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The Effects of Criminalisation on Activists: The Case of the NoTAP Environmental Movement

Anna Di Ronco[1,2]

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Abstract
Does criminalisation have "chilling effects" on activists? If so, which are the criminalisation phases or strategies that discourage activists to act freely and in exercise of their human rights? This article investigates the chilling effects of criminalisation beyond the phases or strategies of police repression, labelling/stigmatisation, and surveillance, which have been addressed in the relevant multi-disciplinary literature thus far. Using the case study of the criminalised NoTAP environmental movement opposing a pipeline megaproject in the Italian southeastern Puglia region, this article shows the importance of investigating chilling effects on activists who have had experiences with the criminal justice system and with punitive measures outside the criminal law, such as administrative fines. It ends with an invitation for activist criminologists to contribute more substantially to this area of research, and to support activists throughout the "criminalisation cycle" - and through the most daunting phases of criminalisation, in particular.

Introduction

In recent years, critical criminology has paid increasing attention to the criminalisation of dissent and activism - a topic which had long been neglected in the discipline (Vegh Weis 2021; Pali 2023; Selmini and Di Ronco 2023; Di Ronco and Selmini 2024). This scholarship provides insightful critical analyses over the policies and practices that criminalise dissent and protest (Selmini and Di Ronco 2023; Di Ronco and Selmini 2024; Pali 2023; Vegh Weis 2021). Perhaps unsurprisingly, given the scarce attention paid to the subject until recently, such scholarship has so far shown relatively little interest in examining the effects or impacts of criminalisation on activists and social movements, including in terms

✉ Anna Di Ronco
a.dironco@essex.ac.uk

[1] Department of Sociology and Criminology, University of Essex, Wivenhoe Park, Colchester CO4 3SQ, UK

[2] Department of Legal Studies, University of Bologna, via Zamboni 27/29, Bologna 40126, Italy

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of "chilling effects" (that is, the capacity to "chill" or discourage people to act freely and in exercise of their human rights).[1]

This does not mean, however, that relevant work has not been done in other fields beyond criminology. As I will illustrate in the next section, a rich multi-disciplinary literature exists on the impacts on activists and social movements of three specific phases or strategies of "criminalisation", here broadly conceived (see below): (police) repression; surveillance; and labelling/stigmatisation. Yet, still relatively little is known about the impacts caused to activists and social movements by the enforcement of the (criminal) law and the doings of criminal justice actors - at the end of the contention cycle (Ellefsen 2016) or "criminalisation cycle",[2] in particular. In addition, relatively little is known on the effects of measures which, although not criminal in their form, are punitive in their substance. An example of this are administrative fines, which, according to Maroto et al. (2019), have been used increasingly as a punitive strategy against protesters in the 2010's mobilisation cycle.

Before I proceed with outlining the aim of this paper and its contributions to scholarship, I want to clarify some of the key terms used in this paper - in particular, "criminalisation", "penalisation", and "repression". Such terms are used in this article in their *broad meaning* and interchangeably, with a preference for "criminalisation" and "repression".

In the relevant criminological and socio-legal studies literature, the term "criminalisation" is used in both a narrow and a broad meaning: while in its narrow meaning it includes the enforcement of the criminal law and criminal justice measures, in its broader meaning it encompasses the many strategies through which state and non-state actors label, stigmatise, and, ultimately, penalise individuals through criminal and other punitive measures (see Selmini and Di Ronco 2023). For some, this second meaning is better reflected in the term "penalisation", which emphasises the idea that punishment can be delivered also outside the criminal law (see e.g. González-Sánchez 2019; see Peršak 2017, for the regulation and penalisation of incivilities). Like "criminalisation", the term "repression" has also been subject to different definitions - in criminology as well as in social movement studies, for example. While it usually indicates punitive actions by the police and state actors generally (see below), some scholars also used it to describe the phase of stigmatisation and silencing, for example, through media and public discourses (for the concept of

[1] It is worth mentioning here that "chilling effects" - a legal concept and related doctrine originating in the United States - can be caused on people directly or indirectly. In the case of repressive state actions, for example, "chilling effects" can affect those directly targeted by them but also third parties and even the general public, who may be deterred from exercising fundamental rights for fear of reprisals or social/legal costs. In this article, the term "chilling effects" is understood in its sociological (rather than strictly legal) dimension and is treated as a synonym for deterring or demobilising effects or impacts. In particular, this article focuses on activists who have had direct experiences with criminalisation, capturing the deterring effects that criminalisation strategies or tactics have had on them. It also includes activists' indirect experiences of criminalisation (e.g., through the vicissitudes of friends or family members) and their perceptions of the deterring or demobilising effects that repression had on other activists and the movement as a whole.

