

WATER AND COLLECTIVE DOMAINS

Conflicts regarding untitled occupation and exploitation in territories of life, heritage of future generations - An analytical reading from public and applied jurisprudence and anthropology¹

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ABSTRACT: Water, a vital element of the planet, has socio-cultural value that is now recognised by both humanities and hard sciences, and aquatic landscapes are fluid meeting places of nature and culture, result of processes and interactions between living beings. Collective domains, primary legal organisations, have existed in Italy since before the State and manage territories that also include water in its various forms. The communities, custodians of the resource, guarantee its rational and sustainable use, opposing the capitalist exploitation of this asset. These spaces are influenced by and in turn influence local dynamics that have repercussions on a global scale. This article presents the case study of an Italian Alpine collective domain that is fighting alone through legal channels to regain custody of its resource, which for decades has been the subject of speculation and revenues that are not invested in the territory but taken elsewhere: those who use and do not own impoverish the living environment both by subtracting assets and by disrupting the social fabric.

KEYWORDS: Collective domain, collective action, territories of life, Alpine hydroelectricity

¹ The article was entirely conceived and elaborated by the two authors. Specifically, paragraphs I, II and V are attributed to Mauro Iob and paragraphs III, IV and VI to Marta Villa. The Abstract and VI. Preliminary Conclusions were written by both authors. The overture, conceived by adopting the technique of *parrhesia* (παρρησία) illustrated by Foucault (Foucault, 2016), was recited in two voices during the *International Conference on Inland Waterscapes*, University of Udine, Italy, 22-25 May 2024 within Session 3a-3b 'Hydropolitics and water management: practices and policies in the climate crisis' to present the paper: M. Iob, M. Villa, *Water and Collective Land Ownerships: conflicts over territories of life, heritage of future generations. Analysis of case studies of untitled occupations on water bodies or for their exploitation of water with the view of jurisprudence and anthropology applied in the light of Law 168/2017*.

I. Overture : A dialogue

Prospero: *'Tis time*

*I should inform thee farther. Lend thy hand
And pluck my magic garment from me... So,
Lie there my art: Wipe thou thine eyes, have comfort.
The direful spectacle of the wreck, which touched
The very virtue of compassion in thee,
I have with such provision in mine art
So safely ordered, that there is no soil,
No, not so much perdition as an hair,
Betid to any creature in the vessel
Which thou heard'st cry, which thou sawst sink:
Sit down,
For thou must now know farther.*

Shakespeare, *The Tempest*, A. I, S. II, vv. 22-33.

Marta: Mauro, is the water I have in this flask private or public?

Mauro: I believe that in order to answer this question, we must take into account what Spinoza teaches when he tells us that we must not be misled by images but must look with our reason and try to understand reality.

Marta: In my flask there is real water, but you still haven't told me whether it is public or private. So, what should I imagine?

Mauro: I did not tell you that you must imagine, I told you that you must use reason: one thing is the image of a thing, another is reality. And similarly with words, with which it is easy to get mixed up and confused.

Marta: Alright... alright... But then explain to me what this has to do with the water in my flask. Can we start asking ourselves where this water comes from?

Mauro: That's a good start. In fact, take for example the water that falls from the sky, if you put a cloth on a slope and put it in your water bottle, that water would be yours.

Marta: Does that mean the water belongs to those who own the land?

Mauro: We are getting closer. Actually, if you think about it, land and water are different things, with different dynamics. Water, once it falls to earth, can be deposited there in the form of snow and ice on mountains, or it can seep into aquifers and remain in the same place for millennia, or it can flow over the land and form streams, torrents, rivers, lakes, lagoons, seas and oceans, or it can rise into the atmosphere and thus renew its cycle.

Marta: But if I was thirsty, could I drink it? Then the water is the property of the person who bottles it?

Mauro: Yes ... that is, no. Let's proceed in order. I said that if you channel water with a cloth into your water bottle, that water is yours and that water and earth have different dynamics. There is a law that governs these dynamics, putting them in communication with each other, giving drink to whom it is due.

Marta: What do you mean? You seem to be saying that it is a physical law.

Mauro: Exactly! And one of the most complex, because it directly concerns humans, who by his very being can modify the elements and the environment, hence, the very Earth we are talking about, with the most elementary and most vulnerable of its resources. And this law, physics, is now the law of the Italian Republic.

Marta: Ah yes, but it is Law 168 of 2017, implementing the Italian Constitution, with its Article 42, paragraph 2, which states that private property is recognised and guaranteed by law, which determines the ways in which it can be acquired, enjoyed and its limits with the aim of ensuring its social function and making it accessible to all. Now I get it! It is private property! But does this law also talk about water?

Mauro: That's right! It deals with all collective property and recognises the collective domains, which are the collectivities, made up of individuals who live in a well-defined living area, with their property, private -this means private-, their culture and their statutes that they, autonomously, give themselves and respect. This law recognises the collective domains as the primary legal orders of the original communities, endowed with the capacity to manage the natural, economic and cultural heritage that is part of the territorial basis of collective property, considered as intergenerational co-ownership.

Marta: But is it enough to recognise?

Mauro: Recognising is a lot, because if everyone recognises, reason asserts itself. But the law also says that the state works actively: it says that the Republic protects and enhances the goods of collective enjoyment as: fundamental elements for the life and development of local communities; primary instruments to ensure the conservation and enhancement of the national natural heritage. In its Article 3 it lists what the collective goods are, and among these it indicates the bodies of water present on the goods of collective enjoyment.

Marta: A REAL COPERNICAN REVOLUTION!

Mauro: In fact, the strength of this law is that it is more and goes beyond the written law, it is like the law of universal gravitation; but here at the center is man indeed. We see, however, that laws that have man at the center, like those made by man, are not enough on their own: they need an active man, not a puppet. And today we are talking about an example of this, where this revolutionary law, which is SIMPLE, consisting of only three articles, clear and distinct, simply demands to be RESPECTED.

Marta: An example? ... In the global south... Land and water? The Amazon! Did I guess right?

Mauro: No. Here, in Italy, and in the North, in Trentino, former Austro-Hungarian empire, one of the most civilised areas in Italy, they say.

Marta: But what happened?

Mauro: Once upon a time... There was a small community, a few inhabitants who lived in two small alpine villages, Rover and Carbonare, which, like all alpine villages, had their individual private properties near the built-up area and a vast compendium of land in collective private ownership that embraced them, including a forest that stretched across a valley floor, carved out by the river that has its sources on the Marmolada glacier.

Marta: Once upon a time? Is it no longer there? What has happened?

