxins? It's a persistent pollutant, which means that the quantity of dioxin that is emitted in the atmosphere and then falls on the ground, you can't eliminate that anymore, the real problem was not to control emissions, starting from dioxin, the real problem was that a factory like that cannot be so close to a residential area [...] it is the economic model that is not right, that type of industrial model is not compatible with human life, nearby the city [...] so the thing that I, that I challenged the most was the economic model, not because I'm an economist, but because I understood that, it is pointless to set a legal limit on benzene, a legal limit on benzo(a)pyrene, a legal limit on dioxin, because when such a huge quantity of pollutants are emitted, what did you manage to fix? Nothing! I mean, legal limits are, they are a compromise, you can even set harsher legal limits but in any case, when you are exposed to benzene for a long period of time, what I mean is that in Taranto you are continuously exposed to pollutants, which is what the epidemiologists found with the epidemiological report, they didn't speak of legal limits, a continuous exposition to benzene, even within legal limits, it causes leukemia anyway, of course it does! Actually, paradoxically speaking, a spike is less dangerous, because maybe you have a spike, but still, the problem is the constant so-called background noise, the constant emissions in the background,

that is the real danger, and so, this was essentially my fight [...] it is pointless to set some thresholds for the PM 10, because if you breathe that stuff, it enters your lungs, it enters your body, it can cause a pathology, even an unknown one, that's what they concluded, even unknown pathologies, so for me those were the only battles to carry out, human rights violation, which was evident, and to focus on the continuous exposition to a mix of pollutants, the continuous exposition [she said it emphasizing each word], I don't care about legal limits, if I breathe that stuff every day, even in concentrations that are within the legal limits, I get sick anyway.

Letizia's words point to the problematic nature of laws on legal limits: while they curtail pollution, they also implicitly enable it. Ilva is now allowed to pollute up to a legal limit, and that legalized pollution becomes the constant "background noise", to use her words, that causes illness and death. Legal limits are the paradigmatic example of a 'legal and lethal' measure. Laws on legal limits, in fact, represent another instrument through which the surrounding space is taken over, in a legalized way, by the factory.

In this sense, while the anti-dioxin law can be seen as an act of emancipatory lawfare, as it was issued following local legal mobilization campaigns, if one reads it from Letizia's perspective, it still constitutes an example of dominative lawfare. In fact, with the anti-dioxin law, the air, the fields, and the sea slowly and steadily get contaminated in a legalized way, with tragic consequences for any form of life.

Nonetheless, the demand to adopt a law on legal limits should also be seen in the context of a legal mobilization campaign; it was, in that sense, a request that was part of a broader struggle against the factory. Setting a law on legal limits implicitly curbs the plant's operation, which was, in that context, an important goal to achieve. Most importantly, organizations in Taranto demanded constant monitoring of pollution, precisely to gain a progressive, uninterrupted image of Ilva's emissions. This request was acknowledged in the anti-dioxin law but was quickly changed following the national government's intervention.

The latter leveraged the formal division of competences contained in the Italian Constitution (Article 117) to challenge the anti-dioxin law, leading to the adoption of a new regional law on dioxin that favored the company under many profiles: first, it postponed the date for the entry into force of the legal limits; second, the law created a fiction of Ilva's pollution that would generate a misrepresentation of the company's environmental impact. Instead of continuous monitoring, the factory's pollution was calculated as the average of at least three measurement campaigns. In other words, the legal construction of the temporal and spatial dimensions of pollution was reconstituted.

In fact, the time when Ilva's pollution over certain limits became illegal was deferred: in so doing, all the pollution emitted before that deadline was automatically legalized. This is yet another paradoxical situation: law *knows* that pollution over the established thresholds is toxic, because that regional law, on paper, *already* constructs that pollution as illegal. However, the legal fiction of the postponed entry into force of the limits, justified considering the need for the factory to implement technical fixes to its plant, automatically legalizes pollution emitted in the meantime. In rearranging the timing of legality and illegality, law creates a misrepresentation of the reality of pollution, which is *always* toxic, while its legality and illegality are phased over time.

The reconstitution of space can be seen in the monitoring of pollution; here, the law eliminated the requirement for continuous monitoring and, in so doing, created another fiction according to which pollution emitted when measurement campaigns are not conducted is inferred only from the data on pollution emitted during the campaigns. This fiction will likely flatten the representation of pollution, allowing industrial dust and fumes to occupy the surrounding space without law's formal control. It was yet another legal misinterpretation of the reality of pollution, which curbed the requests of local mobilization campaigns demanding continuous monitoring.

Consequently, the events surrounding the anti-dioxin law show how lawfare operates as a limit to legal mobilization (Molavi and Nicoli Aldini, 2026), and also how dominative lawfare operates as a limit to emancipatory lawfare. In fact, the anti-dioxin law was passed in response to the pecorino case; it therefore represented the fulfillment of a mobilization campaign. This law was changed following the national government's intervention, which relied on the formal division of powers provided for in Italy's Constitution. This formalistic lawfare generated lawmaking lawfare: the deadline for the entry into force of the legal limits was postponed, and the requirement for a continuous measurement campaign was eliminated. Ultimately, this dynamic reversed the effects of the legal mobilization campaign by substantially lowering the limits on Ilva's operations, thereby perpetuating the slow, violent, and progressive overtaking of Ilva over the surrounding environment (Nixon, 2011).

4. The ‘save-Ilva’ laws and the transnationalization of the conflict

Following the judiciary’s seizure, the Italian government began adopting a series of decrees and laws that progressively created a favorable legal environment for Ilva to operate. To understand the context of these laws, it is first necessary to briefly introduce the relevant European and national legal context.

4.1. Ilva as a factory of “national strategic interest”

Pursuant to EU Directive 1996/61, the so-called IPPC Directive, certain industries must obtain from a public authority a permit authorizing them to produce. In 2006, Italy adopted legislative decree 152, the so-called ‘Single Text on the Environment’, which included the relevant rules on the issuance of this permit, which the law named AIA (Integrated Environmental Authorization). The permit must be issued by a public authority and can always be withdrawn, or the production suspended altogether, in case of breaches of its prescriptions (Article 29-decies). In the case of Ilva, the permit had to be issued by the Minister of the Environment. Ilva obtained its first AIA on 4 August 2011 (Ministero dell’Ambiente e della Tutela del Territorio e del Mare, 2011).

Following the issuance of the permit, numerous publicly funded health surveys began to paint a critical picture of Taranto’s health situation. On 29 December 2011, the SENTIERI report, an epidemiological survey issued by the Minister of Health, found excess mortality and morbidity in Taranto in the period 1995-2002 and an “unhealthy living environment” (SENTIERI, 2011: 137). The publication of the chemical and epidemiological expert reports in the spring of 2012, which led to the seizure, not only confirmed the gravity of the situation but also underscored Ilva’s responsibility in creating it. The first AIA was thus quickly considered inadequate, and negotiations began to adopt a second one, which was issued on 26 October 2012 (Ministero dell’Ambiente e della Tutela del Territorio e del Mare, 2012).

At this point, therefore, the juridical situation of Ilva was contradictory. The same factory whose hot processing areas had been seized – and whose production capacity was therefore substantially limited – also held a permit issued by the Italian government that authorized it to continue production. This legal contradiction was ‘solved’ by the Italian government with the issuance of Decree 207, adopted on 3 December 2012. This decree prescribed that, for

“factories of national strategic interest” – a new legal category introduced in this decree – the minister of the environment, during the procedures for the renewal of the AIA, can authorize production for 36 months in “case there is an absolute necessity to safeguard employment and production” and provided the factory executes the measures included in the AIA. Furthermore, the decree explicitly said that these provisions:

shall also apply where the judicial authority has adopted a seizure of the assets of the company owning the plant. In such cases, the seizure measures shall not prevent, for the period specified in the authorization, the exercise of the business activity [...].

This article was generically applicable to any “factory of national strategic interest” located in Italy. However, no clear criterion was indicated to define what made a factory of national strategic interest. To dispel any doubt, Article 3 of Decree 207 explicitly stated:

The Ilva steel plant of the company Ilva S.p.A. in Taranto is a factory of national strategic interest pursuant to article 1. The AIA issued on 26 October 2012 [...] contains the requirements aimed at ensuring the continuation of the production activities of Ilva [...] From the effective date of this decree, Ilva is placed in possession of the company’s assets and is, in any case, authorized [...] to continue production activities at the plant and the subsequent marketing of its products for a period of 36 months.

Consequently, on 5 December, the Tribunal di Taranto complied with the new legal regulation introduced by the decree and restored the plant’s operational availability, without, however, formally revoking the seizure. The press reported a comment by the minister of the environment on the Tribunal’s decision: “It’s fine like this, everything’s normal. It’s absolutely normal, it’s fine. The magistrates are applying the law; there is nothing extraordinary about it” (Sky TG24, 2012).

Then, conversion law⁴³ 231/2012 added a new provision pursuant to which the local health authority and the regional environmental body were instructed to adopt, at least annually, an “assessment of the health damage” evaluating the factory’s impact on the local population’s health. The methodological guidelines to draft the assessment would be released a few months later.

⁴³ Pursuant to Article 77 of the Italian Constitution, when the executive passes law decrees (*decreti-legge*), which can happen only in case of necessity and urgency, the parliament must convert them into laws within 60 days, otherwise they lose their efficacy.

Meanwhile, an update of SENTIERI was released specifically for Taranto, and it found excess mortality compared to Puglia for the period 2003-2009, for diseases associated with industrial pollutants (Comba et al., 2012).

Decree 207 and its conversion law were challenged before the Constitutional Court. The latter issued its judgment on 9 April 2013, n. 85, in which the challenged decree was considered constitutionally valid. The Court offered the following reasoning:

All fundamental rights protected by the Constitution are in a relationship of mutual integration, and it is therefore impossible to identify any one of them as having absolute precedence over the others. Protection must always be ‘systemic and not fragmented into a series of uncoordinated rules potentially in conflict with each other’. Were this not the case, one right could expand without limit, becoming a ‘tyrant’ over other constitutionally recognized and protected legal situations, which together constitute the expression of human dignity. For the reasons stated, the assumption of the referring judge for preliminary investigations cannot be shared, according to which the adjective ‘fundamental’, contained in Article 32 of the Constitution, would reveal a ‘preeminent character’ of the right to health over all other personal rights. Nor does the definition given by this Court of the environment and health as ‘primary values’ imply a ‘rigid’ hierarchy among fundamental rights. The Italian Constitution, like other contemporary democratic and pluralistic constitutions, requires a continuous and mutual balancing of principles and fundamental rights, without any claim to absoluteness for any of them. The qualification of environmental and health values as ‘primary’ therefore means that they cannot be sacrificed to other interests, even if constitutionally protected, rather than that they are placed at the top of an absolute hierarchical order. The point of balance, precisely because it is dynamic and not predetermined, must be assessed – by the legislator in enacting laws and by the judge in reviewing them – according to criteria of proportionality and reasonableness, such as to prevent the sacrifice of their essential core (Corte Costituzionale, 2013: Paragraph 9).

The challenged regulation does not, in fact, merely permit the continuation of the activity under the same conditions that made the repressive intervention of the judicial authority necessary. Rather, it imposes new conditions, whose compliance must be continuously monitored, with all the legal consequences generally provided by the laws in force for conduct that unlawfully harms health and the environment. [The Decree] is therefore guided by the purpose of achieving a reasonable balance between the principles of health protection and employment, and not by the total elimination of the former (Corte Costituzionale, 2013: Paragraph 10.4).

In sum, the Constitutional Court held that these laws were constitutional because, in conditioning the continuation of production on compliance with the new AIA, they struck a valid balance between protecting the right to health and preserving employment. Were the former placed at the “top of an absolute hierarchical order” among constitutionally protected interests, it would become a “tyrant” over other constitutional rights. The Constitutional Court thus gave constitutional legitimacy to the government's actions that ordered the judiciary to enforce a newly enacted law that, literally, circumvented the seizure.

A few days later, on 24 April 2013, the Minister of Health adopted a decree that contained the methodological guidelines to draft the health damage assessment:

All assessment processes carried out during the procedure must always refer to specific contaminants, and it must never be forgotten that the role of the plant(s) emitting them is generally partial. Under these conditions, acceptability evaluations can never refer to the general health risk, but rather to the contribution made to it by specific plants or units within the factory.

In other words, with this decree, the government preemptively regarded as “partial” the contribution to health damage among the local population of factories of national strategic interest; in fact, the decree automatically established a legal requirement that the health damage could never be evaluated in relation to the general health condition of a city, as the contribution of a specific plant – which the decree already assumes as “generally partial” – should rather be assessed. In this sense, the decree seems to point to the need to establish a causal nexus between a factory's emissions and the health risk, which is noteworthy, given that the epidemiological study by Forastiere et al. (2012), which had led to the seizure, had already established such a relationship between Ilva and mortality and morbidity in Taranto.

4.2. The involvement of European institutions

In the meantime, Letizia, a local activist, began planning, with the help of two lawyer friends, to submit an application to the ECtHR. During our talk, she recounted those moments:

Prestigiacomo, who was the Minister of the Environment in the Berlusconi government, basically she had already done a save-Ilva law, with the AIA, with 434 conditions, which basically, when you put a company's operation under 434 conditions, it cannot stay open, I mean, it can't, and they were tailor made,

it's well know [...] and so I started thinking to submit this action, though I felt it was not the right moment yet, we had to wait for a new misstep, and that misstep occurred in 2013 when Andrea Orlando, who was the Minister for the Environment in the Letta⁴⁴ cabinet, called us to Rome to discuss the ongoing problems of Taranto, and we went to Rome, we, the environmentalists, as people with direct knowledge of the matter [...] we went, and Orlando was there and many other people, we were few compared to them, but we were surrounded by officials who were taking notes, and so I said to him, 'Look, we report this because Ilva is in breach of the permit and according to the extant law, in case of repeated violations, the permit must be withdrawn, so be careful, this is happening, Ilva is failing to comply, sooner or later you need to revoke the permit', and they were like 'ok, ok', and they were taking notes, they were taking notes, and so we were hopeful, you know, you go to the ministry, you know, we thought they will do something for us, well, it was bad, after a couple of months they issued the second save-Ilva decree, and they took inspiration from all that we said, they 100% did it, because the decree prescribed that, in case of repeated violations [of the permit] a commissioner was nominated, which should have done what Ilva was failing to do, thus derogating the law that instead prescribes the withdrawal of the permit, and we realized that they shamelessly took advantage of us, I mean, they called us because they did not know what was going on, they wanted to know the situation in order to understand what to do, and we were dangerous for them, and so they passed that law, in 2013, and that was the moment when I was like, this is too much, we went to talk to a government representative, we asked for help and they did the opposite, well, now we go the European court.

The decree Letizia is referring to is Decree 61 issued by the executive on 4 June 2013. In the recitals, the executive openly admitted that the AIA was not properly executed, a situation that, under both Italian and EU law, should have led to the imposition of strong measures against Ilva, including the suspension of production. Conversely, the executive leveraged the fact that Ilva is a "factory of national strategic interest" and put it under the external management of a special commissioner, "to preserve the continuity of the industrial activity and to use the company's resources to cover the costs necessary to implement the AIA". The person chosen by the executive as the special commissioner had already been nominated as CEO of Ilva a few months before. With this decree, the government formally put Ilva once more under direct public management, after the privatization in 1995.

Additionally, this decree gave a collegium of three experts on environmental protection, nominated by the minister of the environment, the power to draft

⁴⁴ Enrico Letta was prime minister of Italy from April 2013 to February 2014.

an environmental plan after consultation with the newly appointed special commissioner (Article 1.5). The plan had to be approved by the minister of the environment, and the decree explicitly said it represented a modification of the AIA (Article 1.7). Just like Article 1 of Decree 207, Article 1 of Decree 61 was drafted generically, while Article 2 explicitly stated that Ilva fell within the scope of Article 1. In addition, the conversion law of Decree 61, Law 89/2013, postponed the final deadline for implementing the environmental plan to 36 months from the entry into force of the law. While the AIA had to be completed by 8 March 2016, the new deadline was thus moved to 3 August 2016.

This episode proved decisive in prompting Letizia and her lawyer friends to submit an application before the ECtHR. Their goal, as she told me, was to prove that “the Italian government was favoring the company rather than the citizens and was therefore violating individuals’ right to health”; the adoption of the save-Ilva laws was instrumental in developing their argument. Accordingly, the application was framed as a violation by Italy of the plaintiffs’ right to private life (article 8 of the ECHR) and to an effective remedy (article 13), and it was submitted on 29 July 2013 by 52 applicants.

Meanwhile, mobilization was also occurring on the ‘other’ European front, before the European Union. In 2013, following multiple complaints from residents in previous years (see, e.g., European Commission, 2013; 2014; European Parliament, 2013a; 2013b), the EU Commission opened an infringement procedure against the Italian state (n. 2177), pursuant to Article 258 TFEU. As a result, the Commission began sending formal letters of notice to Italy over the Ilva case:

The European Commission is taking action against Italy to reduce the environmental impact of the ILVA steel plant in Taranto (hereafter "ILVA"), Europe's largest iron and steel works. Following several complaints from citizens and NGOs, the Commission has found that Italy is failing to ensure that ILVA complies with EU requirements on industrial emissions, with serious consequences for human health and the environment (European Commission, 2013).

However, the Italian government continued passing pieces of special legislation on Ilva:

- On 31 August 2013, it adopted Decree 101/2013 (and then conversion law 125/2013), which allowed Ilva to build a landfill for special waste within its industrial area, “to ensure compliance with the law and the AIA” (Article 12).

- On 10 December 2013, it adopted Decree 136 (and then conversion law 6/2014), which introduced a special administrative liability regime for Ilva: if the special commissioner manages the factory in compliance with the environmental plan, the company is not subject to the administrative fine of up to 10% of its annual turnover, established by Decree 207/2012 for non-compliance with the AIA (Article 7).
- On 14 March 2014, a decree (published on 8 May 2014) was passed, and it included the environmental plan as per decree 61/2013, which modified several of the AIA's provisions, including a series of new postponed deadlines for the implementation of various environmental measures, e.g., those that directly impacted pollutant spreading (see Part II of the Decree).
- On 11 August 2014, Law 116 was passed, which granted Ilva the possibility of a partial implementation of the environmental plan. It said that if, by 31 July 2015, at least 80% of the provisions that had to be fulfilled by that date are executed, then the plan shall be considered fulfilled at that date (thus without affecting Ilva's duty to implement the remaining measures expiring after 31 July 2015).