[2] Like the criminalisation of other people or groups constructed as a "problem", the criminalisation of activists involves a series of tactics or phases, which may include, *inter alia*, their labelling (e.g., in media or public discourses), police repression (which may include police intimidation and surveillance), punitive non-criminal measures (such as administrative fines), and - especially towards the end of the "criminalisation cycle" (whether alone, or in combination with other strategies or phases) - the enforcement of criminal law and criminal justice measures. The tactics or phases which form part of a given criminalisation cycle are specific and distinctive for each criminalised social movement or group, and also reflect the context within which criminalisation is implemented (see also Selmini and Di Ronco 2023). In the specific case study considered for this article, the cycle of criminalisation for NoTAP activists almost reached its ending point, as all first-instance trials had ended at the time when the interviews were held. In addition, the NoTAP movement had also previously disbanded because of criminalisation.

"soft repression", see Ferree 2005). In some criminological writings as well as in everyday language, however, the term "repression" can also be used more generally as a synonym for criminalisation in its broad sense - that is, not only to indicate "hard" actions by state authorities (the police, in particular), but also *stricto* sensu criminalisation, and labelling/stigmatisation. This was the case for the activists interviewed for this study who used the term "repression" not only to refer to police actions and brutality during protests, but also to talk about the media labelling of the NoTAP movement and their own (direct or indirect) experience with criminal trials.

Drawing on a case study of the NoTAP environmental movement in the south-eastern Italian Puglia region, which disbanded because of criminalisation, this paper examines the effects of criminalisation across the criminalisation cycle, specifically focusing on the criminalisation phases and strategies which were perceived by activists to have had the greatest deterring and demobilising effects on them and the movement as a whole. Since 2017, the activities of the NoTAP movement have been heavily criminalised through, for example, negative media misrepresentations, police violence, and "proper" criminalisation (see e.g. Papadia and Associazione Bianca Guidetti Serra 2018; Di Ronco et al. 2019; Di Ronco and Allen-Robertson 2021; Di Ronco and Chiaramonte 2022). NoTAP activists have not only been victims of police violence, surveillance and intimidation; they have also been targeted with cautions, onerous fines (up to EUR4,000), place bans, and even custodial sentences in result of first-instance criminal trials, which I will address later in this article.

This article begins by reviewing the existing multi-disciplinary literature on the impacts of criminalisation on activists and social movements, considering three relevant areas of scholarship, namely the ones focusing on (police) repression, surveillance, and labelling/stigmatisation. After presenting the case study and the research methodology, the article focuses on the two forms of criminalisation described by activists as having caused the greatest impacts on themselves and the movement: those regarded as 'judicial repression' and 'economic repression'. Ultimately, this article shows the importance of investigating the impacts of the criminal justice system and of punitive measures outside the criminal law, such as administrative fines, on activists. It ends with an invitation for critical criminologists to contribute more substantially to this area of research, and for "activist criminologists" (Belknap 2015) to support activists throughout the criminalisation cycle - and through the most daunting phases of criminalisation, in particular.

The Effects of Criminalisation on Activists

As mentioned above, a rich multi-disciplinary literature exists on the effects of criminalisation or repression on activism or dissent. Such a scholarship has focused broadly on three stages or strategies of criminalisation: repression; surveillance; and labelling/stigmatisation.

Repression

In the social movement studies literature, the forms and effects of political repression have been topics of study for over forty years (Davenport 2005, 2007; Earl 2011; Ellefsen 2016). Such rich and longstanding literature has provided important contributions. For example, it has shown that, when threatened by dissenters, state actors usually respond with some

form of repression, and that repression and mobilisation shape each other in a dynamic and relational interaction (see e.g. Davenport et al. 2005; Davenport 2007).

In such scholarship, however, "repression" has mostly been conceptualised in a rather narrow way, mostly equating it to the usually violent or "harder" actions of state actors; in addition, studies on repression as an independent variable (i.e., focused on the consequences of repression) have concentrated mainly on protest events and hence on the policing of protest (Earl 2011; Ellefsen 2016; Honari 2018; Ellefsen and Jämte 2023). Interestingly, this very rich scholarship has led to very different and rather contradictory results, with evidence supporting both the link between repression and demobilisation and between repression and further mobilisation/radicalisation of movements (see e.g. Davenport 2005, 2007; Davenport and Inman 2012; Earl 2011; Earl and Soule 2010). These contradictory results have led Honari (2018) to argue for the importance of micro-studies recognising individuals' agency and hence focusing on activists' own responses to repression, rather than on the effects of repression on social movements.