Mauro: Today the villages are down to just a few inhabitants, Rover has 3 and Carbonare has 57. You could say that the end began in 1952 when commercial companies in private hands built a hydroelectric power station by damming the river and creating an artificial basin, they made derivations from the many streams and rivulets that descended from the

mountain, they pierced the mountain with tunnels intercepting the water table; but this is not the story that Rover Carbonare wants.

Marta: Meaning?

Mauro: The story is long and complex, and today we are talking about the untitled occupations of land owned collectively by Rover and Carbonare. That of the people who live on this land, people in the flesh who live and want to continue to live with dignity in their environment.

Marta: What environment are we talking about?

Mauro: Today, more than eighty years after the occupation of the land, the inhabitants of Rover Carbonare claim their rights by asking the judicial authorities to ascertain the occupation without title, release the land, compensate for the damage, and restore the environment.

Marta: Unjust exploitation. But can exploitation of natural resources and the environment get along?

Mauro: Here too the physical law helps us. In fact, the restitution of property to the owner is one thing, another - but only apparently because the law that recognises the collective domains has understood and makes even the deaf understand - it is an unwritten law that is now written and says that the Italian State guarantees the interest of the general public in the conservation of civic uses to contribute to the protection of the environment and the landscape.

Marta: Amen... here is the key! Recognise and protect collective domains to protect the environment! Two steps! This is very complex!

Mauro: In the specific case, much of the land was occupied and used during and only for the construction of the tunnels, the dam, to build the construction sites, the dumps, the cement silos, the labor village with the church with the falling asbestos roof. And today, after more than seventy years, they are still there, abandoned: a cemented environment, with dilapidated and dangerous works for those who live in this area, but also for the generality of people who frequent these places.

Marta: Restitution, restitution, compensation... many things!

Mauro: Exactly, but if we reason, carefully, we understand that the restitution of property to the owner, whose property is being used against his will and against the national interest, is one thing; the restoration of land that is part of the environment is quite another. For it is not enough simply to return them to the owner, but to remove a clutter of dilapidated and dangerous buildings and infrastructure. Still another is the compensation of damages for taking resources away from where they belong, which here are not the Amazon's. And yet another is the restitution of what is still being exploited without title for hydroelectric production, i.e. the good that remains once the waste is removed, which is only truly green if it is in the hands of those who respect the environment and rights, effectively recognising them to whom they are due.

Marta: It is true the right is for the man and not the man for the right; that is, the owner subject.

Mauro: Today, that community, thanks to Law 168 of 2017, has given itself its own administration, with its own statute and is taking legal action, in a clash a bit like that of David against Goliath, to recover its land.

Marta: But then whose land is this? Do they really belong to the inhabitants of Rover Carbonare?

Mauro: Certainly, even on paper, that is, from the point of view of the titles of ownership recognised by the Italian State (and all previous ones: here the Austro-Hungarian empire, even Napoleon and the prince-bishops in the centuries that were anything but dark), formal titles, recognised by law, which clearly identify the private ownership of the people who make up the community of Rover Carbonare's inhabitants.

Marta: But then why are these properties used by others?

Mauro: This is the point: on the one hand there is a commercial company that, without leaving anything or paying anything to the owners, exploits the land owned by Rover Carbonare and, on the other hand, there is the community of owners who, in the absence of spontaneous restitution and environmental protection, even in the inertia and ambiguity of the public administrations, have turned to the judicial authorities.

Marta: Good luck!

Mauro: The inhabitants of Rover Carbonare are not alone.

Marta: In what sense?

Mauro: At the University of Trento, Pietro Nervi and Paolo Grossi have been teaching us this for 29 years; and to give some concrete examples, as they liked it, there are: the collective domain of Castello, in Val di Sole, which has made its own hydroelectric power station and with the proceeds is renovating its dairy and alpine pastures, intends to take back the school it had bought and built in the 1950s; others started the battle to recover their property and then concentrated on their own foundations, recovering their own culture; others got entangled in unintelligible political games; many are and remain invisible to most, but defend their property and culture, take back their property, acting clearly and distinctly, with an awareness of the importance of collective private property alongside individual private property.

Marta: But how do the commercial companies defend themselves?

Mauro: The commercial companies, which exploit the land illegally, defend themselves by saying that taking away their free enjoyment of the land would be against the national economy (in reality they push a button that anyone would be able to do, and the mill turns)... They say that they produce clean energy, that they are sustainable, that they give jobs.

Marta: The usual refrain of Green-Washing... instead?

Mauro: Instead? The communities that demand to regain possession of their illegally occupied property, that demand the proceeds from the exploitation of their land to reinvest them entirely in their territory while preserving nature, that demand that their land be exploited with respect for the environment, that is, the collective domains we are talking about, ARE real, living and vital realities, that really look to future generations. They ARE the ENVIRONMENT, not Green 'Make-Up'.²

² Greenwashing is a deceptive strategy used by companies or organisations to make their products, services or policies appear greener or more sustainable than they really are. Companies that practice greenwashing try to exploit consumers' growing environmental awareness. The creation of the concept of Green Make-Up by the two authors of the article aims to further exaggerate the denunciation of the practice of Green-Washing: it is not just a question of greenwashing, but of a real trick, like theatrical

II. Whose water is it? Collective ownership and recognition of the communities that own and protect the territories of life

In this section we highlight the dynamics of the ownership of water and its use as a resource and present the case study: that of a community that should have access to its own resource, which is a collective asset, but which has been denied for decades because the resource is used for other exploitative purposes despite the existence of a law that establishes the rights of communities to self-governance of water bodies.

Aquatic landscapes are socio-natural hybrids, the results of environmental processes and a variety of human and non-human agents: they are cultural ecosystems where an uninterrupted exchange between materiality and immateriality is present due to their fluidity. Water is a vital element of the planet: it cannot therefore be conceived only through a knowledge of a natural character, but it possesses all the requisites for that genetic heritage-recognition on which Honnet (2014) reflects, reformulating Hegel's theory of recognition (Hegel, 1980), which recognises the socio-cultural value of glaciers, catchment basins, rivers, canals, lakes, lagoons, the sea and all other intermediate bodies of water.

Among these aquatic ecosystems, there are some that are collectively owned. Collective ownership is a constitutive part of collective domains (henceforth CDs). These are present in every place where an indigenous community collectively uses its territory through customary or, in some cases, written rules. In Italy, CDs are primary legal orders recognised by Law 168/2017. They predate the formation of the Italian State and constitute the "territories of life" (ICCA, 2021) of the people who live there: the flesh and blood people who rest their feet on the *res frugifera*, the living land that also includes the aquatic element (Grossi, 2019).³ Such environments are in fragile equilibrium and the resource, conceived exclusively according to capitalist extractivist logic, is exploited beyond what is permissible. The communities that have been taking care of it for centuries implement a rational vision of utilisation (Spinoza, 1677; Deleuze, 2013) and conservation to the best of their ability in order to guarantee an advantage to future generations (Descartes, 1637) who own it together with those past and present (Iob, 2023; Iob & Villa 2025).