Meanwhile, a new issue of the SENTIERI survey was released in April 2014, which found excesses of “mortality for all causes, all cancers, circulatory and digestive system diseases, for both sexes” (SENTIERI, 2014: 100). The report's findings covered the period up to 2010.

In October 2014, the EU Commission issued a press release over the Ilva case:

Most of the problems stem from a failure to reduce the high level of uncontrolled emissions generated during the steel production process. Under the Industrial Emissions Directive, industrial activities with a high pollution potential must be licensed. Ilva does have a permit for its activities, but it is failing to adhere to the requirements in a number of areas. As a result, dense particulate fumes and industrial dust are escaping from the plant, giving rise to potentially serious negative impacts on the health of the local population and on the state of the surrounding environment (European Commission, 2014).

The EU Commission thus acknowledged that Ilva's production was in breach of the AIA's prescriptions, thereby violating EU law, in particular the EU Directive 2010/75 on industrial emissions. In these circumstances, pursuant to Article 258 TFEU, the EU Commission may bring the case before the CJEU,

but no action was taken. Meanwhile, the government kept legislating in favor of Ilva, once more blurring the boundaries between the branches of power:

- On 5 January 2015, the government adopted Decree 1 (and then conversion law 20), which introduced a clause granting criminal and administrative immunity to the special commissioner of Ilva. Leveraging the importance of safeguarding the production of “factories of national strategic interest”, it established that “the actions performed for the execution of the [environmental] plan cannot give rise to criminal or administrative liability of the special commissioner and their delegates, because these actions represent the best precautionary rules for the safeguard of the environment, public health, public safety and workplace safety” (Article 2.6).
- On 4 July 2015, Decree 92 was adopted to overcome another seizure of Ilva’s areas by the Taranto judiciary. A worker had died, and investigations were carried out by the public prosecutor’s office. The adoption of the provision was justified in light of the necessity and urgency to preserve the prosecution of production of “factories of national strategic interest that the judiciary has seized” (Article 3). Interestingly, the decree was abrogated by Law 132/2015, which reintroduced the same provision.

127 people submitted a new application before the ECtHR on 21 October 2015. The application was framed in the same manner as in the 2013 case, and, in fact, the two cases were joined by the ECtHR. I spoke with the promoter of this action, Isabella, who told me that the continuous passing of new laws by the government was one of the main factors that motivated her to seek legal help:

[...] following Law 231, anytime there was a problem with Ilva, apart from the fact that it is absurd to fix a factory while it produces, it is total nonsense, but politics took the place of the judiciary, clearly. Law 231 was not the only one; when there was a problem, there you go! [the minister of the environment] was super-fast, churning out a new decree [...] I could not sleep because of this law. I found it so absurd, where in the world you pass a law to stop the judiciary? It cannot happen, and so I started to think that there must be a way to intervene from a legal standpoint.

The Italian government, however, continued its lawmaking activity in favor of Ilva. On 4 December 2015, it passed Decree 191, which postponed the final deadline for implementing the environmental plan to 31 December 2016 (Article 1.7). Its conversion law 13/2016 further moved it to 30 June 2017.

4.3. The sale of Ilva to private parties

In this period, the national government started negotiating the sale of Ilva to third private companies. Eventually, an agreement for the lease and purchase of Ilva was signed with AM InvestCo Italy, a joint venture between Arcelor Mittal (one of the largest multinational steel corporations worldwide) and the Marcegaglia Group (an Italian corporation that operates in the steel sector). On 9 June 2016, the government passed Decree 98, which prescribed that the immunity introduced by Decree 1/2015 (see above) shall also apply to lessees and buyers of Ilva (Article 1.4.b), who were also given the right to present changes to the environmental plan (Article 1.1).

Meanwhile, the Puglia Region commissioned an update to the epidemiological report that had led to the seizure, the study by Forastiere et al. (2012). This new cohort study, released in October 2016, confirmed a causal nexus between Ilva's industrial emissions and health damage in Taranto (Alessandrini et al., 2016). In particular, the study reached the same conclusions as those of Forastiere et al. (2012). It stated:

In conclusion, the continued exposure to airborne pollutants emitted by the steel plant has caused and causes degenerative effects on various systems of the human body, resulting in illness and death (Alessandrini et al., 2016: 74).

It also excluded the association between mortality trends in Taranto and the lifestyle of the local population, including smoking and alcohol consumption (Alessandrini et al., 2016: 1). The SENTIERI report was also updated in November 2016 and found that the high incidence of mesothelioma in Taranto was linked to local industrial activities (SENTIERI, 2016).

AM InvestCo Italy, in the meantime, submitted its own observations on the environmental plan, which were subsequently incorporated into a new decree adopted on 29 September 2017 by the President of the Council of Ministers. This decree gave the company time to implement the relevant measures in the plan by the deadline set for the AIA's expiration, on 23 August 2023. Ilva was thus given time to implement safety measures up to the very last day of the AIA's validity.

The Puglia Region challenged this decree before the Constitutional Court on the grounds that excluding the Region from a consultation role over the amendments to the environmental plan presented by the buyer would breach the constitutional principles of subsidiarity and sincere cooperation among institutions. On 13 July 2017, the Constitutional Court rejected the Region's argument, noting that the decree established a procedure enabling the public to

submit its observations on the proposed changes. Most importantly, in the final sections of the judgment, the Court affirmed:

The status of the company as a factory of strategic national interest; the repercussions of the events affecting the Ilva plant in Taranto in terms of employment, environmental, health, and economic impacts; and the need to finalize the procedures for the transfer to third parties of Ilva and to align the timing of environmental protection measures with the authorization to carry out business operations, are all elements that demonstrate the necessity of urgently intervening in matters of public utility through *ad hoc* measures, as had already occurred in the past and as recognized by this Court in judgment no. 85 of 2013 (Corte Costituzionale, 2017).

Meanwhile, the local populations continued to mobilize before the ECtHR, filing three more applications on 24 June 2016 (207 plaintiffs), 13 December 2016 (39), and 16 June 2017 (11). In November 2017, thirteen associations in Taranto, as well as individual citizens, began the *Piano Taranto* project to challenge the plan to sell Ilva to private corporations and to propose the cleansing of the area and the transition to a sustainable economy. The government, however, continued the process to sell the factory to AM InvestCo Italy, which, on 31 October 2018, concluded an agreement for the lease and subsequent conditional purchase of Ilva.

On 24 January 2019, the first two applications to the ECtHR were decided jointly in a judgment that convicted the Italian state of violations of both articles 8 (right to respect for private life) and article 13 (right to an effective remedy) of the ECHR. In particular, the ECtHR argued that the violation of article 8 was substantiated by the fact that the Italian government had continued to adopt the “Save-Ilva law decrees” (the ECtHR itself uses this expression) to guarantee the continuation of Ilva’s production, despite the judiciary’s intervention and the available epidemiological evidence which proved the existence of a serious risk for the health of the local population. This proved that Italy had failed to protect the applicants’ right to private life, as their right not to be subjected to environmental harm had been violated (Paragraphs 169, 172, 173, and 174).

In relation to Article 13, the Italian government had argued that the plaintiffs could have sought alternative legal avenues at the national level, thus breaching the ECtHR admissibility criteria, under which one can seek the ECtHR intervention only after exhausting all domestic remedies (Article 35 ECHR). The government had claimed that the plaintiffs could have joined as parties claiming damages in already-pending criminal trials, started new criminal trials, begun civil actions and civil precautionary measures, class

actions, and raised a constitutional challenge in pending lawsuits. The ECtHR rejected the government's argument and, in this case too, the save-Ilva laws were invoked to demonstrate the violation: criminal and administrative immunity clauses were explicitly indicated as a ground to prove the impossibility for the local population to seek remedies at the national level in criminal and administrative trials (Paragraph 169).

The Italian state was therefore convicted of violating Articles 8 and 13 of the ECHR on 24 January 2019 (*Cordella and Others v. Italy*, 2019). The Court also concluded that the implementation of the environmental plan was of primary importance and "must be carried out as soon as possible" (Paragraph 182). It finally instructed the Committee of Ministers to begin the process of supervising the execution of the judgment (Paragraph 181).

A new issue of the SENTIERI study was released in June 2019, covering a period up to 2013. It found excesses of mortality, morbidity, and hospitalizations in Taranto. The study concluded that:

the results show the need for conducting epidemiological monitoring of the population, and contextually ensuring the adoption of all preventive measures aimed at safeguarding the local population, including the adoption of the best available techniques for the containment of industrial emissions (SENTIERI, 2019: 135).

On 11 September 2019, three residents submitted a new application before the ECtHR.

The government, however, continued to legislate in favor of the new buyers of Ilva. On 3 September 2019, it adopted Decree 101, which contained "Urgent measures on Ilva S.p.A". In fact, Decree 1/2015, subsequently modified by Article 46 of Decree 34/2019, had established a temporal limit on the efficacy of the immunity clauses, which would expire on 6 September 2019. Decree 101/2019 removed this limit for the buyers of Ilva, as it explicitly said that "after the words 'behaviors performed until 6 September 2019' it is added: ", with exception of the lessee or buyers, and those delegated by them [...]", for whom the immunity applied until the specific deadlines set by the environmental plan for the implementation of each relevant measure (Article 14).

What happened afterwards is quite telling of the power dynamics between the government and the private corporations involved in the purchase of Ilva. On 4 November 2019, AM InvestCo Italy, the buyer of Ilva, exercised its right to withdraw from the contractual obligation to buy the company, because the parliament, with Law 128, adopted on 2 November 2019, had removed the provisions on immunity. In their letter, AM InvestCo Italy explicitly stated that

the provisions on immunity were “an essential requirement upon which [AM InvestCo Italy] explicitly relied upon, and without which it would not have even showed its interest to purchase, let alone actually concluding the sale and purchase agreement” (AM InvestCo Italy, 2019). The letter also explicitly said that “numerous people in charge of the hot processing areas of the Taranto factory stated they refused to work in order not to incur in criminal liability” (AM InvestCo Italy, 2019). Following this, a clash between Arcelor Mittal and the Italian government ensued, culminating in the parties signing a new agreement on 4 March 2020 for the joint management of Ilva (Arcelor Mittal, 2020).

4.4. Continued involvement of European and international institutions

On 19 May 2021, a new article of the code of civil procedure entered into force (a legal reform implemented through Law 31/2019), which introduced a collective injunctive action into the Italian legal system (Article 840-sexiesdecies). This is a new form of legal proceeding that can be brought by anyone who has an interest in stopping harmful conduct carried out to the detriment of multiple individuals, including that of factories such as Ilva. On 21 July 2021, eleven residents of Taranto filed a collective injunctive action with the Tribunal of Milan⁴⁵ against the three companies that manage the Ilva factory. They were supported by two lawyers who, one of the plaintiffs told me, offered their work *pro bono*. The ground of the action was the safeguarding of the plaintiffs’ right to health, to a serene and tranquil life, and to climate protection (*C. Z. and Others v. Ilva SpA in Amministrazione Straordinaria and Others*, 2024).

The plaintiffs submitted various requests to the Tribunal of Milan, including to order “the closure of the hot processing areas of Ilva, that is the suspension of its activity [...]”; to draft a plan for the halving (at least) of its industrial emissions; imposing financial sanctions in case the company delays the implementation of the measures eventually imposed by the Tribunal (*C. Z. and Others v. Ilva SpA in Amministrazione Straordinaria and Others*, 2024).

This action represented the first case in which citizens were allowed to ask, directly through a lawsuit, for the factory's hot processing areas to be stopped.

⁴⁵ The Tribunal of Milan had jurisdiction as these companies’ registered office is in Milan, and as a general rule under the Italian code of civil procedure, a civil trial takes place at the Tribunal that has jurisdiction in the area where the defendant has its own residence or domicile.

Following the submission of the action, on 16 September 2022 the Tribunal of Milan suspended the trial and sent a request for a preliminary reference to the CJEU based on three questions, including:⁴⁶

May Directive 2010/75/EU [...] be interpreted as meaning that, on the basis of a national law, a Member State may, where an industrial activity is creating a serious and significant threat to the integrity of the environment and human health, extend the period within which the operator must bring the industrial activity into line with the permit granted, by carrying out the environmental protection and health protection measures and actions provided for therein, by approximately seven and a half years from the deadline initially set, giving a total period of eleven years? (*C. Z. and Others v. Ilva SpA in Amministrazione Straordinaria and Others*, 2024).

In other words, the Tribunal of Milan asked the CJEU whether the series of save-Ilva laws adopted by the Italian government, and their constant postponement of the deadline for implementing the measures prescribed by the permit, were compliant with EU law.

Earlier that year, on 12 January 2022, the United Nations had issued a report titled “The right to a clean, healthy and sustainable environment: non-toxic environment”. The document defined Taranto as a “sacrifice zone”, which the UN considers:

extremely contaminated areas where vulnerable and marginalized groups bear a disproportionate burden of the health, human rights and environmental consequences of exposure to pollution and hazardous substances. [...] The continued existence of sacrifice zones is a stain upon the collective conscience of humanity. [...] The people who inhabit sacrifice zones are exploited, traumatized and stigmatized. They are treated as disposable, their voices ignored, their presence excluded from decision-making processes and their dignity and human rights trampled upon (United Nations, 2022: 7).

The report attributes Ilva a key role in making Taranto a sacrifice zone:

The Ilva steel plant in Taranto, Italy, has compromised people’s health and violated human rights for decades by discharging vast volumes of toxic air pollution. Nearby residents suffer from elevated levels of respiratory illnesses, heart disease, cancer, debilitating neurological ailments and premature

⁴⁶ Pursuant to Article 267 TFEU, the CJEU can give rulings on the interpretation of the EU Treaties and other laws. Any national court may request the CJEU to issue such a ruling, if it considers it necessary to have an official interpretation of EU law for the sake of deciding on a pending case.

mortality. Clean-up and remediation activities that were supposed to commence in 2012 have been delayed to 2023, with the Government introducing special legislative decrees allowing the plant to continue operating. In 2019, the European Court of Human Rights concluded that environmental pollution was continuing, endangering the health of the applicants and, more generally, that of the entire population living in the areas at risk (United Nations, 2022: 11).

Meanwhile, the proceedings before the Council of Europe were continuing. On 5 May 2022, the other applications were decided in judgments that resembled the 2019 judgment in its entirety, thus leading once more to the conviction of Italy for violation of article 8 and 13 of the ECHR (*A.A. and Others v. Italy*, 2022; *Ardimento and Others v. Italy*, 2022; *Briganti and Others v. Italy*, 2022; *Perelli and Others v. Italy*, 2022). Simultaneously, the procedure for supervising the execution of the 2019 judgment was being handled by the Committee of Ministers. The parties involved (applicants, NGOs, and the Italian government) regularly submitted their observations on the enforcement of the judgment.

For example, applicants informed the Committee of Ministers of the adoption of additional save-Ilva laws following the issuance of the judgments (see e.g., Council of Europe 2019; 2021; 2023a; 2023b). In fact, on 5 January 2023, the Italian government introduced provisions regarding seizure and criminal immunity again. Decree 2 (confirmed with law 17 of 3 March 2023), leveraging “the extraordinary necessity and urgency [...] to ensure the continuation of production of industries of national strategic interest”, provided that judges shall prescribe the continuation of production when they seize plants that are of national strategic interest (Article 6).

While the article clarified that this provision should not apply in case there is a concrete danger to the public and workers’ health, it also specified that the judge shall order the continuation of production if, when the status of ‘national strategic interest’ to a plant was granted, “measures have been adopted on the basis of which it has been considered possible to achieve a balance between the needs of continuity of productive activity, the safeguarding of employment, and the protection of workplace safety, health, and the environment [...]”. In other words, although generically drafted, the article appears to preemptively describe what occurred in the case of Ilva when it was granted the status of ‘factory of national strategic interest’, thus effectively bringing Ilva within the scope of the article.

Furthermore, Article 7 of the decree, titled “Measures on criminal liability”, provided that:

Anyone who acts for the purpose of giving effect to a measure authorizing the continuation of the activity of an industrial plant, or part thereof, declared to be of strategic national interest [...] is not punishable for the facts resulting from compliance with the prescriptions laid down by the measure and aimed at protecting the legal interests safeguarded by criminal provisions, provided that the person has acted in conformity with those same prescriptions.

This very wordy article introduced an expanded exemption from criminal liability, applicable to “anyone” and, seemingly, in connection to any potential measures authorizing the continuation of Ilva’s production – thus not explicitly to the environmental plan, as prior immunity clauses had provided. In its report issued in December 2024, the Committee of Ministers “noted with regret” the adoption of this new save-Ilva law, which represented a “setback in the execution process” of the ECtHR judgments (Council of Europe, 2024). Meanwhile, in February 2023, the latest version to date of the SENTIERI study was published, updated to 2017. It confirmed excess mortality and hospitalizations in Taranto for conditions with an *a priori* association with industrial pollution (SENTIERI, 2023).

Finally, the CJEU issued its preliminary ruling on 25 June 2024, in which, among other conclusions, it answered the question raised by the Tribunal of Taranto in the negative: it ruled that the constant extension of the term to implement a permit constitutes conduct that is not compliant with EU law. It also added that, if the operation of a factory poses serious risks to the environment and public health, EU law requires the company's operation to be suspended. Following the CJEU’s ruling, the Tribunal of Milan issued its judgment on 26 February 2026. The tribunal ruled that, unless Ilva adopts a series of measures to improve its environmental impact, production in the hot processing areas will have to be suspended from 24 August 2026 (Palmiotti, 2026a).⁴⁷

⁴⁷ The judgment was issued while this thesis was already undergoing its final rounds of revision and editing. I decided to include it nonetheless, because it represents an important achievement in the mobilization campaigns against Ilva. However, my knowledge on the judgment comes exclusively from press articles, and I will briefly discuss its implications in the next section and in the conclusions.

5. The transnationalization of the legal struggle

A reading of the previous sections through the lens of lawfare and legal mobilization can help illuminate several dynamics between institutions, civil society organizations, and individuals in their use of law in the conflict over Ilva. While several of these dynamics already manifested in the early phases of the conflict, in the past twenty years, they have taken new directions that need to be accounted for and discussed.

Following the submission of the analyses of the piece of pecorino, the judiciary began criminal investigations and ordered the execution of two expert reports, a chemical and an epidemiological survey, that proved Ilva's role in creating the public health and environmental crisis unfolding in Taranto. Science was here weaponized against the factory, and it led to an instance of emancipatory lawfare, as the Tribunal of Taranto seized the hot processing areas of Ilva without permission to use them, a measure that effectively stopped the core of Ilva's production.