As Ellefsen (2016: 444) has pointed out, the focus of the social movement studies literature needs to go beyond protest events and protest policing and look at "legal repression", which he defined as "repression based on law and exerted by criminal justice actors". In Ellefsen's (2016) work, which draws on Boykoff's (2007) social mechanisms of repression, legal repression includes: the promulgation and enforcement of new laws and rules to stifle dissent; the creative use of existing punitive laws against dissenters (both pre-emptively and reactively); and public prosecutions and hearings against activists, which are given visibility through the media. As argued by Boykoff, public prosecutions and hearings "suppress dissent because dissidents are jailed, or so traumatized that they drop their dissident stance or temporarily put it on hold, while current supporters and potential supporters in bystander publics are discouraged from putting forth dissident views (Boykoff, 2007, p. 298)" (in Ellefsen 2016: 451). It should be noted that Ellefsen (2016) also discusses the role played by private actors in initiating legal repression, hence broadening the horizon of social movement studies to repression by non-state actors. This is in line with earlier work by other social movement studies scholars, such as Earl (2003, 2011), Ferree (2005), and Boykoff (2007), whose broader definitions of repression have involved less overt or more subtle repressive actions by non-state actors.

Surveillance

Another criminalisation phase or strategy whose effects on activists have been addressed in the literature is that of surveillance. Literature in this area is rich and multi-disciplinary, stretching from surveillance studies, legal and socio-legal scholarship on "chilling effects", and anthropological work on surveillance and undercover police surveillance. For this literature, surveillance results in people becoming less vocal about their ideas and less keen to engage with individuals or groups deemed to be under surveillance; surveillance also has consequences for movements and results in the erosion of inter-community trust, especially if undercover police surveillance is known or exposed.

For example, moving beyond the original focus on surveillance-induced chilling effects on the right to privacy alone (see Penney 2021), recent legal and surveillance studies research has found that surveillance-induced chilling effects can "chill" the exercise of other rights too, including the right to freedom of expression and to freedom of assembly (see e.g. Murray et al. 2023; Stevens et al. 2023), which are of particular importance to the criminalisation of dissent and activism. This same scholarship has also noted that chilling

effects can affect not only the people who are directly and sometimes explicitly subject to surveillance, but also their peers, immediate community, and even the wider social body, once it becomes aware of it.

Murray et al. (2023), for example, addressed the chilling effects of (online and offline) state-sponsored surveillance of activists in Uganda and Zimbabwe (for the latter case, see also Stevens et al. 2023). Their study found that the fear of surveillance caused activists to modify their behaviour in several ways. In particular, the *fear* of surveillance (and of arbitrary arrest, detention, and forced disappearance) prompted self-censorship, for example of speech on social media, as well as an unwillingness to engage with individuals or organisations believed to be subject to surveillance - both in on-the-ground protest and on social media networks. As the authors argued, the suspected presence of informers within movements also eroded inter-community trust and compromised the groups' ability to effectively organise and mobilise, hence chilling the rights to freedom of expression and to freedom of assembly.

Similar effects have also been reported in social movement studies and anthropological work on undercover police surveillance. Studying spied-on environmentalists in the UK, Stephens-Griffin (2021), for example, reported multiple effects caused by undercover policing on activists, such as: experiences of trauma and paranoia; the erosion of inter-group trust; demobilisation; and (for some, at least) "derailment" from environmental causes to anti-state surveillance activism.

Yonucu (2022, 2024) offers another interesting example of the effects of (not-so-concealed, in this case) undercover policing on Turkey's racialised Kurdish and Alevi communities in several of Istanbul's disadvantaged neighbourhoods. As Yonocu (2022) illustrates, in such neighbourhoods, residents are often approached by the police and forced to become their informants under the threat of imprisonment and even torture (should they refuse). This, for Yonucu (2024), amounts to a form of psychological torture which not only undermines in-group relationships but also individuals' sense of self - something that in some instances also leads to suicide. As Yonucu (2022, 2024) points out, however, the threat of police surveillance does not necessarily result only in docility; it also generates resistance and acts through which activists and non-activists reclaim agency and dignity, including through public press releases with which they publicly expose and refuse police intimidation and threats.