All CDs have aquatic landscapes: they are visible but at the same time fragile and intangible infrastructure networks. These networks are part of the local context, they are entrusted to the care of communities, but their health or destruction also affects and alters ecosystems on a national or planetary scale. In this article, we present a case study concerning an untitled occupation⁴ of water bodies that have been modified, altering the dynamics associated with the hydrological cycle. The community has had its property usurped and has suffered an untitled occupation of it. This is why it has decided to defend its territory and accessibility to the resource, moved by a sense of justice. It is therefore not a question of the

make-up or putting on make-up, a sort of superficial appearance (like make-up itself) that has no conceptual support and only shows a deceptive, but fascinating, hypnotic, bewitching mask.

³ Paolo Grossi (2019) uses the expression *res frugifera* to refer to the fertile soil, i.e. a soil that is not only flourishing and producing but which also realises its fertility by sustaining the social and cultural dimension of the human beings who live on it and care for it.

⁴ Squatting refers to a situation in which a person or organisation occupies or uses a property (such as land or a building) without having a valid legal right to do so. This can happen, for example, when someone continues to occupy a property after a lease has expired, or when a public or private property is occupied without authorisation. In legal terms, squatting can give rise to requests for the release of the property, eviction proceedings or claims for damages by the rightful owner.

people constituting the governing majority but, rather of a section of the population that does not feel represented by the political majority governing the country but instead feels represented by the articles of the Italian Constitution, which it wishes to implement (Fioravanti 2014, p. 13-14; Zagrebelsky, 2023). These people are resisting being overwhelmed by political power that threatens the integrity of the person and of the collectivity and, through its own action, it stands in defence of the fundamental charter of the Italian State that acts as a guarantee. The Italian Constitution sets a limit to the misuse of power by lobbies: it gives power to the sovereign people in its authentic literal meaning.

Article 3,1 letter f) of the Italian Law 168/2017, an implementation of the Constitution,⁵ identifies water bodies as collective goods, providing a useful point to reflect on the concerns of both local and national water governance practices (Foucault, 2004, p. 30), taken away from direct owners and unduly appropriated by individualist centers of interest in violation of the fundamental rights of the person (Art. 2 Const.) and the environment (Art. 9 Const.).

Thanks to the public and applied legal and anthropological gaze, it is possible to reconstruct the dynamics of water landscapes and their accessibility, thus defining inclusivity and exclusivity of the use of the asset and capacity for protection. These are unequal 'David versus Goliath' battles seemingly between two opposing public interests, the environmental one and one related to the production of clean energy from renewable sources. Concretely it is a conflict within a community between the people who constitute it in defence of their territories of life, and therefore of their right to exist, and an impersonal Leviathan that aims at the greatest, easiest and most immediate profit without any precise purpose (in contrast with the most elementary principles of law and the general interest in the protection of the environment of which these territories are the expression). The communities do not aim for profit but for the objective of restoring dignity to those to whom the water belongs. The analysis of the conflicts around the water-collective domain allows us to propose a key to interpretation: namely that it is necessary to understand that the norms of the Italian Constitution implemented by Law 168/2017 are not about rights over *things*, but the rights of *people*, in a dynamic that improves the Earth and the humanity that inhabits it. These are places of production and distribution of knowledge and true culture, an indispensable condition for the full development of the human person (Montanari, 2018, p.129).

III. Field research methodology: description of the applied and the public pathway chosen by the researchers

This section presents the methodology used to conduct the scientific research, linked to the theoretical framework that characterises the public (Tomasoli 2002; Trombetta & Rossiello, 2000; Villa, 2023) and applied anthropology (Bastide, 1971; Malighetti, 2020). The researchers decided to set up a deep engagement for both disciplines, law and anthropology, coming into prolonged contact with the community of reference, deepening their knowledge of the socio-geographical context and following the entire judicial case step by step.

The Socratic dialogue that opens the article is an integral part of this interdisciplinary methodology: the dialogue is in fact a factual attempt to relate the two voices that carried out the research activity and the specific disciplinary concepts used both in observing the

⁵ They are laws that are insusceptible of mere repeal because they implement constitutional principles that would lose their effectiveness if the laws themselves were repealed (Constitutional Court 47/1991).

field and in the analysis. The proceeding by questions and answers, continuous rethinking and returning to explanations that are increasingly in-depth – and the use, in some cases, of ironic expressions and the incipit determined by the question that leads the entire dialogue – respects and summarises the long study and research work carried out together by the two authors.

For field research, qualitative methods were chosen, with a particular focus on participant observation and anthropological dialogues. These tools facilitated data collection in a non-invasive manner, considering the sensitivity of the context. The researchers decided to actively collaborate, working both concurrently and individually, and to constantly compare notes on the progress of the research. The researchers maintained a constant awareness that, as is often the case in anthropology, ethnographic investigation can reveal unexpected directions. Consequently, they were always willing to reconsider their presence and role, recognising that compliance with the discipline's Code of Ethics (SIAC, n.d., Villa, 2016) and the protection of key informants could have led to the interruption of the research.

The fieldwork occurred intermittently over an extended time-span, 7 years in the case of the first named author and 2 years in the case of the second. The methodological proposal of Geertz (1973, p. 23) was followed: surveying the actors' interpretation of the phenomena observed and investigated and assuming, as researchers, an active part in the public and application process (Bastide, 1975; Malighetti, 2020).

The researchers used participant observation, a fundamental research technique in the social sciences, which allows scholars to immerse themselves in the communities and contexts they study, spending time in close contact with people and taking part in their lives. Through this practice, researchers not only observed, but actively participated in activities, group interactions and decision-making moments, creating a relationship of trust and deep understanding. In fact, the objective was to collect detailed data on the social dynamics that the specific event created within the community. The anthropologist is both an observer and a listener as well as an actor himself (Olivier de Sardan 2009, p.34): in this case, the three aspects were harmonised in a balanced way, thanks to a strong awareness on the part of the researchers.

As this methodology requires constant reflection on one's own influences and possible biases – and as the presence of the researcher can disrupt the observed dynamics – the researchers continually reflected on their presence. The dialogues between the two researchers, which were recorded, transcribed and analysed, also became an integral part of the study, enabling them on the one hand to be more incisive in the public phases of the research and, on the other hand, to reflect on the unfolding of the process and to investigate the more hidden aspects. A purposeful choice was made, influenced by the social context and the nature of the research topic: in the investigation, priority was given to the main actors (community members) and several other privileged witnesses suggested by them. No direct dialogue with other institutional actors was established at this stage, as the court case is still ongoing. Instead, it was preferred to obtain their perspective through official documents and media statements.