From a legal mobilization perspective, the seizure without authorization to use meant the achievement of the 'ultimate goal' of segments of the local population: to stop the source of pollution. From a more historical perspective, it represented the local traditional economy (the piece of pecorino), united with law and science, halting the industrial overtaking of Taranto. From a material perspective, it meant depriving Italy's steel production supply chain of its critical node. This crisis was clearly not tolerable, and the lawmaking lawfare of the Italian government in the subsequent years proved it. The series of save-Ilva laws adopted from 2012 onwards, represents the constant attempt by the Italian government to create the most favorable legal environment for Ilva to continue producing, in response to increasing scientific evidence of its pollution and the continuous mobilization efforts by segments of the local population.

It is important to underscore the legal plane within which the struggle unfolded. The Italian 'Single Text on the Environment' prescribed that Ilva's permit be issued by the Ministry of the Environment, following a procedure that included consultation with various environmental authorities and the public at large. This remains a fundamental flaw in the legal infrastructure surrounding the AIA. This provision, in fact, completely overlooks the fact that the Ministry of the Environment is part of the executive branch of government that bears a substantive interest in the preservation of the production of a factory like Ilva. This law created a clear conflict of interest: the subject

ultimately deputed to issue the authorization to Ilva to produce is the same subject that has a material interest in its production.

The consequences of this legal ‘original sin’ became clear with the save-Ilva laws, in which the Italian government constantly readapted the legal infrastructure around the permit. The original AIA became an ‘environmental plan’ drafted by a newly appointed collegium, after consultation with the special commissioner (who was the prior CEO of Ilva). Then, a partial execution of the AIA was, by law, considered a full execution. Then, the buyers of Ilva were given the right to request changes to it. Meanwhile, the deadlines for implementing the environmental measures were repeatedly postponed, with a final extension to 2023.

Here, we can see how lawmaking lawfare operates by making formal legislation a repository of politico-economic interests, turned into an authorization to produce. Ilva was authorized to produce pursuant to its own rules. This conclusion is not just an overstatement: the records of the ‘Sold-out Environment’ trial⁴⁸ contain the transcription of the wiretapping of a phone call between Ilva’s lawyer and executives, where they complain about the delays of the minister of the environment in issuing the first AIA, because they (meaning: Ilva) “are the ones who wrote it” (Tribunale di Taranto, 2021b: 62).

With Decree 207 and Law 231, lawmaking lawfare by the Italian government gained a new dimension. As I mentioned above, the fundamental problem for the executive was the seizure without authorization to use pending on the factory. With a move that openly infringes the separation of powers principle, the executive legalized the rule that ‘factories of strategic national interest’ can be authorized to produce despite a seizure. The category ‘factories of strategic national interest’ did not exist before Decree 207; it was arbitrarily created by that law and then immediately used as leverage to justify its actions against the conduct of another state institution. To preserve the constitutional appearance of the law, the government drafted the norm in generic terms, but, with Article 3, officially invested Ilva with that title to dispel any doubts. In so doing, it acted against a seizure that had been enforced to protect the local population’s health. Decree 207 proves how lawfare operates as a limit to legal mobilization (Molavi and Nicoli Aldini, 2026), and how, in this context, dominative lawfare operated as a limit to emancipatory lawfare.

The comment by the minister of the environment following the Tribunal’s restoration of the operational availability of the plant, who said that “the

⁴⁸ The ‘Sold-out Environment’ trial (*Ambiente Svenduto*) is a big trial held against Ilva’s executives and representatives of local institutions, which began following the piece of pecorino case and ended in 2021. See next chapter.

magistrates are applying the law”, is telling of the legal and political climate: yes, the magistrates are applying the law, the law that was passed two days before by the government. It is a very convenient understanding of the principle of legality.

The Constitutional Court had the chance of striking down a law whose constitutional validity was dubious to say the least. The Court, instead, engaged in an exercise of legal dogmatic reasoning to ultimately attribute constitutional legitimacy to a law that was clearly the mere repository of an otherwise politico-economic interest, namely, the continuation of Ilva’s production. The reasoning revolved around the ‘correct’ balancing between the right to health and the right to work. The judges argued that Decree 207 struck the correct balance between the two rights because no constitutional right can overstep other rights as a “tyrant”; rights must always be balanced, and, for the Court, Decree 207, in conditioning the continuation of production on compliance with the new AIA, did so correctly.

This argument is problematic on at least two levels. First, it completely overlooks the actual evidence accrued at that time on Ilva’s impact on the population’s health. The “right to work” was already *materially* acting as a “tyrant”. If we take the perspective of the Constitutional Court’s reasoning – that rights must be balanced to avoid ‘tyranny’ among them – one could say that the seizure was in fact operating that correct balancing between rights that the Court speaks of. The seizure was bringing the scales of rights back into balance by safeguarding the residents’ health, which Ilva’s production had already compromised. Conversely, it was still arguably impossible to adequately assess whether the measures of the new AIA would effectively protect public health.

Second, and most importantly, the framing of the ‘legal’ problem as a balancing between, on the one hand, the right to work, and on the other hand, the right to health, is yet another mystification of the real issue at stake, which is the freedom of Ilva to conduct its economic activity to support Italy’s economy of steel. The balancing here is not between the right to work and the right to health. This is a legal rhetoric that reframes the conflict over Ilva as a case of inward antagonism among various segments of the local population. Instead, the real balancing here is between Ilva’s freedom of enterprise and the state government’s stakes in it on the one hand, and the right to work *and* to health of the local population on the other hand.

The Constitutional Court could have taken a different route and said that the freedom of doing unconstrained business had indeed become a “tyrant”, to the detriment of the right to health of the local population. Constitutional provisions for that conclusion existed, including Article 32, which names the

right to health as “fundamental”, as the referring judge pointed out. The Court, instead, with an instance of formalistic lawfare, upheld the validity of the category ‘factory of national strategic interest’, which became the backbone not only of all the subsequent save-Ilva laws, but also of the subsequent judgment by the Constitutional Court in 2017.

In this decision, in fact, the Court draws on the status of Ilva as a factory of national strategic interest to ground its argumentation. This shows the impact of Decree 207/2012 and its upholding by the Constitutional Court with judgment 85/2013: a category introduced by the executive with ordinary legislation gains the highest ranking in the hierarchy of legal sources, effectively granting constitutional recognition to the politico-economic interests associated with Ilva. The 2013 judgment by the Constitutional Court thus functioned as an instance of formalistic dominative lawfare, which operated as a limit to legal mobilization (the piece of pecorino) and the resulting act of emancipatory lawfare (the seizure by the Tribunal of Taranto) (Molavi and Nicoli Aldini, 2026).

Furthermore, article 3 of Decree 207, which openly declares “The steel plant of ILVA S.p.A. in Taranto constitutes a factory of strategic national interest pursuant to Article 1”, is yet another manifestation of the ‘southern question’ today, and the enduring effort by the Italian government to address its contradictions. In the past, the question revolved around the ‘Italianization’ of the South and the restructuring of its society, a process that, as I have shown, has continued slowly and steadily. This effort led Taranto and Ilva to become ‘strategic’ in the Italian economy, to the point that a crisis at Ilva cannot be tolerated. Article 3 of Decree 207 is an open admission of the weakness of the entire economic system: the emperor is naked, and it is willing to do anything to get its clothes back on.

The category ‘factory of national strategic interest’ also shows how lawfare operates as a limit to legal mobilization (Molavi and Nicoli Aldini, 2026). In fact, Decree 207 was adopted after the judiciary’s seizure, which followed the submission of the analyses of the pecorino. With this new category, the government halted legal mobilization discursively; it declared that this factory could not be closed because it was strategic to Italy. This category became a new legal reality, creating a new order of discourse around Ilva. In this sense, it also represents a case of symbolic lawfare.

The subsequent save-Ilva laws, which were premised on this new legal category, introduced other legal techniques that the Italian government weaponized in the struggle, and that must be discussed: the “assessment of health damage”, the partial fulfilment of the permit, the postponement of

deadlines, the formal amendments of legislation, and the clauses granting criminal and administrative immunity. Let us see them in turn.

The “assessment of health damage” is an example of how law constructs its own anticipated representation of environmental impact and turns it into a legal reality (see Scott 2012: 5; Nixon 2011). It is yet another example of how science, through law, can be weaponized in a struggle to legalize an industrial activity, because its ‘potential’ damages have already been assessed and evaluated. It is a legal fiction that can never calculate the actual harm suffered by a community. Yet, it is a legal fiction that serves to attribute Ilva and the Italian government with an advance in the struggle; in fact, it is a way for them to legalize and legitimize Ilva’s industrial production through an alleged scientific report. From a historical perspective, it is one more example of a legal technology that serves the purpose of allowing the industry to overtake Taranto’s landscape. In this sense, it is an act of dominative lawfare.

Furthermore, this mechanism, which was introduced with the first save-Ilva decree – and thus in response to the seizure - is yet another example of how lawfare operates as a limit to legal mobilization (Molavi and Nicoli Aldini, 2026), and of how dominative lawfare operates as a limit to emancipatory lawfare. In fact, the seizure was premised on evidence of Ilva’s toxicity, based on two expert reports, one of which established a causal relationship between exposure to the factory’s emissions and mortality and morbidity in Taranto (Forastiere et al., 2012). The government introduced this new mechanism to assess the health impact of Ilva, thus *de facto* reacting against the knowledge generated by the expert reports. It created a new legal rule on what kind of scientific knowledge matters in relation to the impact of Ilva’s production.

Furthermore, Law 116/2014 granted Ilva the possibility of partial fulfillment of the measures included in the permit: if, by 31 July 2015, at least 80% of the provisions that had to be fulfilled by that date are executed, the plan shall be considered fulfilled as of that date. This mechanism created a paradoxical situation in which the law *knows* that the permit is not fully executed but considers it legally executed nonetheless. Law turned factual incompleteness into legal completeness. Here, we can see how law changes the construction of reality through its own logic.

A similar dynamic can be seen in relation to the postponement of deadlines, which was used repeatedly to give Ilva more time to implement environmental measures; this strategy lowered the cost of promoting industrial production by making time less of a constraint. In legalizing new deadlines, the government legitimized the factory’s delays in executing certain measures. This is a technology of lawfare where time was weaponized to gain a competitive advantage in the conflict.

Both the partial fulfilment of the permit and the postponement of deadlines show once more how lawfare operates as a limit to legal mobilization (Molavi and Nicoli Aldini, 2026). In fact, the mobilization campaigns were also premised on requiring Ilva to fully and adequately implement the measures set out in the permit. These laws, instead, created a legal reality in which this demand was unacknowledged and rendered irrelevant from a legal standpoint.

The story of Letizia, instead, shows how the government weaponized formal amendments to the legislation. Letizia and other activists travelled to Rome to meet the government's representatives and warn them that Ilva was in breach of the permit, a situation that, under the Single Text of the Environment, should have prompted the executive to adopt measures against Ilva. These measures are, according to Article 29-decies, a warning, a warning with a temporary suspension of production, withdrawal of the permit, and closure of the plant. Instead, the government passed Decree 61/2013. Its recitals and Article 1 read (emphasis added):

Having assessed the findings of the administrative inspections carried out at the ILVA S.p.A. plant – *which revealed the persistent and serious existence of environmental and health hazards, arising also from the failure to implement the Integrated Environmental Authorization [...]*

The Council of Ministers, upon proposal by the President of the Council, may resolve the extraordinary commissarial administration of a company [...] that manages at least one industrial plant of strategic national interest pursuant to Article 1 of Decree-Law No. 207 of 3 December 2012, converted by Law No. 231 of 24 December 2012, whose production activity *has entailed and entails serious and significant dangers to the integrity of the environment and health due to noncompliance, as identified by the competent authorities, with the integrated environmental authorization [...]*”

As the part in italics shows, with this law the government openly acknowledges that Ilva is noncompliant with the permit. So, the government is explicitly declaring the existence of a condition that should trigger its intervention pursuant to the Single Text on the Environment. There is a fact – Ilva's noncompliance with the permit – and Italian law *already* includes the legal response to that fact: the government should adopt certain measures, from a warning to the closure of the plant, to safeguard the environment and public health. A correct application of the principle of legality would imply the enforcement of that law, the Single Text on the Environment. Instead, the government devised a new legal response to the very same fact, thus supplanting the previous legal mechanism with a new regulation on its own

conduct. The government literally recreated a new legal infrastructure at its own will, in total disregard of the principle of legality.

Furthermore, the fact that this decree was passed following a meeting with the activists, as recounted by Letizia, where they themselves warned the executive of Ilva's breaching the permit, shows how this form of lawfare operated as a limit to legal mobilization (Molavi and Nicoli Aldini, 2026): Letizia and the activists had mobilized the Single Text on the Environment and its rules on the permit; the response by the government was to change the legal regulation on the permit. In other words, activists mobilized to demand the enforcement of a law, and the government arbitrarily changed the applicable legal framework.

Clauses establishing administrative and criminal immunity operate at a similar yet distinct level. The series of immunity clauses introduced by the Italian government is another example of how lawfare operates by reconstituting the boundaries between legality and illegality. In the prior examples of this dynamic, we saw how lawfare operated by making it impossible to exercise nonindustrial economies (pastoralism, fishing, agriculture), or by slowly and steadily enabling the emission of pollution (the legal limits). Provisions on administrative and criminal immunity operate on a different level; they create areas where the force of law is suspended. So, if managing a factory as Ilva executives are doing in Taranto would hypothetically lead to criminal prosecution elsewhere, it does not in Taranto, which becomes a zone of exception to the application of the criminal code.

An immunity provision, in fact, creates zones where the boundaries between legality and illegality are blurred. Agamben (2008: 38) wrote about the state of exception:

It is the separation of "force of law" from the law. It defines a "state of the law" in which, on the one hand, the norm is in force [vige] but is not applied (it has no "force" [forza]) and, on the other, acts that do not have the value [valore] of law acquire its "force."

Agamben's words are useful for analyzing immunity provisions in the Ilva conflict. By introducing clauses establishing administrative and criminal immunity, the government creates an exception to the force of law, with the legal norm remaining formally in force in the background. These become zones of legally sanctioned suspension of law's application, a paradox that law tolerates. Simultaneously, conduct that would otherwise be illegal is enabled, and it acquires "force".

Provisions on administrative and criminal immunity are, therefore, another example of lawfare operating as a limit to legal mobilization (Molavi and

Nicoli Aldini, 2026), because the space of law's application has been restricted. Campaigners' objective of having certain conduct prosecuted will therefore hit the wall of a legalized immunity. Furthermore, they represent a case of lawfare serving as a discursive limit to legal mobilization (and thus a case of symbolic lawfare, see also the next chapter). In fact, by preventing criminal trials, they eliminate the possibility of obtaining judgments that can validate the claims of a mobilization campaign.

This is another legal reconfiguration of the exceptionality of the 'southern question' and the violence associated with it. This violence is both material and cultural; it is material, because law here enables forms of conduct that are dangerous to human health and the environment, and that, in fact, are not tolerated according to the 'ordinary operation' of criminal law; it is cultural, because it prevents the holding of trials which can lead to judgments that serve to send the message that certain conducts are not permitted (more, on this, in the next chapter). Combined, these forms of violence constitute a legalized disqualification of local lives, which is yet another manifestation of the 'southern question' today and the discriminatory logic toward the Southern population that underpinned its very inception in the process of Italy's state formation.

The response by segments of the local population to these various expressions of lawfare was engaging in diverse forms of mobilization, this time also on the European front. In fact, the political and legal opportunities at the European level offered residents a space to bring the conflict and obtain new resources to use against the Italian government and Ilva (Conant et al., 2018; Hilson, 2002). Letizia's story vividly illustrates the iterative relationship between legal mobilization and lawfare: she travelled to Rome to seek government intervention regarding Ilva; the government responded with a new regulation on the permit; and so she decided to seek the intervention of the judges based in Strasbourg. A similar dynamic can be seen in the story of Isabella, where the constant "churning out" of new decrees motivated her to seek legal help and file an application before the ECHR.

The Europeanization of the conflict created new dynamics in the legal struggle, as residents gained new institutional support and, most importantly, new discursive weapons to use against Ilva and the government. In fact, the ECtHR judgments in 2019 and 2022 validated the argument that the Italian state had violated the rights of the residents of Taranto. These judgments made explicit reference to the save-Ilva laws as proof of the government's illegal conduct as per the ECHR. Similarly, the CJEU argued in its preliminary reference judgment that the constant postponement of deadlines for implementing the permit was not a legal conduct under EU law. Furthermore,

the infringement procedure at the EU level and the supervision procedure before the Committee of Ministers at the Council of Europe level have added an additional level of scrutiny on the actions of the Italian state, which has added a new discursive, political, and legal weapon to the arsenal that campaigners can use against Ilva and the government.

But how should change be assessed in relation to the last two decades of the conflict of Taranto? What have been the implications of the dynamics between lawfare and legal mobilization? The events narrated in this chapter show that legal mobilization achieved several legal outcomes that can be seen as forms of emancipatory lawfare: the anti-dioxin law and the 2012 seizure were both issued following the pecorino case. The ECtHR and CJEU judgments have been issued following legal mobilization processes activated by local citizens. The 2012 seizure, for instance, is an example of emancipatory lawfare that led to material change, the suspension of production in Ilva's hot processing areas.

That was the moment that generated lawmaking lawfare by the Italian state with the save-Ilva laws, which included all the legal techniques analyzed above. When legal mobilization (the pecorino case) achieved a legal outcome (the seizure) which generated a material change (the suspension of production in Ilva's hot processing areas), *that* was the type of change that the Italian state could not tolerate, due to the role of Ilva in the economy of steel.

The recently issued decision by the Tribunal of Milan may hit the same spot; in fact, the court ruled that, unless Ilva adopts a series of measures to mitigate its environmental impact, production in the hot processing areas must be suspended from 24 August 2026. From a material standpoint, this judgment might carry the same weight as the 2012 seizure: in fact, it might trigger a material change that directly affects the dynamics of Italy's steel economy. What the government's reaction will be is yet to be seen. I will further expand on this point in Chapter VIII.