Labelling/Stigmatisation

A last area of scholarly work which is relevant to the understanding of the effects of criminalisation on activism is that addressing labelling or stigmatisation. This literature - which encompasses work in criminology and social movement studies - has analysed discursive and visual practices through which activists and political dissenters are constructed as a "problem" through labels as such as "criminals", "troublemakers", "extremists", and even "domestic terrorists" - and the effects these labels have on them. Salter (2011), for example, discusses the increased social costs of dissent in the US after 9/11, when a number of radical movements (including environmental ones) were progressively labelled "domestic terrorists". His argument is that the fear of being attached the "terrorist" label and of its associated social costs has led activists to self-censor and self-regulate. Jämte and Ellefsen (2020) also observed the same effects in their study on the consequences of labelling - or, borrowing from Ferree (2005), "soft repression" - on the radical left-libertarian movement in Sweden. These authors found that the labelling of activists as "violence-affirming

extremists" had especially negative consequences on individual activists, who tended to exercise self-policing and self-control to avoid the label and the associated perceived social sanctions (e.g., being discriminated against when applying for jobs or renting an apartment, being outed and ridiculed in social situations). At the movement level, moreover, labelling was found to have its worse effects on the more open social movements which try to mobilise *en mass*. The latter were, for example, silenced by the media, had a more limited access to funding and general resources, and found collaboration with other (non-labelled) organisations more difficult (Jämte and Ellefsen 2020; see also Starr et al. 2008). By contrast, Jämte and Ellefsen (2020) found that the labelling of activists had more limited effects on the more closed and clandestine movements, which, in some instances, became even more exclusive and turned further inwards.

An important point made by this literature is that labelling (or "soft repression") may, in the long run, legitimise hard repression, which involves "coercive attempts by state actors to quell activism by violence, harassment, and surveillance" (Jämte and Ellefsen 2020: 383; Maroto et al. 2019). In other words, as Maroto et al. (2019) have suggested, discursive and visual strategies aimed at framing demonstrators not as political subjects exercising their rights, but as criminals, enemies, vandals or troublemakers, can ultimately lead to the legitimisation of hard repression, with the latter often having dissuasive and demobilising effects on demonstrators (see also González-Sánchez 2019).

In essence, as illustrated above, the relevant multi-disciplinary literature has so far focused on the study of the effects of criminalisation on activism mostly in relation to protest policing, surveillance, and labelling/stigmatisation. Much less is known, however, about the consequences of other stages or strategies of criminalisation, for example, of the enforcement of the (criminal) law and of criminal justice - as argued by Ellefsen (2016) and reported above.

In addition, relatively little is known about the effects of other, non-criminal yet punitive regulations and measures used to quell activism and dissent. An example of this are administrative fines, which a small yet growing body of criminological scholarship identified as a punitive strategy increasingly used to penalise and undermine dissent, especially in times of "crisis". Such literature mostly refers to Spain and Italy (e.g., Maroto 2017; Olmo 2013; Oliver and Urda 2019; Selmini 2020; Selmini and Di Ronco 2023), but there are indications of administrative fines used to deter and penalise activism also elsewhere in Europe (for the example of Australia, see e.g. McNeill 2023; for Albania, see Malaj and Pali 2024). Administrative fines can be issued against activists for minor offences, for example, for the failure by protest organisers to notify the police of their organised protest, or to observe the imposed conditions on the protest. Fines, however, can also be issued against activists for violation of public order regulations (e.g., littering through the distribution of flyers, causing noise nuisance through loudspeakers during protest events) (Maroto 2017; Selmini 2020; Selmini and Di Ronco 2023). While fines issued to enforce public order regulations tend to be rather modest and generally affordable, fines issued for minor offences can be rather onerous, and their payment be rather daunting for activists. For example, fines for roadblock in Italy could stretch up to EUR4,000,[3] while fines for the organisation of unannounced protests near essential public infrastructures in Spain could increase to EUR600,000 (Selmini and Di Ronco 2023). Although the literature recognises

[3] This, at least until the 2018 reform which re-criminalised roadblock (previously considered a minor offence). The reform was introduced through the Law decree No 113 of 4 October 2018, which was then converted in the law No 132 of 1 December 2018. For more information on the circumstances which led to this change in the legislation, see Selmini (2020).

the *potential* chilling effects that these administrative fines can have on activists (see e.g. Oliver and Urda 2019; Selmini and Di Ronco 2023), no study has thus far specifically addressed their actual impacts.

Methodology

This study focuses on the effects of criminalisation on activists, drawing on a case study of the NoTAP environmental movement. At the time of the research (early 2024), such a movement disbanded because of criminalisation,[4] and was almost at the end of the criminalisation cycle (all first instance criminal trials had ended, with activists waiting for the appeals to start). Thus, I focused on the phases and strategies of criminalisation that have had the worst impacts on the activists and the movement as a whole.