Dialogues, narratives and observations were the key elements to collect data and to understand the case in depth: a historical reconstruction was carried out, the court case was investigated in depth, the moments where the decision-making process took place were observed, and interviews with individual members of the community, with small or larger groups of them were conducted. All these discursive relations constitute the fundamental

basis to produce data; thanks to them, it is possible to understand how actors construct the meaning and meanings, both intrinsic and extrinsic, attributed to their discursive production.

In all moments of field life, both formal and informal (working group and executive group meetings, scientific conferences and events, parties, private appointments with individual members, specific invitations, moments of visiting the context), researchers continually alternated between listening and active intervention. The interactions always oscillated between two positions (Olivier de Sardan, 2009, p. 36): on the one hand, the scholars asked with precise questions to understand certain aspects of the field or phenomenon, on the other hand, the researchers themselves became expert subjects by responding to the inquiries of the informants.

IV. Two hamlets linked to the mountains for their entire existence and their relationship with their water resources: socio-geographical contest of case study

This section presents the geographical and social contexts of the communities involved in the field study: the hamlets of Rover and Carbonare in the Province of Trento (Italy) in the lower Val di Fiemme, an Alpine valley bordering the Val di Cembra (Figure 1). There is also a historical reconstruction of the story linked to the community's water resources and the construction of the large hydroelectric plant that generated a series of critical issues for the local communities. Indented, italicised quotations are comments provided to the researchers by community members

The two settlements are located at an average altitude of about 1000 metres above sea level (Figures 1 & 2). The Avisio stream, which originates from the Marmolada glacier, flows through the valley and crosses the Fassa, Fiemme and Cembra valleys before flowing into the Adige River, as its left-hand tributary, downstream of the village of Lavis to the north of Trento. Avisio has been exploited for hydroelectric power feeding three plants used for energy production: Malga Ciapela (Fedaià reservoir), Predazzo (Pezzè di Moena reservoir) and San Floriano (Stramentizzo reservoir).

The community of Rover Carbonare possesses agro-silvo-pastoral resources in collective property and has been characterised by a particular judicial affair with peculiarities that can be compared to the complex panorama of Alpine CDs: the properties went from being garrisoned by the Magnifica Comunità di Fiemme, to being managed first by the Colomello,⁶ then by the Municipality, then by the Amministrazione Separata dei beni di Uso Civico (Separate Administration of Civic Use Properties – ASUC) (Giordani & Brugger 2019). In 2024, the CD was established to serve the community and the territory in the proper administration of its 'territory of life'⁷ (Figure 3). The Rover Carbonare CD, although born before the existence of public institutions, has faced and continues to face a struggle to have its right to exist recognized:

⁶ Colomello is the ancient name for the territory of Rover Carbonare, an administrative unit into which the territory of Trentino was divided in Hapsburg times.

⁷ As the Consortium (2021) specifies, these "are territories and areas conserved by Indigenous peoples and local communities. They are as diverse as the peoples and communities who shape and sustain them through their unique cultures, governance systems and practices."

Our history is characterised by a continuous attempt to erase our right to own, this possession as an alternative to individual or public ownership. In both historical eras characterised by the monarchical and republican forms of government, there have been continuous attempts to take resources away from us. The latest is exactly what we are talking about, not recognising that the land where the hydroelectric plant is located has been ours for a long time. We do not want to give up: we want what is ours to be established and recognised. My community will never be silent: to have a right taken away from you, before the land itself, makes you feel bad.⁸

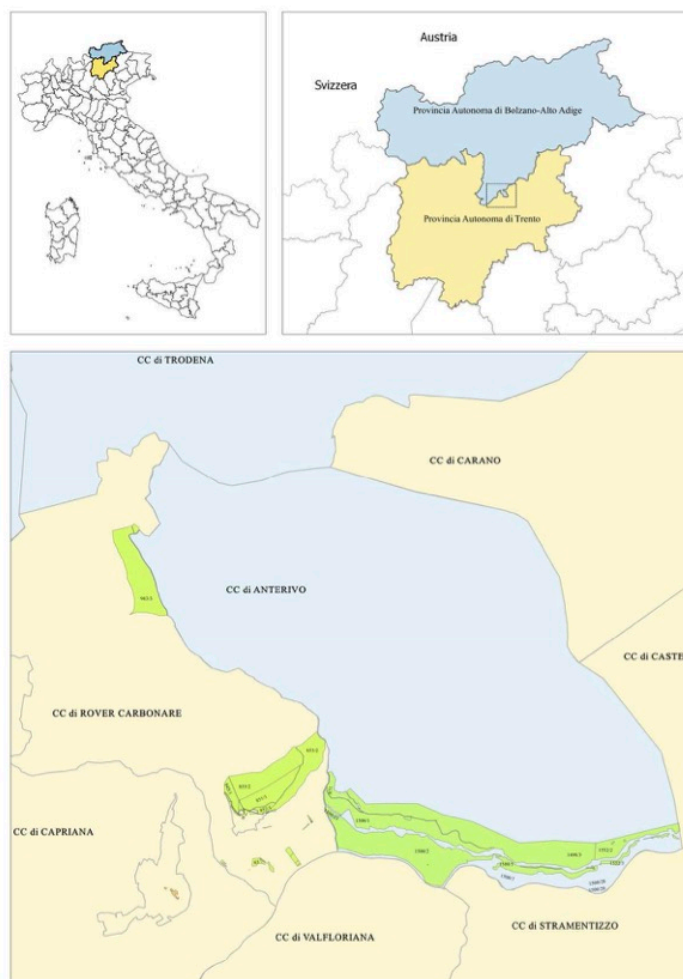


Figure 1 - The hamlets of Rover and Carbonare in the Province of Trento (Italy) in the lower Val di Fiemme, an Alpine valley bordering the Val di Cembra.

⁸ Anthropological dialogue collected in Rover Carbonare on 24/02/2023, I. 1, 50-60 years old, male.

The inhabitants from the 14th century to the present day have steadily managed their territory, becoming the exclusive owners in 1848 when they were able to redeem their collective property after the introduction of Hapsburg laws on the emancipation of land that aimed to resolve the issue of peasant servitude. From this date on, the authorities allowed the peasants to free themselves from feudal obligations, acquiring the right to fully own the land (in this case vested in the Magnifica Comunità di Fiemme).



Figure 2 – View of Rover Carbone. (Photograph by Marta Villa, April 2023).



Figure 3 – Meeting held to discuss the Statute of the Collective Domain with the community led by researcher Mauro Iob. (Photograph by Marta Villa, July 2023).