For now, it is nonetheless possible to conclude that, up until today, lawfare has constantly operated as a limit to legal mobilization in the Ilva case (Molavi and Nicoli Aldini, 2026), and dominative lawfare has consistently operated as a limit to emancipatory lawfare. The politico-economic interests associated with Ilva have, thus far, managed to supersede any competing interests promoted by segments of the local civil society and population. Dominative lawfare manifested as both formalistic and lawmaking lawfare, and enabled the continuation of Ilva's operation at the expense of the local population's health. In this sense, the dynamics between lawfare and legal mobilization observed in the early phases of the conflict have continued in recent years: the advancement and protection of industrialization at any cost, especially at the expense of the local population's health.

Chapter VII

The Cultural Role of Judicial Verdicts

Here, mourning isn't felt as something dark. It is an ever-present force, looming even before tragedy strikes. Mourning exists because the slaves exist. It is there. Mourning is there at birthdays, name days, weddings, communions. At confirmations. If it is a soldier of Christ, then I must be the general.

Cosimo Argentina, *Vicolo dell'acciaio*, p. 26.⁴⁹

1. The *nomoi* of Taranto and symbolic lawfare

In this chapter, I discuss the symbolic implications of the judicial verdicts that have been issued in trials against Ilva's executives. The first point I want to show is the chasm between legal ideas and worldviews developed in Taranto following the establishment of Ilva and the judges' responses in trials. The analysis draws on Cover's (1983) ideas on legal narrative, readapted to legal mobilization scholarship by Lovell et al. (2016) and McCann and Lovell (2020). In particular, I intend to highlight the fundamental distance between the legal narratives of pollution promoted by residents and those of pollution promoted by official law over the decades. This chasm, which is explicable through the inevitable translation that 'ordinary' ideas undergo when they enter the realm of official law, is an instance of symbolic lawfare; in fact, official

⁴⁹ Ma il lutto qua non lo senti come qualcosa di tenebroso. È una presenza incombente che preesiste alla tragedia. Il lutto esiste perché esistono gli schiavi. C'è. Il lutto c'è pure ai compleanni, agli onomastici, ai matrimoni, alle comunioni. Alle cresime. Se lui è un soldato di Cristo, io nind' nind' so' generale.

law's formalism changes the meaning of pollution in a new constructed narrative that represents yet another instance of misrepresentation of what industrial pollution actually has done in Taranto. Law's formalism and its technicalities are, once more, pivotal in shaping the symbolic implications of lawfare. Simultaneously, judgments have played a fundamental role in fueling the movement against Ilva; this can be seen not only, as expected, in positive verdicts, but also in negative judgments. I will analyze this dynamic, focusing on four contexts: the criminal trials against Ilva's executives, the 'Sold-out Environment' trial, the judgments issued by European courts, and criminal trials involving individual deaths.

2. The early criminal trials

In Chapter V, I quoted several excerpts of protests submitted to local authorities by residents of Taranto in the years following the establishment of Ilva. If one puts together the various images used by residents, pollution is described as the "spreading of huge amounts of raw materials", "toxic gas emissions", "dense cloud of dusty minerals", "dust of minerals, carbon and smoke that poison residents every day", "stinky gasses that poison lungs of adults and children", "harmful to human, fish, and plants"; it has "destroyed the few green areas left", led to a "progressive decay of the fishing sector", "completely subverted the ecological equilibrium of Taranto due to irrational profit maximization", and led the population – who "cannot live like this any longer" – to live in "precarious living conditions" and to "fall sick and died due to intoxication".

Similar images could be found at the demonstration "for a human industrialization" held on 31 January 1971, when protestors displayed 'relics' of trees, air, sea, and land. Several speakers also used images of death at the 1971 conference: "The rivers [...] are reduced to open cesspit" (Amministrazione Provinciale di Taranto, 1971: 7), "the environment is degrading to the point that it is inhospitable to humans" (Amministrazione Provinciale di Taranto, 1971: 9), "the precarious conditions of Mar Piccolo, which is invaded more and more by copious slime and unhealthy mud, are not conducive to life of marine plants as well as animals [...] it will be the complete death of Mar Piccolo" (Amministrazione Provinciale di Taranto, 1971: 146).

In sum, in the early years of the conflict, pollution was already described as an invasive and disruptive phenomenon in people's lives. In the excerpts quoted above, residents have no doubt about who the culprit was: the factory,

and, in fact, this narrative of pollution had precise legal implications. Residents demanded that institutions injunct Ilva to adopt measures to curtail emissions and stop the spread of pollutants.

In court, pollution was portrayed differently. The first trial against Ilva's executives for environmental-related crimes took place in the early 1980s and resulted in a judgment issued on 14 July 1982. The Tribunal of Taranto convicted the executive who was directly in charge of the factory's management. The conviction concerned the misdemeanor defined in Article 647 of the criminal code, titled "dangerous throwing of things".

In the verdict, the judge reflected on whether particles emitted by factories should be considered a "thing" or a "gas". Pursuant to Article 674, in fact, "things" are never disposable if considered dangerous, while "gases, vapors, or smoke" are disposable within the limits fixed by law. After establishing that particles should be considered "things", the Tribunal argued that it was proven that, from Italsider, both solid and gaseous things were "thrown". The latter, however, remained within the existing legal limits; thus, no violation of Article 674 was established. In contrast, the Tribunal acknowledged the existence of "continuous and nearly permanent spreading of black, red, and white dusts [...] that [...] settles on people and things, causing annoyance and continuous soiling" (Pretura di Taranto, 1982). On this ground, the court convicted the executive in direct charge of the factory. In contrast, the factory's apical managers were acquitted because they had a valid proxy. For this reason, they could not be considered responsible for the daily operation of the plant, also in light of the "enormous size of the company" (Pretura di Taranto, 1982).

In the late 1990s, residents submitted dozens of complaints to local authorities. In them, pollution is described as follows (emphasis added):

The [Tamburi] District, on the outskirts of Taranto, is attacked by the factories. In fact, *fumes and dust directly disrupt the residential area*, as they fall on roads, houses, and people, *poisoning the air and causing serious health damage* to 19,000 residents. Recent statistical surveys show the high incidence of lung cancer, and not only that, in a large portion of the local population [...] We do not ask utopian measures, but direct interventions, such as the abatement of polluting dust and the deployment of all technical, physical, and chemical measures to make possible the coexistence of factories and residential areas (Private archive).

[...] *the uncontrolled spreading and diffusion of mineral dust causes serious damage to hygiene and public health*. In light of that, considering the powers given to you by the extant legislation, we formally demand that you adopt all measures that you consider adequate to force Ilva to eliminate the causes of this

phenomenon. [...] We will monitor that everyone will execute their relevant actions, and we will not tolerate any omissive behavior. (Private archive).

Residents continued to describe pollution as an invasive and harmful phenomenon that constitutes an “attack” on the Tamburi district by local factories. They also continued to demand legal and political interventions by local authorities.

During this period, as I showed in the previous chapter, the judiciary assumed an increasingly prominent role in addressing the environmental crisis. In the late 1990s, at least two judgments were issued against Ilva executives, on the grounds of Article 674 again (“dangerous throwing of things”, on 6 July 1998) and Article 635 (“criminal damage”, on 19 February 1999). Two more trials took place a few years later, resulting in judgments issued in 2002 and 2007.

On 15 July 2002, Article 674 was again the main ground for the conviction of four executives of Ilva, who were also convicted for failing to adopt appropriate technical measures to stop and lower emissions (Corte di Cassazione, 2005).⁵⁰ In this verdict, the CEO and the general manager were also convicted, given their roles in overseeing the company’s managerial decisions, despite the CEO having a proxy in favor of the general manager. The Tribunal of Taranto held that, as the CEO and the Board of Directors were responsible for the financial decisions affecting Ilva, which also pertain to pollution control, they failed to exercise due diligence in addressing problems of which they must have been aware, particularly in light of a prior conviction of one of the company’s executives. On appeal, the judgment was partially reformed by the Court of Appeals and the Court of Cassation, though the CEO’s and the General Manager’s convictions were upheld. Taranto’s Municipality and Province withdrew their participation in the appeal before the Court of Cassation following the signing of a memorandum of agreement with the company on 15 December 2004, as I discussed in the previous chapter.

On 20 April 2007, the Tribunal of Taranto issued a new judgment against Ilva executives, at the end of a trial focusing on pollution originating from the coke furnaces. In this trial, Article 674 (along with other offences) formed the basis of the CEO’s and the general manager’s convictions, which were upheld on the basis that they were responsible for the company’s managerial decisions. On appeal, the Court of Cassation declared all offenses time-barred by the statute of limitations. However, it explicitly ruled that, notwithstanding the expiration of the statute of limitations, there was no concrete evidence warranting the defendants’ acquittal (Mazza, 2010).

⁵⁰ I found references to the content of the 2002 judgment by the Tribunal of Taranto in the judgment by the Court of Cassation on appeal.

In sum, in the early criminal trials, we can see how official law transformed the narrative of pollution from an “attack” by Ilva on the city, with harmful consequences to residents and the environment at large, into a “dangerous throwing of things” caused by individual criminal behaviors. Setting aside the obvious inadequacy of the heading of Article 674 in representing industrial pollution, the symbolic message of these early verdicts was their scapegoating effect. In fact, they represented Ilva’s pollution as the result of individual wrongdoing. Implicitly, these judgments obscured the fundamental connection between Ilva’s pollution and Italy’s economy of steel, as well as the political and legal infrastructures that sustain it. They gave an official narrative of Ilva’s pollution as the outcome of individual unlawful conduct.

Furthermore, law’s formalism and technicalities can further constrain the effects of criminal verdicts. Under the appeal procedure following the 2007 convictions, the offences were time-barred due to the expiration of the statute of limitations. In fact, Article 674 is a minor offence with a very short limitation period. While the Court of Cassation explicitly declared that there was no ground to acquit the defendants, the passage of time prevented the confirmation of the conviction. The statute of limitations is yet another legal technicality with profound symbolic implications in the conflict over Ilva: it leads to criminal verdicts where, technically, not even Ilva executives are formally held responsible and punishable for industrial pollution.

Notwithstanding these aspects, the early criminal trials also sent the message that Ilva’s pollution was under the scrutiny of criminal law. The pecorino case, in fact, occurred in 2008, right after these trials, in a context where the local public prosecutor’s office had taken center stage in the conflict. The submission of the lab analyses triggered investigations that led to the ‘Sold-out Environment’ trial, which produced a narrative of environmental pollution substantially different from that of the early trials.

3. The ‘Sold-out Environment’ trial

‘Sold-out Environment’ is the name given to the trial that resulted from the submission of the pecorino analyses. It was a monumental trial, with 34 distinct charges against 47 defendants and Ilva itself as a corporation. The defendants included several of Ilva’s executives, local politicians, including the former presidents of the Puglia Region and the Taranto Province, the former mayor of Taranto, as well as representatives of local health authorities. The trial had three distinct areas of focus: crimes against the environment and related to

workplace safety; crimes involving the public administration; and corporate liability. The charges were manifold and ranged, to mention a few, from criminal association, disaster, manslaughter, and poisoning of food and water, to a series of crimes against the conduct of public officials, including extortion by a public official and aiding and abetting.⁵¹ The trial was also massively participated in, with hundreds of individuals and organizations joining as parties seeking damages. The judgment was published on 31 May 2021, with a four-thousand-page motivation released a year and a half later, on 29 November 2022 (see Tribunale di Taranto, 2021a). This is a strong exception to the rule requiring tribunals to issue motivations within 90 days of the issuance of the judgment. Several of Ilva's executives were found guilty, alongside local politicians and administrators.

In this sense, the 'Sold-out Environment' trial conveyed a completely different image of the environmental crisis of Taranto than the early trials. Several of Ilva's executives were found guilty of forming a criminal association that led to an environmental disaster. Simultaneously, local politicians were found guilty of using their position to facilitate the continuation of Ilva's production. The trial, therefore, returned a narrative of the environmental crisis of Taranto as the manifestation of a corrupted and flawed system, with extremely blurry boundaries between the company and local institutions that were supposed to control it. This is also reflected in the name the trial gained publicly: 'Sold-out Environment' means exactly that, that a price tag had been put on environmental protection.

The judgment validated the experience of large segments of the local population, who had long felt the consequences of such a situation. During our time together, Emanuele referred to the 'Sold-out Environment' repeatedly:

You know what the Sold-out Environment trial means? It's an international affair, are you kidding me? The judges have done a lot, just like the people, and maybe even more than the people, with the Sold-out Environment trial; they told the truth.

Emanuele also read to me an article on the trial published on a local news outlet, which included excerpts from the statements made by the public prosecution before the issuance of the judgment:

⁵¹ These translations were done after consulting various sources online and indicate the crimes *concussione* (Article 317 of the criminal code) and *favoreggiamento personale* (Article 378).

“There was a criminal agreement – none of the area managers can be exempted from criminal liability. They operated a polluting plant in full awareness of it.”

Emanuele paused for a moment, and then added:

I say it because I’ve lived this, not because [the public prosecutor] says it, although he says the truth, I experienced it from within.

In Emanuele’s words, we see the symbolic role of the judgment, as it gave institutional recognition to the injustice he experienced throughout his time as an Ilva worker and later as an ‘ordinary’ citizen. Simultaneously, several people expressed a sense of disillusionment, seeing that, notwithstanding the judgment, things had not truly changed in Taranto. Giuseppe, a former worker at Ilva, said to me:

No one wants to change anything, they spent billions, they enriched this Mittal, with zero results, they threw Riva and offspring under the bus, zero results, so what, then, there is not a single president, minister of industry, it’s always the same and the problem keeps existing, today it’s me [he means: I’m the politician in charge] and I change the plan, then it’s you and you change your politics, eventually everyone gets rich on the backs of the poor.

Roberto, a lawyer representing an injured party, said to me:

It doesn’t change anything [...] being a judgment, like all judgments, it concerns the past, and at most it concerns the past up to 2013. So, if this judgment were to become final without any major changes between appeal and Cassation, it would only show that, up to 2013, someone committed very serious crimes in Taranto. From 2013 to today, ten years have passed, the situation hasn’t really changed, and so the judgment is, at best, somewhat meaningless.

In fact, the ‘Sold-out Environment’ trial refers to crimes committed until 2013. Giuseppe and Roberto point out that a scapegoating dynamic is inevitable, even in such an important judgment. Its temporal scope is limited to the past. Any future owner can always say that the situation has changed, that the ‘bad apples’ have been convicted – in Giuseppe’s words, “Riva and offspring have been thrown under the bus” – and that now things are different (a common dynamic in white-collar and corporate crime, see e.g., Schoultz & Flyghed, 2021) This point shows, one more time, how criminal law has consistently constructed a narrative of Ilva’s pollution that is somewhat limited, both in space and time.

Furthermore, legal technicalities played a key role on appeal. In fact, on 13 September 2024, the Appellate Assize Court of Lecce annulled the entire first instance trial. The ground for annulment was raised by the defense, which argued that the judges who issued the verdict, being residents of Taranto, were themselves exposed to and affected by environmental pollution. Therefore, they could not have maintained an objective stance regarding the criminal charges (Guarini, 2024). The Appellate Assize Court accepted this argument, and as a result, the entire trial was restarted from the beginning in Potenza, a city 2 hours from Taranto by car (therefore, with much higher costs for the parties involved, especially for single individuals or organizations claiming damages).

This decision reveals the implications of law's formalism for symbolic lawfare. The first aspect is epistemological and concerns the qualification of the experience of pollution as irrelevant. Criminal law and procedure operate on a logic of presumed objectivity, neutrality, and impartiality; assessed in relation to this benchmark, the entire 'Sold-out Environment' trial was considered flawed because it was presided over by judges who, as residents of Taranto, experienced pollution themselves.

The symbolic meaning of the annulment of the trial is that, in official criminal law, the experience of pollution puts one in the space of partiality and subjectivity, which prevents the delivery of valid law. In other words, the symbolic message of this decision is that Taranto residents cannot judge on Ilva's pollution, it must be someone living elsewhere. Seen from a historical perspective, it is yet another example of the fact that, the local population does not decide *on* Taranto; decisions *on* Taranto are not made *in* Taranto. They have been made anywhere: in Rome, Milan, Strasbourg, Luxembourg, and now in Potenza. But not in Taranto. It seems like anyone can have a say on what to do with Ilva, except the local population.

Furthermore, this decision reveals the fragility of official law in remaining consistent with its own constructed narratives. The Taranto judiciary had created a monumental trial, built it over more than ten years, which led to a judgment with a four-thousand-page motivation. From the issuance of the judgment until the decision by the Appellate Assize Court of Lecce, criminal law advances a narrative portraying environmental pollution in Taranto as produced by a system involving both Ilva executives and local political institutions. Upon issuance of the Appellate Assize Court's decision, that official narrative vanishes.

Activists commented: "Today the Appellate Assize Court, with its decision, has killed Taranto once again. No justice for our dead" (Guarini, 2024). To use Cover's (1983) expression, the Appellate Court literally *killed*, in an instant,

its own legal narrative on Taranto's pollution issued with the first-instance judgment and, in so doing, it eliminated institutional recognition of that representation of pollution. By annulling the first-instance judgment, the decision effectively reinstated the representation of Ilva's role in the environmental pollution in Taranto as the "dangerous throwing of things", as the only official narrative currently recognized in criminal law.

4. The judgments from the ECtHR

In 2006, a resident of Taranto filed a complaint before the local public prosecutor's office, alleging that the toxic pollution of Ilva had caused her leukemia. She based her argument on the fact that Ilva's managers had already been convicted of crimes related to toxic emissions, and that evidence from epidemiological and public health surveys pointed to a link between Ilva's emissions and cancer and leukemia in Taranto (*Smaltini v. Italy*, 2015). After an initial dismissal of the case, the public prosecutor's office appointed two experts to investigate the existence of a causal link between Ilva's pollution and the illness suffered by this person. Eventually, this nexus could not be found "with a sufficient degree of certainty", which led the pre-trial judge to dismiss the case on 19 January 2008 (*Smaltini v. Italy*, 2015).

Following this decision, on 7 August 2009, this resident filed an application before the ECtHR. She argued that Italy had violated her right to life protected by Article 2 of the ECHR, having the local judges failed to acknowledge the existence of the causal nexus. In fact, she claimed that the available evidence proved Ilva's responsibility in the production of the health crisis of Taranto, and accordingly that the failure by the Tribunal of Taranto to acknowledge that evidence substantiated a breach of Article 2 of the ECHR. The ECtHR, however, argued that the applicant had been granted a fair trial in compliance with the adversarial principle at the domestic level, and that in any case the available evidence did not prove the existence of a causal nexus between Ilva's production and the applicant's leukemia. Accordingly, the case was dismissed.