The NoTAP movement was established in the Salento province of the southeastern Italian Puglia region to oppose the Trans Adriatic Pipeline project (TAP). The project is part of the Southern Gas Corridor - an EU project that is funded, in part, by the European Investment Bank with the aim of bringing natural gas from Azerbaijan to Italy (via Turkey, Greece and Albania) and, through Italy, to other European countries. Since the early stages of the project, NoTAP activists have raised objections to the harms to human and more-than-human health caused by the pipeline - harms for which the TAP company is currently facing trial.[5]

The TAP project was completed in the second half of 2020 when the pipeline began operating. Particularly during the project's execution phase, the NoTAP movement was heavily policed and repressed through, for example: violent police practices at protest events; onerous fines; and pre-emptive measures such as bans and cautions (see e.g. Papadia and Associazione Bianca Guidetti Serra 2018; Di Ronco et al. 2019; Di Ronco and Allen-Robertson 2021). After the pipeline's completion, over 200 NoTAP activists were charged on several criminal counts, including: assault; resisting arrest; contempt of a public official; trespass; vandalism; place ban violations; and unlawful demonstration. Many of these criminal trials ended with custodial sentences for activists, who in some instances even saw their penalties enhanced by the first-instance judges (Osservatorio Repressione 2021; Taglieri and Gerebizza 2021).

This study is based on 18 interviews with NoTAP activists held between February 4 and 16, 2024. Access to participants was ensured by my prior research on NoTAP in 2018, when I visited the area and conducted interviews with some activists (Di Ronco and Allen-Robertson 2021), as well by a few publications I had published in Italian on the topic of the criminalisation of the NoTAP movement. The latter proved important for the activists who did not meet me during my 2018 research project: at the interviews, indeed, many activists reported having Googled my name before accepting to be interviewed, having asked for my credentials to the main gatekeeper, and also having expressed some reservation about talking with an unknown person (this scepticism is not uncommon among people subject to surveillance [see, e.g., Stevens et al. 2023]). I believe access to participants in this case was also facilitated by the timing of the research - a "down phase" (as Carlo,[6] one of the interviewees, put it) when national and international public and media attention to the

[4] Small, locally based committees still existed, however, with a few members still attending meetings when organised.

[5] For more on this, see e.g. Taglieri and Gerebizza (2021).

[6] All activists' names used in this paper are pseudonyms.

movement had waned, leading some activists to express sympathy and even gratitude for the attention given to their grievances at that time.

Of those interviewed, thirteen were men and five were women; their ages ranged between approximately 30 and 65 years old. Only two of the interviewees had prior activist experiences in terms of long-term engagement with movements and, hence, with social and environmental justice issues. While two other activists had prior experiences with police surveillance and repression for their extreme support of a football club, the rest were very new to activism. Most of them also reported having had direct experiences with police violence and abuse during their NoTAP activism, and while four admitted having to pay at least one fine of EUR4,000, nine of them reported having received at least one custodial sentence. The latter included rather moderate sentences between 6 and 8 months in jail (in two cases), and much harsher sentences between over a year up until four and a half years in custody (in six cases). All these sentences will soon be re-examined on appeal. Within the NoTAP movement, repression was a central topic of discussion in the regular meetings, which often involved legal experts who were asked to address the most common repression strategies and the best ways to respond to them.

All interviews were recorded except one, as one interviewee did not consent to being recorded. In this case, I took notes during the interview, and, at its end, I summarised the key points to the interviewee to make sure they reflected what was said. In three cases, activists agreed on being interviewed in couples. In one such cases, the interview involved walking in nature - something that activists themselves suggested, as they wanted to juxtapose their painful narrations of criminalisation with the beautiful land which, at least along the pipeline track, has now been compromised by TAP. Apart from one rather short interview which only lasted 30 min, all other interviews took between one and two hours, and involved several more informal follow-up conversations.

Interview transcripts and notes were analysed thematically to identify common themes. This led to the identification of several stages and strategies of criminalisation which, according to the interviewees, had chilling effects on individual activists and/or on the movement. They included the stages and strategies flagged by the literature I reviewed above: the strategy of labelling/stigmatisation of the movement through, for example, media and public discourses; police surveillance; and police repression (which, for NoTAP activists, included police violence at protests as well as punitive and intimidatory practices and measures after protest events, such as regular stop and searches, place bans, cautions, and administrative fines).

The criminalisation phases which were deemed by activists to have had the greatest impacts on them individually, as well as on the movement, were, however, those of “judicial repression” and “economic repression”, which I will address in depth in the following sections below. As I mentioned previously, interviewed activists used the term “repression” (rather than that of “criminalisation”) during the interviews; by this term, however, they not only meant police coercive action but also, and more broadly, all punitive strategies used by state and non-state actors to quell dissent (including labelling/stigmatisation and *stricto* sensu criminalisation).