In the 19th century, the administrative municipality was established and in 1925 Rover Carbonare became a hamlet of the municipality of Capriana. For the point of this study, i.e. the relationship with water resources, it is very interesting to recall how the territory of the community has been defined: the boundary is formed by the streams and brooks that run through the territory. To the east, the line separating the hamlet from the lands of others runs along the Pramarin stream, to the south it is the Avisio stream that creates the territorial subdivision, to the west it is the Bianco stream, and to the north, in the absence of water resources, it is the ancient road that connected the community with Anterivo, now a municipality in the Province of Bolzano.

An important symbol of this rediscovered autonomy is the construction of their own church, representing not only a place of worship but also a tangible sign of community identity and the process of self-determination. The church celebrates the independence achieved and strengthens the sense of belonging of the inhabitants of Rover Carbonare, recalling their achievement of autonomy in the management of their own resources.⁹

In the case of Rover Carbonare, the community is made up of the Rorederi and Carbonaieri, i.e. the residents of the two hamlets of Rover and Carbonare, while the collective ownership consists of 150 hectares of land held in the community's name. These two subsystems form a unity thanks to a strong intimate, affective and effectively indissoluble bond.

The management of water for energy production in the Alps and in Trentino has deep origins, dating back to a time when the territory belonged to the Austro-Hungarian Empire. As early as the end of the 19th century, the Habsburg monarchy understood the importance of exploiting water resources, regulating their use through specific laws, such as Law 103 of 1869, (Garbari, 2001), which was one of the first regulations to govern water management. Initially, at both regional and national levels, the use of electricity was concentrated on improving public and private lighting. The use of electricity as a motive power did not develop until 1895, with the emergence of new technologies in factories.

After the annexation of Trentino by the Kingdom of Italy in 1919, the royal legislation on water derivation was adopted. Royal Decree No. 1775 of 11 December 1933, issued during the Fascist era, remains one of the main sources of legislation on the subject even today and regulates the use of public waters, reaffirming the importance of the concession for their exploitation. According to this decree, water is considered a public good and its use is subject to a temporary concession, issued after payment of a fee. The decree also establishes who can obtain this concession: those who possess a legitimate title and those who obtain a regular concession in accordance with the law. The case study concerns the San Floriano - Stramentizzo hydroelectric power plant located in the Forra dei Camini locality, 2 km downstream of the Stramentizzo community, where the Avisio is interrupted by a concrete dam which is 63 metres high and 93 wide. To ensure against overflow, an impermeable veil was created in the buried part by means of deep injections of a mixture of clay, cement and bentonite. The slope above the veil, up to the level of the maximum reservoir, is covered with a layer of impermeable bentonite soil. On the righthand side of the dam are the devices for intercepting and feeding the water into the power station's diversion channel. For its first 2.5kms, the 9.7 km long diversion tunnel follows almost parallel to the course of the Avisio,

⁹ Anthropological dialogue collected in Rover Carbonare on 24/02/2023, I. 2, 60-70 years old, female.

before bending westwards and crossing the mountain chain, following the most direct route towards the Adige valley.

The construction of the St. Florian plant in the 1950s caused considerable media attention and emotional impact. In 1956 Ladin director Luis Trenker, originally from the village of Ortisei in Val Gardena in the Dolomites, made the feature film *Ein Dorf stirbt* to document not only the construction of the plant, but also, in the name of progress, the destruction of the Stramentizzo bell tower, the symbol of the now sunken village. Some informants have reported that the film's concluding sentence is emblematic

Our life would be unthinkable today without electricity, even if the landscape in some valleys has lost its beauty; but we have illuminated cities, railways and machines, light, energy and heat to an extent that no one could have dreamed of just a few decades ago.

This statement, according to several members of the Rover Carbonare community,¹⁰ represents the crux of the dilemma between the benefits of technological progress and the irreparable loss of a cultural and natural heritage, placing the emphasis solely on industrialisation, without considering the human and environmental costs.

To understand the affair involving the community of the two hamlets, it is also important to summarise the course of this reservoir and its very recent history. In 1952, work began on the plant. Two years later, in 1954, a concession application was submitted. Completion of the plant took place in 1956, while in the same year the concession regulations were signed, which were extended until 1956/57, the year in which the plant officially came into operation. In 1962, the National Electricity Board was established, which transferred the plant from the Avisio Company to ENEL (Ente Nazionale per l'Energia Elettrica - National Electricity Board) in 1963. Between 1988 and 1999, competences regarding large hydroelectric derivations were transferred from the state to the autonomous provinces of Trento and Bolzano. In 2005, a dispute emerged concerning the ownership of administrative functions related to the management of the concession. However, in 2010, an agreement was reached between the provinces of Trento and Bolzano to renew the concession, the duration of which was set at 30 years. In 2011 San Floriano Energy (SF Energy srl) was established in Bolzano, comprising several actors including ENEL Produzione S.p.A., Dolomiti Energia S.p.A. and the Südtiroler Elektrizitätsaktien Gesellschaft (SEL).

V. 'David versus Goliath', when a small community demands that its right to water be recognised: a description of the legal case of the Collective Domain of Rover Carbonare

This section summarises the long legal battle that Rover Carbonare community has been involved in to have its right to water and to the care and protection of its Territory of Life recognised. This territory has been taken away from the community since the 1950s due to the construction of the large hydroelectric diversion. Only thanks to the costly legal battle against both the public authorities and an energy production giant with international private partners who never wanted to recognise the rights of the community, has the community managed to make its voice heard.

¹⁰ Data collected during the discussion with the community meeting, Rover Carbonare 15/04/2023

The San Floriano plant and its associated infrastructure were built on land belonging to the Rover Carbonare community. This area, once characterised by collective resource management, has seen legal complexities emerge over the decades. Although most of the works were regularised during or soon after construction, some structures and portions of land have never received formal recognition, thus generating a situation of uncertainty. Currently, part of the plant and accessory structures are located on fractional land, recorded in Sheet C of the Land Register as land subject to Law No. 1766 of 16 June 1927, which establishes their collective nature. This classification implies that the land belongs to the members of the Rover Carbonare community, who exercise rights of enjoyment¹¹. The unauthorised use of these properties represents a violation of the rights of the rightful owners and required judicial intervention to restore legality. The community of Rover Carbonare had to face a complex situation related to the illegal occupation of fractional land owned by it. To address this, a judicial process was initiated to protect the rights of community members. This process aimed not only to restore legitimate ownership, but also to compensate for any damages suffered due to the untitled occupation and to value the civil fruits lost over time.