This prior experience was important for Letizia when she decided, together with the lawyers, how to frame her 2013 application to the ECtHR:

I had already contacted a woman, a lawyer [whose mother] had died of cancer and who submitted an application before the ECtHR, saying that it was Ilva that had caused cancer to her mother, I met her, and at the time there was not all the public health evidence that we have now, starting from the pre-trial evidentiary procedure and the chemical and epidemiological reports, but most importantly,

you know, I'm not a lawyer but it's hard to design this action from the point of view of the existence of a causal nexus, because it was impossible to demonstrate.

Accordingly, Letizia and the lawyers avoided grounding their application to the ECtHR on Article 2 of the ECHR, the right to life. They instead relied on Article 8, the right to *private* life, which in fact became the ground for the conviction of the Italian government in both the 2019 and 2022 judgments.

In this sense, it is important to underscore the symbolic implications of the ECtHR judgments. From their perspective, no one can say that the Italian state has failed to protect Taranto's citizens' right to *life* without further qualifications. What these judgments allow one to say is that the government has failed to protect Taranto residents' right to *private* life, i.e., their well-being and integrity. This does not mean that these judgments have not been important in the struggle; they have had a fundamental role in building the movement, even the negative ones. In fact, Letizia learned from a prior unsuccessful experience, showing how the local mobilization campaigns built on one another and collectively created a *nomos* (Cover, 1983), a legal narrative about Ilva's pollution. Furthermore, they granted activists a new discursive weapon against institutions. As Letizia told me:

[...] we had a huge responsibility, I mean, had we lost that action, they could have used that against us and say "in Taranto people say that Ilva... but in reality it is not true" [...] we wanted this to be an important political result, so that we, the environmentalists, we were not terrorists anymore, because if they called us terrorists, then they had to call terrorists also the European judges who had ruled in our favor.

Furthermore, from a historical perspective, the ECtHR judgments represented the first time a judicial authority openly acknowledged the Italian government's responsibility for the pollution crisis in Taranto. From the perspective of building a movement and generating a narrative of pollution backed by official law, this achievement cannot be overstated.

Nonetheless, even in the context of the trials before the ECHR, the 'unofficial' legal narratives had to be adjusted to the logic of official law. In this context, in particular, we see how science prevented the issuance of a judgment establishing the Italian government's direct responsibility for the infringement of the residents of Taranto's right to life. This is yet another example of symbolic lawfare, where law's logic and formalities lead to judgments that uphold an official legal narrative that is distant from the local population's lived reality. This point is particularly evident in relation to

individual deaths in Taranto, which remain inexplicable from a criminal law perspective, as the next section shows.

5. Criminal law and individual death

While mobilization campaigns have produced several judicial victories at the domestic and international level that have validated the struggle by residents against Ilva, no tribunal has, thus far, acknowledged Ilva's direct responsibility in causing, through pollution, the death of a person. Fulvio, a lawyer, spoke to me about it:

The problem of the deaths is something we all know about; it's not that we can ignore the fact that in Taranto, you've been to Tamburi, I imagine, and you've talked about it, it is a recognized fact. However, it is always a statistical fact, meaning it is a ratio of the incidence of deaths compared to those that happen on average elsewhere, which gives us a significant, probably scientifically certain, idea of the impact of pollution. But it does not provide proof that any individual case is connected to it and not instead to other factors, such as traffic pollution, genetic predisposition, or other factors, unless a careful investigation has been done [...] because you must reach certainty beyond any reasonable doubt, to repeat a well-worn argument.

Fulvio's words pointed to the chasm between the logics of official law and everyday knowledge. "It's a recognized fact" that there are excesses of death in Taranto. As Emanuele told me while driving through Statte, a neighboring town, "Here, everyone died of cancer". Everyone knows that it is industrial pollution that has caused death. However, from the perspective of criminal law, this knowledge has not yet been established. The criterion is to reach certainty beyond any reasonable doubt, and to make that cut, one needs scientific evidence of a direct causal link of Ilva particles 'entering the body' of a person.

I spoke about this with Roberto, a lawyer who has been active in the struggle against Ilva on many fronts, from the ECtHR's actions to the 'Sold-out Environment' trial. He is also the lawyer of the parents of a child who was born with a brain tumor, whose death led to several of Ilva's executives being tried for involuntary manslaughter. The prosecutor argued that this condition could be explained only by the fact that during pregnancy, the boy's mother worked in the Tamburi district, the one closest to the factory, and that pollutants entered the fetus's developing brain. Roberto spoke to me about the trial:

We demonstrated all the steps, right, from the mother to the child, we demonstrated everything, all the way to the presence of carcinogenic material in the child's brain. So it was demonstrated; the judge acknowledges this in the judgment, but then stops and says that, since this type of tumor, from a scientific point of view, is not directly attributable to pollution, I cannot say that he died because of that, making a very serious mistake. Because that type of tumor is actually rare, but precisely because it is difficult for it to occur except under these conditions; that is, normally nothing enters the brain. It can only enter in very young children, until the blood-brain barrier has fully formed [...] so until it closes and becomes completely impermeable, it is permeable, and that material reached the brain.

Later in our talk, Roberto added:

Here in Taranto law is nearly nonexistence, because it's inconceivable, with all the scientific evidence, all the scientific evidence, it's not banal, all the scientific evidence, let's say that the young boy didn't die for that tumor, okay, let's say the factory did not cause it, okay, but why do I need to have cancerogenic substances in my brain? Ok, I didn't die for that, but I live there, and I breathed these substances that entered my lungs, my body, they entered the placenta, they reached my son, okay, my son didn't die for that, but is it normal that I must breathe this air? This judgment says that, that it's impossible to demonstrate [...] and so I keep on saying, do you believe that in another world, I'm not saying the perfect one, but in another world where law regulates people's lives, would it be allowed for a person to breathe this air? These rights are compromised, compromised, and compromised.

In the first quote, Roberto offers a scientific explanation to prove that Ilva has caused the young boy's tumor. This is, in fact, what official law requires lawyers to do, because that is the logic necessary to establish penal responsibility. In the second quote, Roberto instead points to the structural problem behind the environmental crisis of Taranto: even if the judgment correctly mirrors reality, and therefore Ilva is not responsible for this tumor, but where on Earth is a child born with a brain tumor of this kind? Why is it legal for the people of Taranto to breathe this air? It shows that a judgment might indeed reject a legal narrative, but it cannot kill the underlying *nomos* (Lovell et al., 2016). The experience of injustice persists and is, arguably, fueled by such negative judgments.

The impossibility of establishing a causal nexus between Ilva's pollution and individual deaths leads to a situation where many deaths in Taranto are considered 'inexplicable' from an institutional perspective. Gabriele and Clelia own a house in the heart of the Tamburi district. From their kitchen, one can

see how close Ilva is. Black dust settles on their windows; they told me it was not normal dust because if you use a magnet, it is rapidly attracted to it. They have considered leaving for a long time, but their house was estimated at 15,000 euros, a sum that makes it impossible to start again elsewhere. Gabriele and Clelia lost a son to an illness that, from the perspective of medical science, remains the case of a “rare disease”:

No one reported and backed us up, I mean, we asked doctors if they could, they couldn't release a certificate of this kind, one that said that his disease was correlated to pollution.

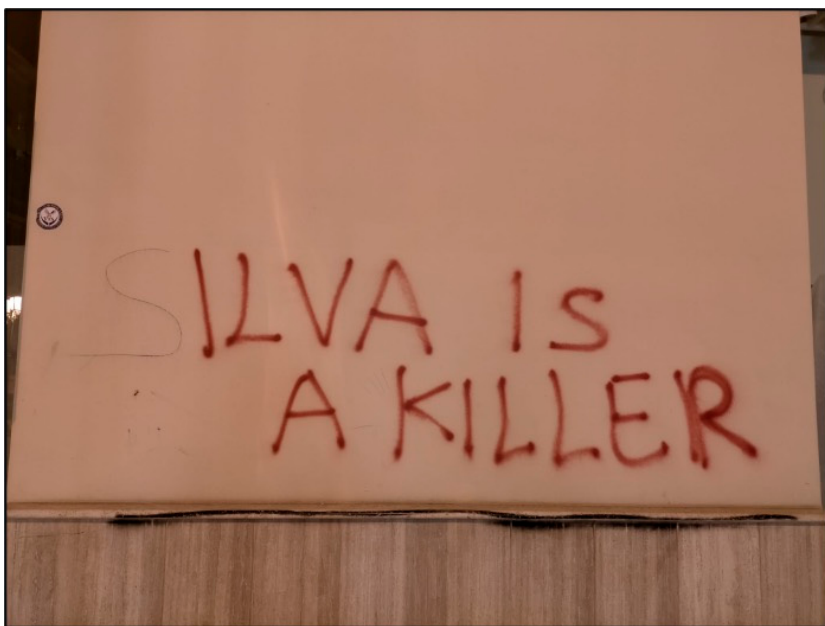
If you look at all the medical reports, they are all for cardiac arrest, but not...

[...] he died when he was 20, it was a rare disease, that's it, [he] went through a lot, they told us it's a rare disease, it was not even genetic [...].

Two other parents, Giulia and Fabio, who also lost their young son, reiterated this fact, that from the perspective of institutionalized medical science, these deaths have never been connected to industrial pollution:

We have so many diseases here, not just cancer, children are born with respiratory problems all year long, thyroid problems, children who are born with thyroid problems, which are largely caused by dioxin, it's not us who say it, but the research they did, so much that they conducted specific studies on thyroid problems in the Taranto area, here, we basically all suffer of thyroiditis, Hashimoto's thyroiditis, hypothyroiditis, hyperthyroidism, all its forms. [...] When you go see a pediatrician and you say that your kid has respiratory problems, that they always get sick, the pediatrician answers back 'it's pollution', and I really must say, pediatricians don't really take strong measures, maybe individually one says this, another says that, they say, they don't say, you can say, you can't say, it's the same old story that 'yeah, it's hard to prove it', but what do I have to prove it, I mean now, with all that's happening, do I have to prove it in every possible way that they are killing us? It's like having a serial killer that is free to roam around, and we all know that he is killing, but we must prove it, it's paradoxical.

Giulia's words synthesize the violence ingrained in the logic of official institutions; their formalism and reliance on scientific objectivity create a paradoxical situation, in which everyone knows that “Ilva is a killer”, yet no institution has ever acknowledged it in connection to individual deaths. Conversely, on the walls of Taranto, this is an established fact (Figures 8, 9, and 10):



Figures 8 and 9.
Graffiti reading "Ilva is a killer". Photo by the author.



Figure 10.
Graffiti reading “Ilva killed my mother”. Photo by the author.

The last graffiti reads “Ilva killed my mother”. From an institutional perspective, Ilva’s responsibility for causing the death of individual persons has never been established, due to the alleged impossibility of establishing a causal nexus between Ilva’s pollution and one individual’s death. In response, the author of this graffiti articulates a narrative with a clear causal logic. There is a clear culprit, “Ilva”, a clear action, “killed”, and an identifiable person, “my mother”. A court has never acknowledged this truth. In Taranto’s public space, everyone knows that Ilva is a killer, and the walls of the city become the space where to resist the violence, material and symbolic, promoted and upheld institutionally.

6. Symbolic lawfare and the legal narratives of Taranto's pollution

This chapter shows how law's formalism is connected to symbolic lawfare, i.e., when the law upholds a vision of reality that obscures the real, structural, underlying reasons that create oppressive conditions. In this sense, symbolic lawfare represents a case of cultural violence (Galtung, 1990). Symbolic lawfare is, in fact, a legal cultural process; it is about the way law "imagines the real" (Geertz, 1983: 184). In the Ilva conflict, symbolic lawfare manifested through the images that judicial verdicts constructed about Taranto's environmental crisis. These images have been, to say the least, distant from representing the crisis in a way that actually conveys its underlying structural causes. Several legal technologies of official law generated symbolic lawfare. In particular, this chapter showed three of these technologies: the rules on statute of limitations, on appeals procedures, and on the causal nexus.

The statute of limitations is a rule that, over time, renders convictions legally impossible. This point shows, once more, how time is a weapon of lawfare; in this case, it is symbolic lawfare, because the expiration of the statute of limitations will leave people with a sense of injustice, connected to the fact that no one will be considered officially responsible for environmental harms. Time can be weaponized by prolonging proceedings until the statute of limitations expires. Corporations have, in fact, the financial means to sustain long trials (Conde et al., 2023). In this sense, the statute of limitations is also a legal technology that contributes to the legal construction of reality by shaping individuals' identities. Therefore, this is a case in which formalistic lawfare operates as a discursive limit to legal mobilization (Molavi and Nicoli Aldini, 2026), because it constrains what can be said legitimately from the perspective of official law.

During fieldwork, I attended a mass commemorating workplace deaths at a church in the Tamburi district, a few hundred meters from Ilva. One of the attendees told me, "We need to get rid of the statute of limitations, otherwise people die twice". Statute of limitations is one technology of lawfare that depoliticizes death, leaving no official legal responsibility for the death of a resident of Taranto or a worker at Ilva. It is one way through which, from an institutional viewpoint, the deaths in Taranto remain inexplicable and completely disconnected from the underlying structural conditions that make them possible.

The rules on appeals have a similar symbolic effect. A moment before the judgment by the Appellate Assize Court of Lecce, official law holds that Ilva

executives and local politicians are criminally liable for environmental crimes. Right after the judgment, official law no longer holds that narrative to be accurate, removing institutional validation from a representation of pollution that portrayed it as the result of collusion between the company and public institutions. By justifying the annulment on the basis that judges were residents of Taranto, official law creates a hierarchical geography of knowledge, in which knowledge of pollution *from within* is considered inadequate to issue a judgment on Ilva because it is not objective. Being outside Taranto makes one objective; being in Taranto makes one partial. Official law creates a hierarchy of knowledge that, once more, leads to a decision that reiterates the idea that harm in Taranto has, for now, no institutional explanation.

The latter point is evident in the relationship between official criminal law and common knowledge regarding Ilva's lethality. It is common knowledge that Ilva spreads toxic pollution that has led to individual deaths. "Ilva is a killer", "Ilva killed my mother", or, as this stencil graffiti reads, "Beware! Polluted city" (Figure 11).

However, this knowledge has never made its way into official law, which requires scientific objectivity – measured by the establishment of a causal nexus – to turn that knowledge into legal truth. Once more, legal formalism turns into symbolic lawfare, as all these deaths remain without institutional recognition. This is yet another example of how knowledge produced *in* Taranto does not make the epistemological cut for recognition by official law.

Furthermore, it has been another way through which the 'southern question' has found grounds to reproduce itself. For years, the local population has been blamed for the health crisis because, so the narrative went, locals smoke too much or have unhealthy diets (Greco, 2016: 18). So while official law was ignoring Ilva's role in producing individual death, the historical othering discourse on the South provided a convenient explanation based on the usual tropes of locals' immoral behaviors. Interestingly, the report by Alessandrini et al. (2016) openly excluded a correlation between the local lifestyle habits and the compromised health condition of Taranto, thus removing scientific support from that othering discourse.



Figure 11.
Stencil graffiti reading “Beware! Polluted city”. Photo by the author.

Seen from a historical perspective, the narrative of environmental pollution in Taranto could be articulated as follows: when Italy became one unified state, Taranto was turned into a ‘strategic’ city for the state’s military, imperial, and colonial enterprises. This led to a progressive, violent restructuring of its socioeconomic and environmental landscape, which generated a crisis following World War II that created the condition for establishing a steel factory. The process was justified on the grounds of the local population’s need to ‘enter modernity’ through industrialization, to bring ‘life’ to an otherwise

‘dead’ place. The factory increased its role in the local and national economies, becoming increasingly ‘strategic’ and ‘impossible to close’. Meanwhile, it caused widespread decay in the local environment and affected residents’ lives, who began to fall ill and, as a result, prematurely die. When they demanded institutional recognition for these deaths, the response by courts has been: ‘prove it with the causal nexus’. In the meantime, tropes about locals’ ‘uncivilized’ and ‘immoral’ habits have supplanted the alternative explanation that the health crisis is their fault. And individual deaths remain inexplicable, a case of ‘rare disease’, an unfortunate happening, biology playing dice.

In conclusion, the conflict over Ilva has also been a discursive conflict between competing narratives; law has been a pivotal instrument through which this discursive conflict has unfolded. Thus far, judicial verdicts have hardly provided an accurate representation of environmental pollution, particularly in criminal cases. They have nonetheless contributed to forming the movement against Ilva, both positive verdicts (e.g., the ECHR judgments, the ‘Sold-out Environment’ trial judgment) and negative verdicts alike. In fact, the latter have arguably fueled a sense of injustice that has sustained activists’ efforts. During our time together, in fact, Emanuele often told me that he finds motivation in fighting for those “who died without ever being recognized”.

Chapter VIII

Theoretical Reflections

1. Overview of the chapter

In this chapter, I discuss the theoretical implications of the analysis of the empirical material presented in the previous chapters. In the next section, I elaborate on the notions of formalistic, lawmaking, and symbolic lawfare, showing how they manifested in the Ilva case and drawing some reflections on how these concepts can be used as analytical tools for future studies on the role of law in societal conflicts. Subsequently, I show how lawfare operated as a limit to legal mobilization in the conflict over Ilva (Molavi and Nicoli Aldini, 2026), offering additional reflections on the implications of this finding for assessing the potential of European legal mobilization to bring about social change. In the final section, I examine the implications of this thesis's findings for the discussion on the relationship between lawfare and the rule of law.

2. Lawfare and its technologies

The previous chapters presented several technologies of lawfare, i.e., legal mechanisms utilized by institutions to gain a competitive advantage in the conflict over Ilva. In particular, lawfare manifested in three fundamental ways: as formalistic lawfare, i.e., by means of strategically playing with existing legal categories; as lawmaking lawfare, i.e., by resorting to formal amendments to the legislation; and as symbolic lawfare, i.e., by shaping the scope of what can be legitimately said from the viewpoint of official law. It is important to clarify that these categories may refer to different moments in the same process: for example, the government may pass new legislation introducing new legal categories that become a new instrument to weaponize in the conflict, and that set a new order of discourse on the conflict. In that sense, formalistic lawfare, lawmaking lawfare, and symbolic lawfare should not be seen as watertight

compartments, but rather as complementary processes of lawfare that leverage, respectively, the legal, political, and cultural power of institutions.

I will now offer a recapitulation of these technologies of lawfare, focusing specifically on formalistic lawfare and lawmaking lawfare and touching upon their implications for symbolic lawfare, and then reflect on how these two concepts can be used to study the use of law by institutions in a societal conflict.