Judicial Repression

> "We were awakened to an *unjust justice*, because we really had one, two hearings every single week ... this means that if they don't want you to benefit from the statute of limitations, they simply won't let you, *they want to teach you a lesson they will* … they massacred us, massacred! They wanted to teach us a lesson. How dare you challenge the system? How dare you? Who are you? I beat you and break your bones. This is what they did to us." (Enzo, emphasis added)

This statement and the term "unjust justice" well summarise the "awakening" experience that many activists had when facing the criminal justice system, both directly or indirectly (through the experience of a family member or a close friend).

Like Enzo above, many activists commented on the quick pace of the trials against them, which finished at a record speed despite the numerous defendants and the several charges involved (see also Osservatorio Repressione 2021; Taglieri and Gerebizza 2021). This was compared to the very low pace of the criminal trial against TAP (still ongoing, after experiencing countless interruptions) and to the complete inaction against the many reports of police violence which at least three of the activists had filed to the relevant authorities. As many activists like Enzo noted, the record speed of the trials reduced the chances of activists benefitting from the statute of limitations, which extinguishes the crime if a final conviction or acquittal decision is not pronounced within a given time (which varies for each offence). Although activists envisaged that the statute of limitations would ultimately run out for some of the charges against them, they interpreted the speed of the trials as indicative of the clear "obstinacy" (Laura) or the intent of the courts to exemplarily punish them - "to teach them a lesson", as Enzo put it in the quote above.

Activists also discussed the visual dimension of the trials, especially when held in the so-called "bunker room". Such a room is a specially protected court room used mainly to hold hearings involving charges of organised crime. As Giuseppe put it, "[in this way] they created the collective suggestion … they are treating activists like *mafiosi*, as they were brought to the bunker room." As Giuseppe suggests, the staging of the hearings in the bunker room contributed to the further labelling/stigmatisation of activists and the NoTAP movement in media and public discourses.

Activists such as Luca also described the trials as a "farce", with sentences based on allegedly fabricated evidence or on the more authoritative accounts of the police, whose words would be given priority over the evidence submitted by activists. Many of the charges (and then convictions), moreover, were associated by activists with trivial events, such as in this example offered by Marco:

> "We are talking of crimes rather absurd. I can make an example: I was charged with aggravated theft … because we climbed the trees to prevent their cutting [by TAP] and took a bunch of olives from the tree ... for this, I was charged with aggravated theft, and then I was convicted."

Activists also described their convictions as reflecting the courts' determination to punish activists for their *intentions*, rather than for factual criminal behaviour committed by them. Marco offered an example also in this sense:

> "The other day they gave me two months and fifteen days [of imprisonment] for participating in throwing a smoke bomb … because [the police] presented these pictures at the trial where I stood like that, with arms folded, looking in the direction of where

the smoke bomb was going to fall. The fact that I was looking in that direction … for that reason, they gave me complicity in the crime." (Marco)

Examples involving the 'criminalisation of intentions' (Cristiano et al. 2023), rather than committed harmful behaviour, like the one reported by Marco, abound in activists' accounts. For example, two activists reported having received convictions for criminal damage simply for having failed to stop others from writing graffiti on the company's property. Another activist reported being convicted for wearing shin guards, as this, to the judge, meant that "I had prepared myself for the fight" (Edoardo). In the case of Luca, his appeal against the roadblock's fine was rejected on the ground that "the fact that I went and sat down" - although this happened on the side of the road, and not on the road itself - "showed the intent of … blocking the vehicles".

In essence, drawing once more on Enzo's statement above, activists' accounts reveal an "unjust" criminal justice system which, in activists' view, uses whichever pretext to set an example and punish activists - and "break" them.

These experiences with the criminal justice system, coupled with the perceived lack of support from the broader community and the ever-present negative (local) media representations, had negative impacts on activists - especially on the ones who had to stand trial personally or vicariously (or indirectly), for example, through a close family member. Particularly touching is the story of Luca, who described his experience with the criminal justice system as "shocking" and detrimental to his mental health, in the first stages of the trials in particular:

"There was a time when the protesting ceased and the trials began when I entered a deep crisis, I got isolated … It was a period, even maybe lasted for a year, when it was me who sought isolation from the others … It has probably been more difficult for me to deal with that period than with anything else … I felt very badly, almost depressed … [and therefore] I left the NoTAP movement, I wouldn't go out in the village nor see my friends."