The first action taken by the community started in 2015, when a mediation was sought with SF Energy, the current concessionaire of the plant. Unfortunately, this attempt did not lead to positive results, prompting the ASUC Committee in 2018 to initiate legal action against SF Energy srl at the Court of Rovereto (Trento). In 2019, the court declared its lack of jurisdiction, transferring the case to Venice's Tribunale Regionale delle Acque Pubbliche (henceforth TRAP - the regional court of public waters), which is responsible for water issues. Therefore, the Rover Carbonare community brought another action against SF Energy srl before the Venetian TRAP. Further mediation attempts were also undertaken in 2021 but, as before, these too ended without positive results. In 2023, the TRAP issued an unfavorable ruling for the community, further aggravating the situation.

Faced with this ruling, the community did not give up and appealed (second instance) to the Tribunale Superiore delle Acque Pubbliche (henceforth TSAP – the superior court of public waters) in Rome. On 12 June 2024, the court ruled on the case, upholding the third ground of the appeal and declaring its lack of jurisdiction in favour of the Commissario degli Usi Civici (the regional commissioner for the settlement of civic uses) as the relevant judge to resume the case. It also set-off in full the court costs incurred by the parties in both instances.

It is interesting to analyse the reasons given by the judicial bodies. Despite the length of the appeal presented by the Amministrazione Separata dei beni di Uso Civico (henceforth ASUC – the separate administration of common property assets), Sentence 76/2024 of the TSAP of Rome recognised that the appellant proposed fundamental changes in the reconstruction of the case. It denounced violations of the rules of law and raised substantial jurisdictional issues, highlighting the main points contested in the sentence issued by the Venetian TRAP. The argumentative capacity allowed the erroneous reasons for the first judgement to be revealed. The precision of the appellants' schematisation of the passages of the dispute has made it possible to detect a hierarchy in the reasons put forward for the grievances. The question of jurisdiction according to the logical order recognised by the judgment of the

¹¹ Collective enjoyment rights are real rights (such as property rights and other minor rights) exercised by a community over a specific piece of real estate without there being exclusive ownership by a single individual.

TSAP of Rome must be examined first. If the question of who owns the property is not answered first, it is not possible to proceed.

The Rover Carbonare collective claimed ownership of the assets. This action was necessary in the various phases of the litigation in order to respond to the defences of SF Energy srl and the two Provinces, which attributed ownership to each of them, denying it to the claimant. Furthermore, the community emphasised that the ruling of the Venetian TRAP was based on the erroneous assumption that the assets were provincial state property and not civic property (collective property), and this was the basis for its decision. For this reason, it was necessary for the Rome TSAP to uphold the complaint of lack of jurisdiction by the Venetian TRAP and to identify the Regional Commissioner for the settlement of civic uses as the competent authority for ascertaining the *qualitas soli*¹² of the aforesaid assets.

The Venetian TRAP, according to the ASUC and TSAP in Rome, which recognised the merits of the appeal, exercised excessive jurisdictional power in its judgment, ruling on a matter, *qualitas soli*, that was not within its jurisdiction. The decision of the Venetian TRAP brought the dispute within the sphere reserved for the commissioner's jurisdiction because of the preliminary, but not due, deliberation on the legal quality of the land. Acknowledging ASUC's reasons, the Roman TASAP, understood the meaning of the enhancement of collective property sanctioned by Law 168/2017 and confirmed that the ownership of civic use rights *in re propria*¹³ is of the members of a collectivity through their exponential bodies of private law. In fact, in the specific case, it was never a question of civic use rights (*in re aliena*¹⁴), but of ownership by the inhabitants of the hamlet of Rover Carbonare. For the TSAP of Rome, it was necessary to ascertain the *qualitas soli* as a preliminary matter, to then effectively judge the merits, the question being an essential logical-juridical antecedent. It follows that the examination of the question of jurisdiction is prejudicial to any other question. The judgment of the Roman TSAP was subject on an appeal to the Corte di Cassazione (Court of Cassation) by the Province of Bolzano and SF Energy srl. ASUC defended itself against this legal action (threw third instance) by filing its own counter-appeal in which it requested that the opposing appeal be dismissed.

VI. The powerful voice of the smallest among us: analysis of the reconstruction of the judicial case through the words of the community

In this section we will report some of the most relevant testimonies regarding the reconstruction of the judicial case by the community of Rover Carbonare, the meaning that

¹² *Qualitas soli* is an attribute, it is land with a particular legal regime that belongs to the communities and is subject to inalienability, indivisibility, inusucapability (non subject to adverse possession) and a bond of perpetual agro-sylvo-pastoral destination.

¹³ Rights *in re propria* are real rights that give the holder full and exclusive power over an asset, allowing him to freely dispose of it, within the limits of the law. The main *in rem* right is the right of ownership, which gives the owner the power to use, enjoy and dispose of the asset in an absolute way, except for any legal limitations or third-party rights.

¹⁴ Rights *in re aliena* are real rights that grant a person the power to enjoy or dispose of an asset belonging to another person, thus limiting the owner's right of ownership. They do not confer full ownership, but only a limited power over the other person's asset. They can be temporary or permanent, depending on their nature. They allow the holder of these rights to enjoy, use, benefit from or exercise certain easements on a property. These rights represent a limitation of the property, guaranteeing the holder of the right a benefit on the property of others without being the owner.

the members of the village give to collective property, the sense of belonging to this Territory of Life and its strenuous defence. By analysing their voices, it is possible to understand the meaning of their actions and become aware of the idea of the future that the community has in relation to its environment and the relationships that are built around it on a daily basis.

The anthropological fieldwork, which consisted of a systematic data collection through the tools made available by qualitative research, allowed the different voices belonging to the community to emerge¹⁵. This community, composed of only 60 residents, manifested both intentions and actions aimed at preserving their collective heritage, reaffirming their rights, shamelessly demanding respect for what they are entitled to, showing dignity in proceeding and a deep attachment to their Territory of Life (Figure 4).



Figure 4 - The Rover Carbonare community during a festive moment. (Photograph by Marta Villa, April 2023).

Throughout the unravelling of the court case, it became clear that the voice of the smallest CD in the Province of Trento is powerful, that is, it has in itself that *conatus* to action described by Spinoza (Deleuze, 1981, p. 92-98). The Rover Carbonare CD appears to possess an innate tendency to persist in its own existence, to seek to improve its own power and, in this way, to relate with the surrounding world. This characteristic has enabled the collective, understood as a single entity, to realise an authentic, free and true existence. If, as Spinoza argues, there is universality, then this concept of the capacity to act is not an exclusive

¹⁵ The choice of informants with whom to dialogue and thus collect qualitative data was not made through a rigid sampling, therefore no one was excluded *a priori*. As often happens in immersive ethnographic research, the researchers went into the field for the first time and opened a dialogue with the key informant, in this case the President of the CD and the members of the committee. In turn, they indicated other key informants belonging to the community. Each time these informants were interviewed, a relationship was established that led to the identification of further key informants. For the first time in the research activity of the two authors of the article, it was possible to collect all the voices in the field (the 60 resident inhabitants of the Rover Carbonare CD) as the number was limited. In the analysis of this article, the most relevant extracts and voices were selected.

characteristic of individuals, but of all forms of existence. We propose that it is also a characteristic of the social formations where individuals carry out their personalities, in this case the CDs who have made this universal principle their own, using it, and have associated it with the conscious solidarity that guides the decisions taken for the wellbeing of the collectivity itself.