2.1. Formalistic lawfare

The use of legal categories by institutions in a conflict is an inevitable feature of lawfare; whenever an institution uses law, it must rely on its categories. Certain institutions, additionally, cannot do anything but speak the language of law when they communicate their decisions. This is particularly true of the judiciary. Any judicial decision is, in its core, an exercise of argumentation structured around pre-existing legal categories. The Ilva case shows that, among the arsenal of judicial tools, the seizure is particularly disruptive because it intervenes directly in the material arrangement of reality.

Additionally, the government can engage in formalistic lawfare by taking advantage of existing legal categories, or by creating new ones that reconstitute reality in their own (legal) terms. In these circumstances, legal categories are weaponized in the conflict to gain an advantage over competing actors. The Ilva case shows several examples of this type of formalistic lawfare:

- a. The distinction between ownership and possession was exploited by the government and Italsider during the expropriation phase to financially frustrate the landowners.
- b. The category ‘factory of national strategic interest’ was arbitrarily introduced to register the government’s politico-economic interest in preserving Ilva’s production, and it has then become the backbone of subsequent save-Ilva laws, and it has also informed subsequent decisions by the Constitutional Court. It became, in other words, a new discursive truth that legitimized subsequent lawmaking and formalistic lawfare.
- c. The legal limits, the intermittent monitoring of pollution, the assessment of health damage, the constant postponement of deadlines, and the partial fulfillment of the permit are all examples of legal fictions that were weaponized as accurate representations of reality: legal limits allegedly make

pollution safe; intermittent monitoring becomes the actual representation of pollution; the preemptive assessment of health damage is turned into the actual assessment of the industrial impact on the population's health; and the partial fulfillment of the permit is turned into a complete fulfillment.

- d. Clauses establishing administrative and criminal immunity are legal categories that served to limit the judiciary's scrutiny of Ilva's production.

These examples show how formalistic lawfare operates. Existing legal categories generate space for strategic action to gain a competitive advantage over other institutions and civil society actors; new legal categories can be introduced to create a new 'discursive normal' upon which all subsequent legislation is structured upon and legitimized, thus leading to symbolic lawfare; legal fictions reconstitute reality in their own logic, as they are a legal distortion of the material world that nonetheless is turned into an actual description of reality and weaponized in the conflict.

In this sense, formalistic lawfare is a highly a-scientific technology of power: legal limits and intermittent measurement campaigns misrepresent pollutants' toxicity; when criminal immunity applies, not even the demonstration of a scientific causal nexus between Ilva's pollution and an individual's death may lead to criminal prosecution. Seen from this perspective, formalistic lawfare is the triumph of the legal over the material, which makes it a very non-modern, idealistic, and reactionary technology of power.

In sum, the concept of formalistic lawfare invites scholars to pay attention to the way in which law's technicalities are weaponized within a societal conflict. Any conflict, once it enters the legal field, inevitably becomes a conflict over legal categories, whose interpretation and technicalities can be used as a weapon against competing actors. As such, formalistic lawfare is predominantly the province of legal experts, such as judges, lawyers, and jurists.

In this sense, the concept of formalistic lawfare can be used to study the role of law in societal conflicts. In fact, a formalistic lawfare analysis invites scholars to pay attention to two fundamental dynamics: first, how legal categories and texts are interpreted and used by institutions; second, how these strategies are connected to a broader ongoing societal struggle. In so doing, this analysis illuminates how law and its technicalities can fundamentally shape the evolution and progression of a societal conflict. More critically, a formalistic lawfare analysis invites exploration of how the legalization of a

societal conflict leads to a radical reconstitution of the struggle within law's logic and rationality, a process that might bear substantial implications for the dynamics on the ground.

2.2. Lawmaking lawfare

Formal amendments to the constitutional, legislative, and administrative framework are a known feature of lawfare (see e.g., Gloppen 2021). The Ilva case helps expand the array of legal techniques that institutions can weaponize to gain a competitive advantage in a conflict.

For example, the government resorted to lawmaking to prohibit competing economic interests. Through ordinances prohibiting harvesting, grazing, and fishing, the government rendered these alternative economic practices illegal, contributing to the subalternization of these forms of nonindustrial economy and to the simultaneous overtaking of the territory by Ilva. In this sense, lawmaking lawfare operates a fundamental reconstitution of the boundaries between legality and illegality.

The conflict over Ilva also displays numerous instances in which the government engaged in lawmaking practices that concentrated power in the executive, or more openly blurred the boundaries between the branches of power. This manifested in the following cases:

- a. All the save-Ilva laws were initially law decrees issued by the executive and then converted into law by the parliament.
- b. The executive recreated a new *ad hoc* regulation on the permit, supplanting the provisions of the Single Text on the Environment.
- c. Several of the save-Ilva laws were enacted to curb the effects of the judiciary's seizure. For example, the imposition on the judiciary of the obligation to order the continuation of production despite the seizure, or the introduction of clauses establishing criminal and administrative immunity.

These examples demonstrate how crucial it is, when analyzing a societal conflict, to consider how government institutions use their lawmaking power to gain an advantage in the struggle. In fact, lawmaking lawfare is an important feature of lawfare because it fundamentally reveals the power asymmetry between the actors involved. While civil society organizations can also weaponize law's formalities through legal mobilization, the latter do not have the power to alter the extant legislative framework directly.

In contrast, lawmaking lawfare signals the power of institutions (and political institutions specifically) to directly alter the legal framework within which the struggle unfolds. In this sense, several of the examples of lawmaking lawfare discussed above point to existing ongoing phenomena in societal conflicts. For example, the excessive reliance on executive decrees has become a well-established practice in Italy (Musella, 2012; see also Agamben, 2008: 16), and it has already been discussed as an example of lawfare that concentrates lawmaking power in the executive (see e.g., Gloppen et al., 2022).

Furthermore, instances of lawmaking lawfare in which the executive openly legislates to curb the judiciary's actions signal an open distortion of the balance of powers. In this sense, it requires additional reflections on the relationship between lawfare and the rule of law. I will address this point in the final section of this chapter.

Finally, lawmaking lawfare has direct implications for symbolic lawfare, because political institutions can introduce new legal categories that become the form a new order of discourse (e.g., Ilva as a factory of national strategic interest) that upholds the institutional narrative over the conflict.

In conclusion, the concepts of formalistic and lawmaking lawfare can serve as analytical tools for discussing the role of law in societal conflicts. The former relates to the weaponization of law's formalities – and is therefore especially the lawfare of legal technicians – while the latter leverages the lawmaking power of political institutions. They can operate in conjunction when, for example, the government passes new legislation that introduces new legal categories. They both have direct implications for symbolic lawfare, i.e., the instrumental use of law to uphold an institutional narrative over a conflict.

These instances of lawfare demonstrate how institutions can weaponize law in societal conflicts by rearranging its legal underpinnings. In particular, formalistic lawfare rearranges reality in new legal terms, which become a new way of speaking about and thinking about the world. Lawmaking lawfare directly reconfigures the boundaries between legality and illegality, and it reveals the pronounced power asymmetry among the actors involved in the struggle.

This final point introduces the next theme to be discussed: the problem of change in relation to European legal mobilization. In the next section, I further elaborate on how lawfare, by operating as a limit to legal mobilization, can slow or hinder the achievement of social change through law, with a particular focus on the European context.

3. European legal mobilization and social change

This dissertation examines a paradigmatic case of European legal mobilization, in which all judicial fora were utilized and exhausted, from the domestic to the European level. Consequently, it can be used to reflect upon the problem of legal mobilization and change in the European context. What can be said about the possibility of bringing about social change through legal mobilization in Europe, drawing on the Ilva case?

As this thesis has shown, mobilization in the European legal space led to formal proceedings against Ilva and the Italian government, which the activists have, thus far, always won: Italy was convicted in 2019 and 2022 by the ECtHR for failing to protect Taranto citizens' rights; the CJEU issued a preliminary reference ruling, which was pivotal in leading the Tribunal of Milan to adopt a judgment that might lead to the suspension of the 'hot processing' areas of Ilva from 24 August 2026. So, can one say that the Ilva case is a success story of European legal mobilization, or should one be more cautious?

This thesis will be printed several months before August 2026, so it is impossible to offer a conclusive argument on this point. But several reflections on this problem can nonetheless be offered. First, this thesis clearly demonstrates that law played an important role in the mobilization campaigns against Ilva; it helped shape identities, protests, and narratives of injustice. In general, it constituted ideas and practices that shaped mobilization processes against the factory and the government. In that sense, law had a fundamental role in constituting the struggle against Ilva (Hunt, 1990, 1993).

In the specific European context, it is important to note the role of a plural legal landscape in generating identities and narratives. The divided legal geography of Europe – and of a country like Italy that is internally divided into various layers of administrative governance – gave local activists a vast repertoire of legal schemas and resources (Ewick and Silbey, 1998; Lemaitre and Sandvik, 2015), which fueled mobilization campaigns. EU law, the ECHR, and the laws of other Italian regions all represented reservoirs of legal tools to leverage against Ilva and the Italian government.

Having a constitutive approach to legal mobilization (McCann 1994) enabled me to find how important law was in shaping the battle on the ground; activists often quoted judgments to frame the ongoing injustice; the save-Ilva laws were frequently cited as examples of the arbitrary governance by the government; more in general, alternative legal narratives were constantly mobilized and proposed and formed the multifaceted and complex *nomoi* of Taranto (Cover, 1983; Lovell et al., 2016; McCann & Lovell, 2020). These

nomoi formed over the years and continue to exist in competition with official legal narratives.

At the same time, integrating a lawfare lens into the constitutive analysis of legal mobilization enabled me to highlight the Italian government's constant, unrelenting effort to undo the achievements of legal mobilization. This thesis shows the many ways through which lawfare operated as a limit to legal mobilization (Molavi and Nicoli Aldini, 2026) – and I showed this point repeatedly in the previous chapters. Furthermore, this idea should be expanded to include the fundamental asymmetry of power not only between institutions and civil society organizations, but also among institutions themselves.

In this sense, several instances of lawfare by the Italian government followed the ECtHR's convictions: for instance, an exemption from criminal liability was reinstated in a law passed in 2023, after the 2019 and 2022 convictions. The paradigmatic example of this dynamic occurred with the save-Ilva laws, which were passed following the judicial seizure of Ilva's hot processing areas, without permission to use, in July 2012. These examples show how dominative lawfare, the lawfare that upheld the politico-economic interests connected to Ilva, has thus far always superseded any instance of emancipatory lawfare. In this sense, the judgment by the Tribunal of Milan has hit on the same spot: it potentially can lead to the suspension of the hot processing areas, if Ilva does not enforce strict environmental measures.

In this sense, it could be seen as an example of emancipatory lawfare and, as such, might represent a success story of European legal mobilization. However, caution is warranted in drawing this conclusion for two reasons. First, the judgment may still be criticized for setting a deadline several months ahead, thereby, once again, safeguarding the continuation of production over the immediate and precautionary protection of public health. From this perspective, the characterization of the judgment as a case of emancipatory lawfare appears less certain. Second, even if the judgment will be properly executed, it remains to be seen whether further instances of dominative lawfare by the government will follow, as occurred after the 2012 seizure. In this regard, two additional points must be considered.

The first pertains to the fact that the Ilva case demonstrates how legal mobilization can be seen as the symptom of a neoliberal culture that permeates Europe and the European Union specifically (Hermann, 2007). In fact, this case demonstrates that, in the face of a factory whose pollution is amply proven and documented, it rests with citizens to intervene and find remedies to this compromised situation. In that sense, while European legal mobilization might lead to success stories, it should still be seen as symptomatic of a broader process in which political institutions' interests align closely with corporations

rather than with individuals and civil society organizations. Law does help to remedy these injustices, but any analysis of European legal mobilization should never overlook this underlying structural condition of inequality.

Accordingly, cases of European legal mobilization should always be discussed in connection with their historical underpinnings and in connection with the neoliberal ethos that pervades Europe more generally. This thesis shows how the Ilva case is the manifestation, today, of processes rooted in how Italy formed as a country and in the place that Southern Italy gained within the state. The underlying politico-economic interests associated with Ilva's production are the backdrop against which this thesis's analysis has always been carried out. Consequently, any discussion of European legal mobilization and its potential for social change must always be contextualized within an analysis that considers the politico-economic interests involved in the broader struggle.

Current scholarship focuses primarily on understanding the factors driving European legal mobilization and pays much attention to the opportunity-structure analysis. This is an important layer of analysis, but it should always be contextualized within broader historical processes that shape power relations on the ground. The Ilva case showed that political and legal opportunities have been relatively open on paper for the local population, and that legal victories have been achieved over the years. Nonetheless, Ilva has continued to produce, and the explanation for this cannot be found exclusively in a formalistic-institutional analysis.

In this sense, the notions of dominative and emancipatory lawfare can be useful analytical tools to integrate into the analysis of European legal mobilization (and beyond). They highlight how law is weaponized to protect the status quo or to alter it fundamentally, and, in so doing, they connect legal analysis to broader historical dynamics and the power relations that result from them. Methodologically, they represent useful categories to further advance a dialogue between lawfare and legal mobilization scholarship, as they can help explain why legal mobilization might fail to bring about social change.

4. Lawfare and the rule of law

Before discussing the relationship between lawfare and the rule of law, a conceptual clarification is necessary. In fact, different conceptualizations of lawfare yield different conclusions regarding its relationship with the rule of law. For example, Gloppen's (2018) definition of lawfare as the use of law in

a struggle for social transformation arguably sees no inherent contradiction between lawfare and the rule of law. Lawfare may violate the rule of law, for instance in cases of autocratic lawfare (see e.g., Gloppen & Rakner, 2025), but there is no inherent contradiction between the two concepts. Differently, Santos (2023) and Handmaker and Taekema (2023) see an inherent incompatibility between the two phenomena. This conclusion arguably stems from their view of lawfare as an inherently dominative and arbitrary use of law that inevitably oppresses marginalized groups.

In this thesis, I have conceptualized lawfare as the use of law by institutions in a struggle over a contentious topic. My general definition thus follows Gloppen's approach, which implies that I do not consider lawfare and the rule of law to be inevitably in contradiction. I have also distinguished between dominative and emancipatory lawfare to make my definition of lawfare sensitive to historical forms of domination and oppression. Since my definition of dominative lawfare is arguably in line with the conceptual approach by Santos (2023) and Handmaker and Taekema (2023), it would require me to conclude that, at least in the case of dominative lawfare, a contradiction with the rule of law principle should be in place. I would argue that this conclusion is reductive, and I will further elaborate on this point in this section.

The rule of law has been amply theorized across disciplines. Legal, sociolegal, and political theory have thoroughly debated its theoretical implications and practical manifestations. Legal and political philosophy have, in particular, devoted much attention to delimiting the theoretical contours of the concept (e.g., Waldron, 2023; Raz, 2005; Marmor, 2004). This epistemological approach has led to defining the rule of law as a principle.

Tamanaha (2004: 91) offers a recapitulation of the typologies of the rule of law developed in legal theory. First, he divides them between "formal versions" and "substantive versions"; then, each type is put on a scale from a "thinner conception" to a "thicker conception". Formal versions see the rule of law as a principle that must preserve rules and procedures. The thinnest possible formal version of the rule of law is the rule-by-law scenario, where law is uniquely the 'vest' given to government action. This is the traditional way lawmaking is seen in authoritarian contexts. A thicker (or less thin) version consists of preserving formal legality, where government legislation must respect certain principles to be valid law, such as generality and certainty. The thicker version of the formal rule of law turns the rule of law into a principle of political representation: political action is compliant with the rule of law if it is carried out by a government that has been elected. The substantive versions, by contrast, see government action as compliant with the rule of law principle if it also provides for the substantial protection of the population's

rights. It stretches from the thinner version, which preserves individual rights such as property and freedom of contract, to the thickest version, which manifests in a social democracy aimed at preserving equality among its citizens through a welfare infrastructure.

Tamanaha's typology can serve as a benchmark to assess the compliance of the various forms of lawfare observed in the Ilva case with the rule of law principle. Here, it is necessary to distinguish between the case of lawmaking lawfare and formalistic lawfare.

In relation to the former, if we take the save-Ilva laws as an example, they represent a clear violation not only of any substantive version of the rule of law principle, but also of any thicker version of the formal principle. Here, the Italian government repeatedly breached the separation of powers principle and the principle of legality, in a way that has turned law into a 'vest' to give legitimacy to its underlying politico-economic interest. This type of dominative lawmaking lawfare operated on a rule-by-law logic, as they were premised on a logic that openly violated fundamental principles associated to the rule of law, such as the principle of legality and the principle of separation of powers.

In fact, these instances of lawmaking lawfare closely resemble several examples of the use of law for autocratic purposes discussed in the literature on autocratic lawfare (Gloppen et al., 2022) and autocratic legalism (Cummings, 2025; Scheppele, 2018), where autocratic leaders, who have taken power through democratic means, begin a process of concentration of powers on the executive, with reforms that alter the balance of powers between state institutions. In the Ilva case, the Italian government did not adopt such reforms, but through the ordinary operation of law and politics, fundamentally altered the balance of powers and concentrated them in the executive. In this sense, the save-Ilva laws clearly operated on a rule-by-law logic, and with them, the Italian government introduced an authoritarian logic of power within the ordinary operations of the democratic infrastructure of the Italian constitutional state.

Further reflections, however, are necessary regarding formalistic lawfare. Formalistic lawfare concerns the weaponization within a conflict of legal categories that are part of the existing legal framework. It thus pertains to how law is ordinarily interpreted in everyday life; it is mostly the province of lawyers, judges, and jurists. The Ilva case showed several instances of formalistic lawfare, for both emancipatory and dominative purposes.

An emancipatory instance of formalistic lawfare was the letter that the public prosecutors sent to Taranto's political institutions in 2000, where they demanded prompt intervention based on a specific legal interpretation of the

constitutional right to health. The 2013 decision by the Constitutional Court can instead be seen as an example of dominative formalistic lawfare. In this judgment, the Court engaged in a classic exercise of abstract legal argumentation, reflecting on how to strike the right balance between the right to health and the right to work. The Court found a middle ground between the two rights that justified upholding the validity of the save-Ilva law, thereby legitimizing the operation of a toxic factory and, consequently, fundamentally violating the right to health of the Taranto population.