Lucia also sought isolation from the movement during the trials and beyond, but for a different reason than the one presented by Luca: for fear of seeing her husband once again charged arbitrarily and, hence, if convicted, having his penalties enhanced further. As she puts it:

"I am now afraid, in the sense that I try to stay away as my husband still has some trials and therefore he needs to be careful not to do anything, not even … a [bad] word to anyone, because if he is reported this gets added [to the other convictions] and he will end up in jail. And I am afraid, and this is why we keep away from everything and everyone, as I am afraid, I am afraid, I am afraid."

For Carlo, this feeling is shared among many activists: according to him, indeed, many activists seem to be afraid of "being charged for whatever pretext", thus adding more detention time to the already long list of convictions accrued through the trials, at least by some of the activists. For others, like in the case of Lucia, it is the *partner* or the *family* of the person undergoing trial who are afraid for the future of their relevant other, and who beg them to keep quiet and under the radar.

As a result, most activists reported having lost their appetite and enthusiasm for activism. Mattia and Alessandro, for example, when discussing a power project which will probably soon affect their territory, argued that "this time we delegate", meaning that they would leave the fighting to others, at least on this occasion. This was echoed also by Lucia

who said: "we've already done our bit, we've been beaten, we've spent money, they broke us … so now let them do what they want, we won't fight".

Economic Repression

> "Economic repression has been monstruous, scary…" (Carlo)
>
> "When they hit you in the wallet, when you need to decide whether to give thousands of euros to the lawyer or the state and take them away from your family ... that is repression, the money … that is the most important part of repression, more than [the threat of] jail [time]" (Enzo)

All activists understood "economic repression" as one of the main causes of their disengagement with the movement and of its subsequent disbandment. While some of them included in this concept all police tactics which resulted in a loss of revenue for activists,[7] all of them agreed on the two main forms of economic repression: the onerous administrative fines issued for blocking the road during the protest stage (up to EUR 4,000); and court costs, which are due in their entirety (also for the counterpart - often, the state) in case of defeat.

According to all interviewed activists, the fines had a distinctive deterrent effect during the protest stage. As Grazia put it, when activists started to receive EUR4,000 fines for blocking the road, many of them "got scared" and "started to gradually not come anymore". Activists reported knowing families where more than one family member received a fine, making up to a total of even EUR10,000, which is a lot for most families to bear. Court costs have also been substantial and rather daunting for activists: they were due both for the unsuccessful appeals against the fines and for criminal trials after a sentence of conviction.

To cover all these costs, the movement established an association (called 'Tumulti'), which collected money through solidarity initiatives. This association managed to cover many of the fines and much of the legal costs (up to EUR100,000 according to Carlo) especially for those with a low income. The association also signed an agreement with a local legal team to ensure that legal counselling would be provided to all activists at a discounted rate. Not all costs were covered, however: many activists reported having paid or still having to pay the fines through monthly instalments and commented on the very high costs of the trials, which "objectively costed a lot" (Laura). This had great negative impacts on activists, especially on those in financial difficulties - and "ruined the lives of many", as Marco put it. Consider for example the following statements:

> "I don't have money, I can barely make ends meet … if you hit me economically, you get on me, you kill me." (Enzo)
>
> "I am in financial difficulty, I don't know how to get to April, for example.… They put me through some terrible years, you no longer sleep peacefully … when you already have these monthly instalments [for the fees] to pay, in addition to the rent, the car instalments … You know that they will end sooner or later but you [also]

[7] These included: for activists who owned a business, the loss of clientele because of their affiliation with the NoTAP movement; the loss of employment opportunities in some seaside towns at the seaside because of space bans; and police intimidation practices at the workplace, which resulted into the fear of job loss.

> know that you live through all these years … in order to get to pay what you owe to the state, and this is not a good life to live for sure, especially if you are a parent and have other responsibilities, if you have a precarious job ... you certainly don't live peacefully." (Marco)

Echoing Marco's account, many activists who had experiences with economic repression reported feeling "exhausted" (Laura), "worn out" (Marco), and having completely lost the appetite for activism, even more so in the perceived absence of support from the broader community (Teresa). As Carlo put it:

> "Then you wonder why people distance themselves from movements, when for the love of God from one day to the next you find yourself with your back against the wall without a penny in your pocket."

Repression, including in its economic dimension, also had impacts on the few activists who, unlike most of those interviewed, had a long history of activism and social justice campaigning (and who reported having known and accepted the risks of criminalisation since the start of their fight against TAP). Marco, for example, reported having to pay EUR6,000 in total (for a fine and court costs), and faced custodial sentences adding up to 4.5 years of detention (most of which will be soon re-examined in appeal). After his experience with repression through his NoTAP activism, Marco admitted feeling exhausted and much less keen to engage in activism of any kind. As he puts it:

> "This year … I've only done a few things … I attended one or two protest events … and then I went to the gym, that's it… I believe this is another effect of repression because they unconsciously pushed me to take distance from certain groups, certain dynamics … It is not that they don't interest me anymore, but I now think twice before I get involved."