Another anthropological and philosophical concept can be used to read Rover Carbonare's case study of community, that of *parrhesia* (παρρησία). It is mainly alluded to its manifestation and definition in the ancient world, the one used in Athenian democracy, which made this mode of expression one of the defining characteristics of the free citizen. According to Foucault (2016, p.3-6) *parrhesia* can be characterised as the intrinsic aspect of CDs, describing one of the key qualities of their substance, their deepest nature or essence, a kind of constant that unites them. *Parrhesia* can be translated by the syntagma 'free speech': expressing what is in one's mind in a direct manner, avoiding any form of rhetoric. In antiquity, those who proposed such a role endangered their own lives, because they showed the powerful their worst characteristics, criticised their actions, their way of posing, and were incapable of keeping silent in the face of ethical misconduct.

The action of explicating such shortcomings or abuses was dictated by courage: the *parrhesiastes* (παρρησιαστής) (in our case CD that narrates itself, who acts, who contrasts) uses a particular form of discourse. They do not list faults, or complain, do not play the role of the victim, but, reversing the common narrative, they say something else: they say what is true because they know it to be true; and they know it to be true because it is true. In this way, they found himself and their power to act on a solid basis. They always express something different from what the majority believes (because thinking and speaking are themselves action) and they do so not because they claims to teach others or to show themselves better than others, but because they do not want human beings or a collective to false to themselves. Not to say what one thinks, for the ancient tragedians, is to be a slave, not to oppose power, not to limit it in the exercise of its force, which thus becomes unlimited, through this form of opposition is to be insipid.

Through their *parrhesiastic* conduct, the CDs propose a different way of being present to their own time (Arendt, 1961; 1978): what one thinks is in complete accord with what one does. Caring for one's own territories of life, as in the case of Rover Carbonare, means not giving in to manipulation, not backing down if one is certain of the rightness of one's position, exercising within oneself a new form of power management, declaring that any form of heterodetermination¹⁶ is detrimental to the protection of the environment and its most delicate and fragile resources, such as water. Given this premise, we now want to give voice to the different words that have manifested themselves in the field as a way of helping to reassert the right to take back what is rightfully ours.

The exploitation of waterpower in the Avisio Valleys has a genesis that goes back a long way, while the ingenuity of communities to find ways to ensure their survival through a judicious use of their resources has also been evident. An informant, a participant in the CD, tracing the history of hydroelectric projects, recalls:

¹⁶ 'Heterodetermination' refers to something that is determined by external factors, rather than by internal or autonomous forces. In other words, a 'heterodetermined' person or situation is influenced or decided by circumstances or choices from outside, rather than being determined by one's own will or desires.

The Avisio was also affected by hydroelectric projects, such as the one proposed by the Rover Carbonare community in 1921, with a plan signed by engineer Tschurtschenthaler. The project was not approved, leaving in abeyance the community's ambitions to exploit local water resources for energy production, an opportunity that could have significantly influenced the economic and infrastructural development of the territory, would have allowed a new relationship with it and probably would have curbed the depopulation seen in the following decades.¹⁷

Hydropower is perceived by the majority of the public as a green and sustainable way of producing from renewable sources. Often, when this is stated, one forgets the effort that has gone into taming the water, landscape and other resources that make up the cultural and natural ecosystem of the environment. In Rover Carbonare one has a more complete view of this dichotomy, because one has experienced it at first hand. During an informal meeting an inhabitant points out:

During the construction of the plant, the project faced several difficulties, which also turned into real tragedies. One of the most serious problems concerned the waterproofing of the bank on the Valfioriana side, which posed serious challenges to the engineers. The village of Stramentizzo was submerged by water, leading to the disappearance of an important part of local history and culture.¹⁸

Another elderly resident adds:

I remember the story of another dramatic event, I did not see it. The landslide that occurred in San Floriano, you remember it, don't you? It worsened working conditions that were already very complicated.¹⁹

The story is enriched by another comment:

The construction of the plant had a tragic human toll: five died, they were workers. When you do such work there is always the risk that something will go wrong. It is difficult to forget episodes like that: we were all very affected. These things are testimony to the fact that there is always a human cost linked to modernisation, to the exploitation of nature, you can't have everything for free... and today we are here to reiterate that they also want our land for free.²⁰

The narrative based on the glorification of 'magnificent fortunes' tends to overlook the profound impact that the construction of the San Floriano plant had on the community of Rover Carbonare. During the construction period the local population experienced a complex reality, characterised by contrasts and tensions. These difficulties emerged on several occasions, as the inhabitants tried to make their voices heard regarding the consequences of the construction site. Living with the construction site was not only an event of economic and infrastructural transformation, but also a source of discomfort and concern for the inhabitants. Construction-related issues, such as the occupation of

¹⁷ Anthropological dialogue collected in Rover Carbonare on 09/06/2023, I. 3, 80-90 years old, male.

¹⁸ Anthropological dialogue collected in Rover Carbonare on 10/06/2023, I. 4, 40-50 years old, female.

¹⁹ Anthropological dialogue collected in Rover Carbonare on 26/10/2024, I. 5, 70-80 years old, male.

²⁰ Anthropological dialogue collected in Rover Carbonare on 2/09/2024, I. 1, 50-60 years old, male.

collectively owned land and environmental impact, generated a sense of dissatisfaction and vulnerability among community members. The issue of collective ownership of Rover Carbonare, in particular, is intertwined with the history of the plant: the construction and operation of the plant was accompanied by tragic events, including the loss of land historically belonging to the community. These experiences not only marked the present, but also influenced the future of the community, as members of the community were confronted with the consequences of such choices. The memory of these events and the struggle for the recognition of land rights continue to represent an important part of the collective identity, highlighting how modernisation and technological progress can bring with it sacrifices that cannot be forgotten. An informant recalls:

One of the tragedies faced by the inhabitants was the destruction of the fields and vineyards, which have never been restored, and the abandonment, still visible today, of the remnants of the construction site and barracks. This degradation testifies to the abandonment suffered by the community after the industrialisation work. Historically, the bayers²¹ of the Maso Rover, since 1339, had the task of refreshment, including wine, for those who participated annually in the processions for the rogazioni²², including the one to Valfloriana on the occasion of the festival. This tradition, rooted in the local culture, was irreparably damaged by the transformation imposed by the temporary occupation of the territory, which was not followed by adequate restoration, cancelling practices that were an integral part of the collective identity.²³