How should one assess this decision in relation to the rule of law principle? Looking at Tamanaha's typology, one could say that the 2013 Constitutional Court's decision is a paradigmatic example of a judgment that complies with a formal understanding of the rule of law but violates thicker substantive versions of the principle. This is, in my opinion, a reductive reading of this situation, which reflects a general tendency in legal theory to 'save' the rule of law from its empirical shortcomings, by seeing them as pathologies of an otherwise functioning principle.

Principles do not exist in separation from the reality that gives them substance. While legal and political philosophers have discussed the rule of law in theory, critical sociolegal scholars have amply criticized the concept as an expression of liberal legal theory that cannot be considered in isolation from how it operates in practice. In fact, if one takes a constitutive approach to the study of law (Hunt, 1993), then law (and its principles, including the rule of law) becomes integral to the way societal dynamics unfold. From this epistemological perspective, injustices are themselves manifestations of law's operation in society, and should become constitutive of the way we theorize law and the rule of law altogether (Krygier, 2008; Massoud, 2016; Meierhenrich and Loughlin, 2021; Tamanaha, 2021). Injustices are not exceptions to an otherwise functioning principle; they are the manifestation of the principle operating in reality.

This realist approach has inspired decades of critical approaches to the study of (the rule of) law. The critical legal studies movement, with its Marxist underpinning, has long pushed for an understanding of the rule of law as an ideological project of liberal legalism that claims neutrality and universality under the guise of formal procedures, and in so doing reproduces substantive inequality (Horwitz et al., 1977; Tushnet, 2021). Feminist critiques have underscored how the rule of law is a principle that hardly scratches the gender imbalances existing in society, but rather legitimizes them through several legal instruments such as law's formalism, the public/private divide, and its individualistic ethos (Munro, 2021). Critical race theory has highlighted the

rule of law's role in upholding racial hierarchies in society through colorblind legislation (Bridges, 2021).

The theoretical point that needs to be taken from these critical approaches is that the underlying material and discursive plane within which the rule of law operates cannot be overlooked when discussing the rule of law as a principle. These critical perspectives, by shifting the focus from the rule of law as a principle to the rule of law as a practice, urge one to understand the principle in light of its real interpretations and manifestations.

The 2013 judgment is particularly telling in that sense. In fact, this decision revolved around the interpretation of some of the key articles of the Italian Constitution that implicitly encode a substantive version of the rule of law:⁵² Articles 2 and 3 (protection of citizens' rights and principle of equality), 25 (principle of legality), 9 and 32 (right to health and a healthy environment), 41 (limitations to the freedom of enterprise), 101ff. (principle of judicial independence). Consequently, with this judgment, the Court gave an authoritative interpretation of key constitutional provisions that substantiate the principle of the rule of law in Italy. And that interpretation led to the issuance of a judgment that legitimized the production of a polluting factory.

Therefore, the 2013 judgment by the Constitutional Court confirms that the rule of law principle, even in its most substantive versions, can be interpreted in a way that legitimizes the violation of the basic rights of certain individuals and groups. And these individuals and groups will experience the rule of law, even in its 'ordinary' operations, as a rule-by-law modality of power, as critical sociolegal theories have amply demonstrated.

Dominative formalistic lawfare is the paradigmatic example of this phenomenon, and, as such, it is a concept that recasts the discussion of the relationship between lawfare and the rule of law. In fact, it illuminates the fact that a rule-by-law logic is not necessarily antithetical to the rule of law principle, but it can rather be constitutive of how the rule of law works in practice. This rearrangement of the discussion serves to conclude that the environmental crisis in Taranto occurred not just *despite* and *in contempt of* the rule of law, but also *because of* the rule of law.

The Ilva case pushes me to conclude that even dominative manifestations of lawfare are not inherently antithetical to the rule of law, because many

⁵² I say 'implicitly' because the Italian constitution does not explicitly encode the rule of law (*stato di diritto*) as a principle. However, principles underpinning the rule of law permeate the constitution's text. It is important to clarify that whether 'rule of law' and *stato di diritto* can be considered equivalent translations is a debated issue that, however, lies beyond the scope of this thesis (see e.g., Meierhenrich, 2021). In the context of this section, I treat them as overlapping, insofar as both fundamentally refer to legal constraints on political power.

instances of dominative lawfare have been carried out within the ordinary operation of the rule of law. If we conclude that dominative lawfare is antithetical to the rule of law, we would ‘save’ the rule of law principle from its real shortcomings; instead, the rule of law is constitutive of the ways through which law creates injustices. The 2013 judgment of the Constitutional Court epitomizes this argument.

Formalistic lawfare, therefore, shows how the ordinary operation of the rule of law can, in and of itself, be conducive to oppressive practices. This point is in line with Chua’s (2019) argument, developed in her paper on legal mobilization and authoritarianism, where she argued that authoritarianism should be seen as:

The domination over a particular hierarchy of social relations by individuals or a group of people occupying the hierarchy’s top rungs. To maintain those social relations and perpetuate the ensuing privileges, the individuals or group continuously exert power to extract conformity and order, through direct and indirect means, from all or most segments of population within the hierarchy. In other words, the essence of authoritarianism is the possession and preservation of power of and by dominant individuals and groups (Chua 2019: 357).

Chua’s idea displaces authoritarianism from its institutional arrangements – which one can find in constitutions, formal legislation, and the organization of the political sphere – and reconstitutes it as a modality of power that creates a hierarchy of social relations. Chua therefore sees authoritarianism as a form of governance, rather than simply as a formal arrangement of the political and the legal, and legal mobilization as a process of resistance against this oppressive form of governance.

Seen in this sense, law(fare) and the rule of law become instruments through which authoritarian practices can be carried out, even within ostensibly democratic contexts. Subalternized groups will experience the operation of law as oppressive, and the rule of law will be perceived rather as rule-by-law, as critical sociolegal scholarship has amply shown. These become lawfare’s grey areas (Gloppen et al., 2022), where the boundaries between authoritarianism and democracy, between rule-by-law and the rule of law are blurry.

To conclude this section, I would therefore like to signal the possibility of dialogue among lawfare, legal mobilization studies, and comparative politics. The discussion proposed here on the relationship between lawfare and the rule of law suggests that a lawfare-legal mobilization lens can help explore how, within a certain societal struggle, institutions can either operate in open violation of the rule of law or, more subtly, instill an autocratic logic of

governance within the ordinary operation of law. Comparative politics and political theory have long debated and discussed the various grades of democracy, from consolidated to illiberal and backsliding, the cases of hybrid regimes and the various manifestations of authoritarianism (e.g., Arriola et al., 2022; Bogaards, 2009; Levitsky & Way, 2002; Linz & Stepan, 1996; Urinboyev, 2020; Waldner & Lust, 2018; Zakaria, 1997). As a sociolegal study, this thesis does not engage with these debates; it suggests, though, that a lawfare-legal mobilization lens can be a fruitful vantage point from which to explore the role of law in constituting the exercise of political power, especially in societal conflicts that occur in countries that are ostensibly considered democracies.

Chapter IX

Conclusions

The factory is a world unto itself, a city beyond the city: a closed universe that, over the years, over the decades, has accepted no relationship with the surrounding territory other than one of pure domination.

Alessandro Leogrande, *Dalle macerie: Cronache sul fronte meridionale*, p. 173.⁵³

1. The many voices of Taranto

The conflict over Ilva in Taranto continues. The events narrated in Chapter VI mostly revolved around the AIA issued in 2012. On 23 August 2023, this AIA expired, which opened the process for the issuance of a new permit, eventually approved by the Italian government on 25 July 2025. This new AIA was granted for 12 years, and the 2026 judgment by the Tribunal of Milan already contested its efficacy in terms of environmental and health protection. In fact, in case Ilva fails to implement stronger environmental measures, the court ordered the suspension of the ‘hot processing’ areas on 24 August 2026 (Palmiotti, 2026a). Acciaierie d’Italia has appealed the judgment. Meanwhile, the ‘new’ ‘Sold-out Environment’ trial has begun in Potenza, and it is currently ongoing.

On the management front, in January 2024, after clashes between the Italian government and Arcelor Mittal over the factory’s management, the former put Ilva under external management again, thereby regaining public control of the factory. The Italian government has then begun efforts to sell the factory to private parties, and the American fund Flacks and the Indian company Jindal

⁵³ La fabbrica è un mondo a sé, una città al di là della città: un universo chiuso che negli anni, nei decenni, non ha accettato altro rapporto con il territorio che non fosse quello di puro dominio.

Steel are currently indicated as potentially interested buyers. In this sense, the Tribunal of Milan's judgment has already affected the ongoing negotiations. For instance, the media has reported that Flacks has sent a letter to the Italian government requiring protection from criminal liability, which reads as follows:

“We recognize that the possible introduction of a ‘Criminal Shield’ falls outside the prerogatives and responsibilities of the special commissioners. That said, we consider it appropriate to clarify that, from our perspective, the introduction of an adequate form of protection in the criminal sphere is an essential precondition for proceeding, and represents a decisive element in enabling Flacks Group and its representatives to operate with the necessary level of reliability and forward-looking visibility required to achieve the objectives of the industrial plan. While we understand that such a measure cannot be provided by the special commissioners, we consider it essential that the issue be addressed in the competent institutional venues as an integral part of the overall workflow of the operation” (Palmiotti, 2026b).

Simultaneously, the government has continued passing special legislation on Ilva, such as Decree 3, adopted on 24 January 2025, which was titled “Urgent measures to ensure the continuity of production and employment at the former Ilva plant”.

In sum, old dynamics continue to manifest and shape the conflict's progression. Meanwhile, civil society organizations and residents have continued their battle, each promoting their viewpoints, which do not necessarily align on goals and values. This manifested often during fieldwork, where, for example, I encountered opposite views on some of the expressions that have become part of the vocabulary to narrate the conflict, such as the terms “sacrifice zone” and “environmental racism”, respectively utilized by the UN in its 2022 report and by the Tribunal of Taranto in the judgment of the ‘Sold-out Environment’ trial. Several people I spoke with used these expressions to frame the injustice in Taranto. “We have been sacrificed”, I was told once by an activist. Others rejected them openly, like Antonio, who said to me in our talk:

‘Sacrifice zone’, ‘environmental racism’ against Taranto, I have no idea with whom I signed a contract to be sacrificed, as far as I know, I haven’t signed any contract to this end, neither me nor my son, nor the people I love, why do we have to be sacrificed? Why does this area should be considered to be under environmental racism, which is an appalling definition, I invite all these people to go and explore the Ionian area, because this is a wonderful territory, a wonderful territory stained by capitalism’s obscenity, which led a factory to

become something other than what it should have been, because I'm not against the factory, I'm against how it is used.

Antonio's words reflect something I consistently experienced during my time in Taranto: a widespread rejection of the city's portrayal as a 'dead' place. Taranto is a city full of organizations that challenge this idea and, rather, form their identity within the contradictions generated by the Ilva conflict. This phenomenon originated in the very early days of industrialization in Taranto.

In the 1970s, journalist Walter Tobagi (1979) coined the term *metalmezzadro*, which could be translated as 'metalfarmer', to describe the divided identity of many of Italsider's workers, who still owned pieces of land that they farmed during their time not working at the factory. Their identity reflected the tension inherent in Taranto's transforming economy; they were connecting links between the dominant steel economy and the subalternized traditional agricultural economy. Another example came from fieldwork, when I went on a tour around Mar Piccolo organized by an organization that focuses on planting trees. Their goal is to enhance Taranto's unique natural landscape, as the only place in Puglia that lies entirely on freshwater, and where one can find both the holm oak and the Aleppo pine. The organization pushes for a transformation of the city's economy toward reliance on its unique natural resources, rather than industrialization, and accordingly urges a change in the narrative on the city's economic destiny.

In sum, throughout the history of the Ilva conflict, the local population has been far from passive in the face of industrialization. It has rather formed its own identities within this space, and has created practices of resistance that have shaped local consciousnesses, which, in turn, have shaped the development of the conflict. Inevitably, therefore, in Taranto, there are many opinions on what should be done with Ilva. Seger (2022: 95) points this out:

Taranto is a community made up of complex individuals who refuse to be condensed into a singular image, despite shared experiences of illness or risk. At the same time, they work to counter the legitimacy of a singular authoritative narrative from Ilva executives and government officials, who argue that Taranto is doing fine – but only if the steelworks continue to produce.

This thesis cannot do justice to the manifold positions and perspectives on the environmental problem, nor to the wide variety of practices of resistance that have been developed in the city. The conclusions drawn in this chapter must be assessed in light of this limitation.

2. The role of law in the conflict over Ilva

To answer the first research question, I conclude that law in the conflict over Ilva has been an instrument utilized by both institutions and civil society actors and individuals to advance their competing interests. These conflicting uses of law have mutually constituted one another in an iterative and processual dynamic that has shaped the development of the conflict over Ilva.

On the one hand, segments of local civil society organizations and individuals have resorted to law to curb Ilva's pollution, demand the adoption of environmental interventions, and obtain convictions of the company's executives and the Italian state. This part of the population has ascribed to law a deontological logic in relation to the protection of public health and the environment, which were considered values to be protected as an end in themselves. Consequently, they based their mobilization on a worldview premised on the idea that no alleged economic progress grounded on industrialization can justify its consequences on public health and the environment.

This deontological understanding of public health and the environment has been shaped over the decades of the conflict through a progressive and cumulative process in which law played an important role as both a discursive and practical tool. In fact, various legal sources have helped shape the mobilization campaigns of segments of the local population: religious norms, abrogated laws, Italian law, laws of other Italian regions, and European law. These segments of the local population have shown agency and creativity in seeking alternative legal sources that helped them demonstrate that there was always another legal way to manage the environmental conflict in Taranto, without compromising human health and the environment. This comparative effort with other legal resources was therefore ultimately oriented toward exposing the arbitrary nature of the legal framework enacted by political institutions to legitimize Ilva's production.

On the other hand, among institutions, the Italian government has consistently leveraged law to legitimize Ilva's production, despite evidence of its toxicity. The logic that has inspired this use of law has been utilitarian and negotiatory, premised on the idea that economic development entails certain costs, and that someone must bear these costs – in this case, the population of Taranto. To promote its politico-economic interests, the government has crafted several legal categories that have led to the construction of a legal reality profoundly dissonant with the actual reality of toxic pollution.

In so doing, the government fundamentally created a legal world where Ilva's production was legalized and legitimized, while in reality it was creating

a pollution crisis with serious consequences on the local public health and the environment, as documented by abundant epidemiological research, including two publicly funded reports that found a causal nexus between the continuous exposure to pollutants emitted by Ilva and mortality and morbidity in Taranto (Forastiere et al., 2012, Alessandrini et al., 2016). The government's conduct created a situation where Ilva was, at the same time, legal and lethal – hence the title of this thesis.

There have been institutions that have taken a different approach to the crisis. Judicial institutions have especially become central players in the conflict over Ilva, both at the domestic and international levels. They have issued judgments, decrees, and ordinances that have served as pivotal instruments in the struggle of the local population, as they have validated local experiences of injustice and served as legal resources in the fight to protect local public health. At times, these judicial interventions have altered power relations on the grounds. This occurred especially with the seizure in 2012, and it has recently recurred with the Tribunal of Milan's verdict, which could potentially become the most recent example of these emancipatory types of law, although, as I said in the previous chapter, caution is warranted on this point. In fact, what will happen is yet to be seen, which enables me to address the second research question.

The use of law by different actors produced several types of effects that have shaped the evolution of the conflict over the years. At a discursive level, mobilization campaigns by segments of the local population have generated positive verdicts that have shaped their subjectivities and identities and consolidated and validated their struggles. Simultaneously, especially in criminal trials, judicial verdicts have, to date, scarcely done justice to the local population's experiences of injustice. The 'Sold-out Environment' trial was an exception to this point, although its annulment represented yet another manifestation of the law's potential distance from real-life injustices. The Italian government has also used the discursive power of law to generate its own narrative on Ilva and its alleged crucial role in the political economy of steel. In sum, the conflict over Ilva has also been a discursive conflict of narratives: Ilva is a factory of national strategic interest v. Ilva is a killer.

The effects at the material level, however, show the real power relations at play in the struggle. In fact, while the environmental crisis led to limitations to Ilva's production, the factory has been allowed to continue operating despite not only evidence of its toxicity but also a seizure without authorization to use, which had effectively halted most of the plant's production in 2012. In response, the government enacted a series of laws that allowed Ilva's

production to continue despite the seizure. These legal changes have had the material effect of allowing Ilva to continue operating.

This point shows that, in the struggle, the playing field has not been level. While civil society organizations, individuals, and courts have played by the rules of the game – thus fundamentally respecting the principle of legality – the Italian government has not. In fact, it has violated principles associated with the rule of law multiple times, in particular the principle of legality – by constantly rearranging the regulation on the permit, creating an *ad hoc* regulation tailor-made for Ilva –, and the principle of separation of powers – by restricting the judiciary's intervention in Ilva's production.

It follows that, in managing the Ilva crisis, the Italian government used law in a way that is in open tension with the principles of democratic constitutionalism enshrined in the Constitution, and instead resembles a rule-by-law logic characteristic of authoritarianism, where law becomes merely a veneer for underlying politico-economic interests. In fact, in a country with a functioning rule of law, the suspension of production in the hot processing areas ordered in the 2012 seizure would have remained in place until the factory was rendered safe for both human health and the environment.

Furthermore, Ilva's pollution was legalized not only through open violations of the rule of law principle, but also through the 'ordinary' operation of the rule of law. In particular, adherence to the law's formalism often led to decisions that legitimized Ilva's polluting operations, thereby breaching the basic right to health of the local population. The government also delayed the implementation of environmental measures, carved out zones of exception to the application of the law, and constructed legal categories that misrepresented the material reality of pollution and its biological consequences. In so doing, the rule of law itself became an instrument in violating the local population's health, and it has been constitutive of the injustice occurring in Taranto.

Finally, to answer the third research question, I conclude that the legal struggle over Ilva and the competing uses of law by different actors are manifestations of the underlying contradictions of Italy's 'southern question'. The framing of Southern Italy as a question generated politico-economic reforms toward industrialization, to modernize a land that was otherwise considered 'dead'. It shifted the barycenter of decision-making on Taranto outside Taranto, leaving it interlocked within a politico-economic structure that is generative of the environmental crisis. This top-down impetus manifested through government lawmaking that steadily and progressively led to Ilva's overtaking of the territory, while competing economic activities were subalternized in the process. The overtaking did not occur once and for all; it was a process of slow and violent (Nixon, 2011) subalternization of competing

economic interests, which continues today, where alternative views on Taranto's economic model promoted locally are systematically ignored.