Discussion and Conclusion

> "Thank you so much for listening to me … because what's important to me is not having done all this in vain." (Enzo)

> "I am very happy to see that there are still people who care for this [case] … in the end, this is also your fight." (Roberto)

This article contributes to the multi-disciplinary literature on the effects of criminalisation, showing the importance of extending the focus of analysis beyond protest policing, surveillance, and labelling/stigmatisation, which have been the three main areas of scholarly work on the subject thus far. In this article, I have presented findings that support Ellefsen's (2016) contention that chilling effects should be analysed beyond policing to include the enforcement of the law and people's experiences with criminal justice. Indeed, as this article has demonstrated, activists' experiences with criminal trials can be extremely negative and generate fatigue, disengagement, and demobilisation. More specifically, NoTAP activists described a system of "unjust justice", where judges and public prosecutors used pretexts, anecdotal evidence, and picked on trivial behaviour as well as on interpreted intentions to exemplary punish activists and "teach them a lesson". Standing trial also had important economic implications for activists, with court costs also being associated with demobilisation. In addition, this article has

shown the importance of looking at the effects on activists of non-criminal yet punitive measures such as administrative fines. This is in line with a growing body of literature which has identified fines as relatively new punitive tools used by authorities to quell dissent (Maroto et al. 2019; Selmini and Di Ronco 2023). As evidenced in this article, for NoTAP activists, onerous administrative fines have played an important role when it comes to deterring protest and demobilising.

Echoing Ellefsen (2016), this article argues for the need to analyse chilling effects not only in relation to specific phases or strategies of criminalisation, but, when possible, to look at the entire criminalisation cycle (or "cycle of contention", as Ellefsen has put it). As I have contended in this article, addressing the entire criminalisation cycle allows us to identify stages and strategies of criminalisation which may be less known to cause deterring and demobilising effects yet may be experienced by activists as the most daunting and impactful. Findings emerging from this scholarship may vary from case study to case study, or in different countries or regions of the world, as a result of context-specific criminalisation tactics against dissent. This is why more qualitative research - including conducted comparatively - is especially needed in this area.

Critical criminology has a crucial role to play here, despite its only recent interest in the criminalisation of dissent and activism (Pali 2023; Selmini and Di Ronco 2023; Di Ronco and Selmini 2024; Vegh Weis 2021). Such a role, I contend, is inherent in critical criminology's longstanding engagement in critical analyses of social control and criminal justice practices and their effects on people (who, in the more traditional scholarship, have mainly been the most vulnerable and marginalised in society, at the intersection of race, class, gender, and other systems of oppression).

Such a role is also compatible with the position known as "activist criminology", which encourages critical scholars to put their research, service, and teaching at the service of social and legal justice (Belknap 2015) and those victimised, including by environmental harms and injustices (Goyes 2016) - as environmental activists and land defenders may well be, such as in the case addressed in this article. In the area of the criminalisation of dissent, this position also translates into actions directed at supporting activists and movements throughout the criminalisation cycle, including during the hardest criminalisation phases, when activists are hit the hardest, for example by experiencing fatigue or, individually, psychological difficulties. As many activist criminologists know well (Canning et al. 2023), offering support to activists and movements may involve, among others, offering legal advice (at least by those who are also lawyers or legal professionals), helping to organise solidarity initiatives, but also listening to activists and giving visibility to their grievances through research, teaching, and dissemination activities. The latter point was raised by many activists I interviewed, including by Enzo, who at the end of his interview thanked me for listening to him and for giving visibility to his story through my research. Other activists made similar remarks, with one of them describing independent research as a key testimony of their suffered harms and injustices, which will help their stories stand the test of time. In the end, as Roberto, another NoTAP activist, told me during his interview, "this is also your fight" - that is, *our* fight against injustices and for social change, which we embrace as activist criminologists (Belknap 2015). But for it to truly be our fight, we ought to help and advocate for the groups where dissent is mobilised, and where social change is imagined and acted upon - through our teaching, research, service, and even activism.

One way to do so is for an activist criminology to consolidate and expand its attention to the criminalisation of dissent and its effects on activists and movements. This will allow this scholarship to identify and critically address the many ways through which dissent is

stifled across space, while at the same time supporting - and, crucially, exposing and giving visibility to - activists' grievances and experiences of criminalisation. Hopefully, as Boykoff (2007: 305) put it, this will also help "drive… us towards a time when political dissent is not seen as a sign of societal peril but rather as the mark of a healthy society".

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