In a formal setting, a meeting in which the committee was deciding how to proceed to assert its rights, one member of the community explained:

'Expropriations have been a blight on the community'. 'In what sense? Can you explain it to me?' 'It is a phenomenon that can be defined as a fragmentation, a real erosion and forced subdivision of collective property. We did not want this to happen! If we go and look at the data... from 1958 to today we have taken 10 hectares of our property, 8%. This is contrary to the nature of collective property which must be improved, integrated, expanded... and not lost or devastated'. 'Excuse me but what has become of this land?' 'This area has been subdivided, expropriated, ceded in favor of the municipality, the areas have been occupied by public works such as roads and car parks' 'Without your consent?' 'Without our consent, which we would never have given anyway... I know you understand.'²⁴

The construction of the dam and all the associated works created not only a change in the environment and landscape but also changed the perception of places and social cohesion within the community itself.

After the 1966 flood that destroyed a house and killed three people, Rover was completely depopulated. Add to that the degradation left behind by the

²¹ A local border dialect term, derived from German, referring to those who run farms (*baurein* in the female form)

²² Catholic processions with prayer on cultivated land to ask for divine protection for the land against harmful weather events

²³ Anthropological dialogue collected in Rover Carbonare on 24/02/2023, I. 6, 60-70 years old, female.

²⁴ Anthropological dialogue collected in Rover Carbonare on 24/02/2023, I. 7, 70-80 years old, male.

*abandonment of building site debris. The community of Rover Carbonare was split: it was no longer the same. The few who remained to live here and those who were forced to leave no longer understood each other, it seemed as if we spoke a different language. We no longer understood each other.*²⁵

Despite these heavy legacies, the community never gave up and at a certain point gathered its strength and waged a real battle: the one that has been described above, which has yet to be concluded.

What motivated you to action? The episode that awakened our desire for redemption, as I like to call it, is related to the province's approval of the Memorandum of Understanding on the Avisio Project between 2013 and 2018. In this context, the Rover Carbonare ASUC did not receive any compensation, and could not participate in the distribution of fees, surcharges or riparian fees. This awareness has helped strengthen the will to protect the resources of the territory, fueling the desire to assert what is 'ours'.²⁶

Another informant adds, latching onto the discussion:

*In spite of the historical and environmental importance of these communities, collective properties are excluded from the distribution of restitutions, fees and surcharges that are distributed in favour of provinces and municipalities. This represents an injustice that goes against their role in sustainable land management. 'What can be done then?' 'Look, the judicial route is one of the few roads left for local communities to defend their heritage and their collective interests: you are not necessarily always defeated... perhaps our history can allow others to understand that taking action is indispensable, for everyone.'*²⁷

Rover Carbonare's CD with its convictions and its facts shows that acting is important, it is perhaps the only alternative to passively accepting all forms of abuse: water is an indispensable commodity for life, not only for human beings. Once again, we are witnessing the plundering of resources, which are the heritage of the community and which are instead made available, without apparently being able to show their dissent, to favour the profit of private entrepreneurial companies, often not even local, which use the asset to the bone and then abandon the territory, leaving it sterile, both ecologically and culturally.

The public and applied activity exercised towards the social action of the Rover Carbonare community can have positive repercussions both within the community and externally (Figure 5). The research work and the constant updating of the informants on the scientific and popular activities of the researchers strengthened mutual trust and the awareness that the path taken was highly productive, offering a model for other communities and researchers. Externally, the narrative and the consequent activity of scientific reflection on the case study made it possible to learn about the history of this tiny fragment of the planet, whose ecosystem is completely interrelated with the rest of the ecosystems (Guattari, 1989). The interdisciplinarity between law, economics, environmental protection and anthropology highlights the limits of the hard sciences: the oscillation of law between the defence of the human person, the passions and the unreasonable deviation from its primary function of protecting the very dignity of the person. Therefore, interdisciplinary research

²⁵ Anthropological dialogue collected in Rover Carbonare on 24/02/2023, I. 1, 50-60 years old, male.

²⁶ Anthropological dialogue collected in Rover Carbonare on 31/07/2023, I. 1 50-60 years old, male

²⁷ Anthropological dialogue collected in Rover Carbonare on 24/02/2023, I. 1 50-60 years old, male.

work is needed to understand complexity and to propose a new scale of priorities and a new hierarchy of values (Ferlito, 2020, p. 56). It is culture - not the capitalist market - that gives value to things; and it is culture (and humanistic research) that is the appropriate yardstick against which to measure their value; its unparalleled usefulness lies precisely in its apparent uselessness because it is not commodifiable (Ordine, 2013).



Figure 5 – The ASUC headquarters in Rover Carbonare. (Photograph by Marta Villa, February 2023).

VII. Preliminary conclusions

The story of the small community of Rover Carbonare, which single-handedly opposed two public bodies, the Italian provinces of Trento and Bolzano, and the Sf Energy srl company, which manages one of the largest hydroelectric plants in the Eastern Alps, is exemplary and is still the subject of anthropological and legal investigation. The people who live in this community have taken action to safeguard their property rights, which have been usurped for decades. On land collectively owned by the inhabitants, unauthorised construction took place in the 1950s. Large hydroelectric works and a whole series of other structures necessary for the energy production plant were built without recognising the rights of the community, which, due to the inhospitable nature of the place, slowly abandoned its native lands.

The decision to take back what is theirs and to self-govern the water resource, recognised by Italian law as belonging to the resident communities, is an important first step that can be imitated by other communities that have seen or are still seeing their rights and lands taken away (Figure 6). In the Alps, water is a collective resource that is the subject of discourse and

governmentality constructed not by the local populations that use it and on which they base their livelihoods, but by public bodies that use an abstract language and by multinational entrepreneurial companies that, through the fairy tale of greenwashing, take resources and related revenues away from the territories to invest them elsewhere, leaving, as in the case of Rover Carbonare, debris and abandonment that damage the health of the environment.



Figure 6 – The Rover Carbonare committed itself to carefully arranging its land in collective ownership. (Photograph by Marta Villa, April 2023).

A community that decides not to remain silent and that, internally united, makes difficult decisions through the practices of direct and participatory democracy, can be an example of how the discourse on the management of the human/environment relationship can be renewed. This collective agency, together with the sounding board of public and applied jurisprudence and anthropology, offers a new method that can reactivate our awareness of having to be able to imagine our own future: a creative future, different from the one we have been experiencing for some time now based exclusively on the extractivist capitalist logic that totally depletes resources and impoverishes ecosystems.

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