In this sense, the use of law by the Italian government to enable the continuation of Ilva's production is symptomatic of the recurrent, ever-returning contradictions and crises generated by industrial capitalism, as manifested in particular forms in Southern Italy, with its peculiar history of subalternity within the Italian state. In contrast, the use of law by segments of the local population is a process that mobilizes alternative worldviews on Taranto's economic development. These worldviews have developed and consolidated over the decades of the struggle, and, fundamentally, they propose a different way of doing the local economy that is disconnected from the factory and, more generally, from industrial forms of economic development.

The answers given to the research questions are contingent on the limited empirical scope of this thesis. In particular, as I mentioned in the previous section, this thesis cannot do justice to the manifold experiences and practices of the environmental crisis that occur in Taranto. My answer is contingent on my fieldwork experience and arguably reveals a bias toward formal legal proceedings. In fact, the empirical material presented in this thesis – especially in Chapter VI – has mostly followed the formal proceedings before domestic and European courts. This is not simply because of a personal preference for formal proceedings; quite the opposite, my fieldwork experience took me there, as in conversations with people, these judgments were so often mentioned and cited.

The second limitation pertains to the use of law by institutions. As I already mentioned in the section on positionality, this thesis has mostly focused on the role of the Italian government and domestic and European courts. However, the conflict over Ilva has involved several other actors, including the local municipality, the province, the region, local health and environmental authorities, and administrative courts. These institutions have been considered so long as they intersected with my central focus, but a more comprehensive analysis of their involvement in the conflict is necessary to refine the answer to this thesis's research questions.

3. The contributions and avenues for future research

This thesis has created an avenue for integrating lawfare and legal mobilization scholarship. Both concepts refer to the use of law by different actors in a struggle for social change. The problems discussed in each field are similar, as they pertain to understanding the factors shaping the use of law and its discursive and material effects in the struggle. This thesis has expanded on Molavi and Nicoli Aldini's (2026) idea that lawfare operates as a limit to legal mobilization, which is a theoretical point that can help understand the power asymmetry between competing actors in a struggle. This theoretical point can further be used and elaborated to examine how social change occurs, or does not occur, within a specific societal conflict.

This question is particularly pressing in a time when conflicts are increasingly legalized and judicialized. In this sense, the notions of formalistic, lawmaking, symbolic, dominative, and emancipatory lawfare developed in this thesis can be used as analytical tools to study societal conflicts occurring worldwide and, in so doing, receive further empirical applications that can help refine them. These concepts add to current theorizations of lawfare and thus advance the field empirically and methodologically.

This thesis also contributes to the field of European legal mobilization studies by offering a case study in which all judicial fora were exhausted. In this sense, European legal mobilization can be understood as a comparative process in which European law functions as an instrument to challenge and critique domestic legislation. The constitutive approach employed in the thesis (see, e.g., McCann, 1994) enabled me to underscore the important role of European law in shaping mobilization campaigns on the ground. At the same time, the *Ilva* case demonstrates that power relations on the ground have, thus far, impeded material change, despite years of mobilization involving European law as well.

While the timing of the thesis does not allow for a proper assessment of the effects – as it remains to be seen what will occur after the Tribunal of Milan's judgment which followed the CJEU's verdict –, the *Ilva* case demonstrates that it is important to be cautious when assessing the effects of European legal mobilization (see also Conant et al., 2018). In this sense, the thesis shows that understanding change in European legal mobilization requires adequate attention to the historical underpinnings of any conflict. Future research on European legal mobilization can build on this methodological point, thus generating a nuanced understanding of the efficacy of mobilizing European law, which is, again, important knowledge to comprehend today's societal conflicts in Europe.

This thesis also offered several reflections on the relationship between lawfare and the rule of law. In the relevant literature, it has been argued that lawfare, especially its dominative form, is antithetical to the rule of law. In this thesis, I have attempted to show that this is not the case. At certain times, dominative lawfare is indeed in open violation of the rule of law principle; at other times, it occurs within the ordinary operations of the rule of law. This conclusion is important because it problematizes the operation of the rule of law itself. By this, I do not mean that we should desire to live in a world without the rule of law. I would rather suggest that we should be careful in saving the principle from its empirical manifestations. The rule of law principle is, in fact, constitutive of real injustices, and the notion of formalistic lawfare serves to illuminate that dynamic precisely: how a certain societal conflict pushes institutions to strategically interpret and use law and existing legal categories in ways that are conducive to unjust outcomes.

Furthermore, future explorations of the notion of lawfare can also develop and establish theoretical connections with political theory and comparative politics. As I suggested in the previous chapter, these fields of study have developed typologies of political systems, including various grades of democracy and authoritarianism. The notion of lawfare and its connection to legal mobilization can help examine how law (and the rule of law) contributes to the creation of grey areas, where the boundaries between democracy and authoritarianism become blurry (see Gloppen et al., 2022).

The Ilva case signals this problem very well: the Italian government not only openly violated rule of law principles, but also leveraged the rule of law to advance its politico-economic interests, in a manner that blurred the boundaries between the rule of law and rule-by-law. If, as Chua (2019) argues, authoritarianism functions more as a practice than as an institutional arrangement of political power, then a lawfare-legal mobilization lens can help understand how the legal dynamics of societal conflicts may be conducive to ongoing processes of democratic backsliding, which are widespread worldwide (Cummings, 2025; Gloppen et al., 2022; Scheppele, 2018).

Finally, this thesis offers a novel reading of the conflict over Ilva, focusing on two specific vantage points: law and the ‘southern question’. Future studies on this conflict can complement the empirical scope of the thesis by including a wider range of subjectivities and institutions. Furthermore, future research projects can establish connections between the conflict over Ilva and other struggles in Italy, particularly in Southern Italy. This can lead to a broader understanding of how the structure of Italy as a country is generative of local crises across the national territory.

4. Final considerations

The conflict over Ilva is one of thousands of environmental conflicts ongoing in today's world. Environmental conflicts should not be seen simply as originating from technical failures within factories or from the unfortunate consequences of climate change. They represent conflicts between worldviews, in which the hegemony of the capitalist mode of production is put to the test and challenged by alternative ideas about how to do the economy. Environmental conflicts are also legal conflicts, and not simply because they are fought in the terrain of the law, under the aegis of legal texts and rules. But also because the law too *is* the conflict.

Modernity has developed a myth that ties law to the political authority, the state in particular, and sees it as a set of written formulas and codes (Grossi, 2007). For modern law, preserving its own self-referentiality and the system's internal logic has become more important than understanding its implications (Capra and Mattei, 2015). When the law thinks this way, it becomes part of the problem, because it is a blind law that ignores its impact on reality. After all, Lady Justice is always portrayed as blind, right? Consequently, what has happened in Taranto should not be seen as an exception to an otherwise functioning system. This is how the system functions. The legal system is indifferent to the 'quality' of nonlegal interests ascribed to it; modern law can potentially legalize anything.

But even if the law thinks this way about itself, the law can never be isolated from the rest. Any written legal text will only make sense within a specific cultural environment that gives it meaning (Darian-Smith, 2013). There is no such thing as *pure* law, entirely devoid of nonlegal meaning. Any act of interpretation is political because it has cultural underpinnings and socioeconomic implications.

Therefore, in any environmental conflict, the law *is* the conflict because opposing actors ascribe to the law different worldviews and ideas. The conflict is a conflict of legal cultures. In today's world, where capitalism is the hegemonic mode of organizing the economy, the thousands of environmental conflicts currently unfolding are therefore not simply struggles over legal limits, the repair of leaking factories, or the construction of barriers against rising sea levels. These conflicts are yet another symptom of the inherent contradictions and crises that this economic model generates in today's world. They are indicative of its inherent anti-ecological nature, driven by its constant pursuit of profit and growth to sustain itself.

The 'southern question' is a capitalist question, because the South becomes a 'question' only within the paradigms of modernity and its unrelenting

striving for so-called socioeconomic progress. The crisis over the Ilva plant is therefore a crisis of capitalism. The oft-quoted opposition between the right to health and the right to work reflects capitalism's contradictions, and it is also a mystifying idea, because it obscures the fact that the real opposition lies elsewhere, between health and this type of industrial production. This oft-quoted expression is nothing but a reformulation in law's language of the inherent contradictions of industrial capitalism, its geography and history. Authoritarian practices are the political manifestation of that contradiction; they represent the political response to capitalism's crises, through governance by rule-by-law in a context that, formally, appears democratic.

But the crisis over Ilva is also a legal crisis, because it reveals the crisis of the legal paradigm that has sustained Ilva's activity. It is a crisis of legal modernity, legal centralism, and legal statehood. Legal mobilization in Taranto is not simply a matter of going to court to seek justice. It is also that; however, it can also be interpreted as demanding a change in the legal culture that underpins the rules and regulations encoded in Italian law. Legal mobilization is also a sign of that neoliberal (legal) culture in which it falls to individual citizens and groups to demand the closure of a factory's polluting operations, rather than the state acting directly on its own initiative to protect citizens' rights.

Cassano (2015) argued that it is necessary to make Southern Italy again the subject of its own thought, i.e., it is necessary to stop the process of having the South thought by others, elsewhere. A lawfare-legal mobilization lens on the Ilva conflict has revealed how this process has manifested in law. "Ilva is a factory of national strategic interest" is the ultimate example of how Taranto has been constantly thought of, in the official legal discourse, by others elsewhere.

If the theorizations of lawfare and legal mobilization developed in this thesis can serve any purpose, it could be in further advancing critical approaches to the study of law in today's world and Italy alike, by revealing their embeddedness in broader societal conflicts, with both discursive and material ramifications. Understanding the dialectic between lawfare and legal mobilization in today's world means recognizing how history and legal history alike continue to unfold through conflict, crises, and change.

Appendix I

Supplementary Data

Table 4.

Data on the number of employees of Ilva and, when available, of satellite activities, from 1960 until 2022

YEAR	DIRECT EMPLOYEES	SATELLITE ACTIVITIES	TOTAL	SOURCE
1960	79			Rinella (2002: 48)
1961	486			—
1962	937			—
1963	1978			—
1964	3821			—
1965	4739			—
1966	5304			—
1967	5569			—
1968	5786			—
1969	7041	15000	22041	Consiglio and Lacava (1985: 289)
1970	9430	15000	24430	—
1971	13046	15929	28975	—
1972	16341	19805	36149	—
1973	17670	18900	36570	—
1974	19501	16838	36339	—
1975	19518	15379	34897	—
1976	21001	12191	33192	—
1977	20919	12113	33032	—
1978	20783	9511	30294	—
1979	21251	10090	31341	—
1980	21785	10561	32346	—
1981	21734	11427	33161	—
1982	21732	11481	33213	—
1983	20994	10225	31219	—
1984	19807	9663	29470	—
1985	18988	9080	28068	Rinella (2002: 83, 86)
1986	17756	8858	26614	—
1987	16823	8351	25174	—

1988	15743			Rinella (2002: 83)
1989	13992			–
1990	12548			–
1991	12399			–
1992	12547			–
1993	12202			–
1994	11777			–
1995	11796			Pirro (2011: 240)
1996	9701			Rinella (2002: 109)
1997	10802			–
1998	11549			–
2001	12600	3000	15600	Rinella (2002: 110)
2008	12853	5000	17853	Pirro (2011: 241)
2010	11695	2702	14397	Pirro (2011: 255)
2011	11720			ILVA S.p.A. (2011)
2019	8251			Acciaierie d'Italia (2021: 102)
2020	8167			–
2021	8165			–
2022	8178			Acciaierie d'Italia (2023: 82)

Appendix II

Archival Material

Document 1:

I would like to raise awareness on some very important hygienic-health aspects connected to the intense industrial development occurred in Taranto. As it is known, in addition to the dominant industrial complex of Italsider, various cement and chemical industries and the big Shell's refinery, as well as several satellite industries, will be established. [...] With all these industries, it is hard to imagine how Taranto will look like in 10 years and if it will manage to maintain the beauty of its sky and its colorful sunsets, which make it one of the most joyful cities in the Mediterranean. There are reasons to believe that Taranto and its inhabitants will have to pay the price of industrial development, the same price paid by the inhabitants of those industrial cities like Milan, Turin, and Genoa, where every year tons of fine dust sediment and where gasses like sulphur dioxide, carbon monoxide and benzopyrene, etc., mix with air. Health statistics, unfortunately, reveal that for inhabitants of those cities there is a higher mortality rate for respiratory diseases, in particular for lung cancer, compared to those living in cities with an agricultural economy. The consequences of environmental pollution, I believe, will not be borne only by Taranto residents, but also by those living in Statte, Crispiano and Massafra,⁵⁴ considering the wind coming from our Gulf. The experience of other industrial cities has not saved these people from the dangers of environmental pollution, which could have been avoided, if the entire industrial complex had been located North of the road that connects Martina Franca to Massafra.⁵⁵ Although this different location would have implied higher costs for the access to the sea and the railway system, these higher costs would have been justified to push these dangers away from the residential areas. It is well known that nitrous gasses, sulphur dioxide, arsenic steams, carbonic fine dust and benzopyrene, which originate from the processing of certain chemical substances and with combustion, seriously damage the health of those who must breathe the air

⁵⁴ Towns north of Taranto.

⁵⁵ The road between Massafra and Martina Franca lies about 15–40 km north of Taranto.

polluted by these substances, some of which are heavily cancerogenic, as well as they sadden the environment by making the atmosphere grey and releasing stinking emissions. To have an idea of the cancerogenic power of the substances released through hydrocarbon combustion, benzopyrene in particular, suffice it to say that, as it is amply demonstrated experimentally, 0,5 micrograms of benzopyrene are sufficient to cause cancer (sarcoma) in a mouse, and that the same quantity of benzopyrene was found, through the analysis of the air of certain industrial cities in the North, in 20 cubic meters of air which had gone through special filters. If in those cities they did not manage to avoid these serious dangers connected to environmental pollution, because they still didn't know the damages resulting from the emission deriving from certain processes and the substances deriving from combustion, we now have this knowledge and so it is our duty to study every possible measure to avoid them. [...] In addition to the danger of environmental pollution, one must consider the pollution of the sea and coasts from mineral oils and wastewater of various industries, some of which might contain highly toxic substances. Since wind, sea currents and wave movement affect these forms of pollution and their dispersion, it is easy to imagine what can happen in the sea and on the coasts in the Rondinella area up until Ginosa Marina,⁵⁶ if certain efficacious preventative measures are not adopted. The damages suffered by some coastal areas in our Country from ships' irrational system of draining are well known, especially tankers. What happened on the Ligurian riviera and in Venice Lido might happen in our area in a more serious form, from the discharge in the sea of residual substances from unhealthy processes, due to the topographic conditions of our Gulf and the relevant sea current. [...] The commendable efforts of politicians, administrators and technicians to establish industrial complexes, which are built in the proximity of Taranto, aim to the welfare of our people, but they must be executed in way that limits as much as possible the damages to the health of the citizens, so that economic welfare coexists with physical welfare. I apologize for the alarmist tone of this note, which strives to obtain an intervention to defend the health of our citizens and a heartfelt invitation to the deputed authorities to consider the dangers that the inhabitants living close to the industrial complex might incur, and to adopt adequate technical and administrative measures to avoid them (ACT, File 'Inquinamento Acque Costiere').

⁵⁶ This coastal area lies west of Taranto. Punta Rondinella is located right next to the industrial complex of Taranto.

Document 2:

With the industrial development that occurred in these past years, Taranto has become one of the main industrial cities in the Centre-South of Italy, and in order to prevent the inevitable air pollution, caused by the existing industrial plants, the combustion plants in the city and the cars, it is necessary to implement adequate monitoring measures, strengthen the existing purification plants [...] Since industrial smoke, gas, and dust emissions in the air is not a casual event but a continuous one [...] it is necessary to properly and continuously monitor to make sure that air pollution is kept within the tolerability limits, and to promptly intervene in those cases in which the limits are passed to the point that it is dangerous for people residing in the neighboring areas. [...] It would be a disgrace if an organization or the citizens themselves would have to arrange themselves for a lab analysis to know if the water they drink is drinkable, as the deputed health authorities would not do it with their own means. As it is right now, we must acknowledge that unfortunately neither the Province nor the Municipality are able to perform the monitoring of environmental pollution and of the purifying plants, let alone knowing the nature and the gravity of pollution. It is, therefore, necessary to equip the monitoring bodies of adequate means and technical personnel to monitor the emission of gasses, dusts, and smokes from the industries and any other polluting source, as well as the purifying means employed. [...] A valid solution to the problem of environmental pollution in our town could be achieved only through adequate technical knowledge of the problem, through detailed monitoring of the purifying systems, and through the implementation of effective preventive measures (ACT, File 584).

Document 3:

Considering that, following the urban, industrial, and harbor development, the city of Taranto underwent a substantial change in its structures, and the hygienic conditions of the coastal waters and, in particular, the roadstead of Mar Grande and Mar Piccolo, are subject to ongoing pollution due to the discharge in the sea of unfiltered dirty waters; Considering that, following the increasingly substantial development of the industrial process, the activity of the harbour and sea traffic are increasing more and more [...] forbid to farm, relay, and harvest edible mussels that could be eaten raw (ACT, File 'Inquinamento Acque Costiere').

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Legal and Lethal

Legal and Lethal examines the conflict in Taranto, a city in Southern Italy that has hosted one of Europe's largest steel plants, Ilva, since the 1960s. Over the decades, Ilva has reshaped Taranto's socioeconomic and environmental landscape, causing severe pollution that epidemiological studies have linked to excess mortality and morbidity. This crisis has led to a conflict fought also through legal means: while the Italian government used law to protect its politico-economic interests tied to Ilva, broad segments of the local population mobilized to demand emission cuts and the stop of production, both outside formal institutions and in domestic and European courts. Drawing on lawfare and legal mobilization theory, the thesis analyzes the conflict in Taranto against the backdrop of the historical process through which Southern Italy came to be constructed as a "question" during Italy's state formation. It shows that the Ilva conflict exemplifies the contradictions generated by state efforts to "solve" the "southern question", which led Ilva to acquire a central position within Italy's steel economy. The thesis contributes to sociolegal research by offering new typologies of lawfare to analyze institutional uses of law in societal conflicts; by examining how lawfare interacts with the rule of law, shedding light on how institutions can, through law, engage in nondemocratic practices to advance their interests in a conflict; and by problematizing the possibilities and limits of pursuing social change through European institutional channels.

