Urban Commons in Italy

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I. INTRODUCTION

Medieval and modern Italian urban agglomerates developed a practice of communal life that satisfied many existential needs of their inhabitants through a variety of commons, namely material and immaterial resources available to them as a community. Some of those resources were necessary to satisfy the material needs determined by the conditions of life in those distant epochs. For example, to wash clothes, washhouses open to the public were freely available in open spaces along the streams of water running in the town center. Commons were also immaterial, such as freely available recreational events, like those offered during the public festivities. Some of these events are still huge attractions to this day, like il palio di Siena, or Venice’s carnival; but even a simple procession is, after all, a significant social event for a community who participates in it.

Although it would be unwise to romanticize life in the city in previous epochs,1 there are some aspects of those historic experiences that are worth...
pondering upon when we consider the contemporary decline of urban public spaces, and the creeping processes of privatization, gentrification, and spectacularization of spaces in many cities all around the world. Inhabitants of a modern city still need common spaces to satisfy at least some of their needs relating to sociality, work, mobility, and recreation. More generally, there are quality-of-life benefits from sharing a sense of community, generated by the possibility of investing in common projects and cultivating skills and passions together with others. The greater or lesser quality of the available infrastructures that a city makes available to all its inhabitants, not as private property but as commons accessible to all, to be enjoyed by all—or at least by a significant part of the population—is an important determinant of the quality of life in the city. To support investments in such infrastructures is also to foster citizens’ participation in civic life to build an inclusive community.

Different political projects can be developed based on the demands for such infrastructures and the corresponding capacity to provide them. They range from the radical contestation by grassroots movements and public intellectuals of the neoliberal order—based on the prioritization of private property and markets—to the development of collaborative projects launched by groups of citizens supported by the public institutions. Italy has witnessed all these experiences. This Article illustrates how some of them developed and then evolved. The diversity of the various experiences and realities covered by the umbrella term “urban commons” is remarkable. Obviously, the history, the geography, and the problems of each urban center are never quite the same. To appreciate this diversity, one should also consider the motley army of protagonists entering the scene whenever debates and experiments with urban commons are launched. Grassroots movements and activists, intellectuals and professionals, public administrations, national and supranational structures of governance, and NGOs all have a stake in the world of the urban commons and will be part of the story covered in the following pages. A different topic, which will not be covered in this Article, concerns the management of ecclesiastical property that is no longer used for the cult, the preservations of the buildings of religious congregations where no one resides anymore, etc. Although this is also an important issue with respect to Italy, it is better covered by specialized contributions that deal with that topic.\(^2\)

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\(^2\) See Renata Ago, Il diritto alla città: Roma nel settecento [The Right to the City: Rome in the Eighteenth Century] (2021) (It.). As a reminder of the need to not romanticize the past, let us recall that in many Italian towns (as in other parts of Europe), the Jewish population was segregated in the ghettos from the XVI century to the end of the XVIII century and beyond.

II. COMMONS IN ITALY: A GLIMPSE OF THE WIDER HISTORICAL PERSPECTIVE

The focus of this contribution is Italy’s contemporary experience with urban commons. Nonetheless, urban commons in Italy are part of a broader landscape including rural commons, many of which have a history going back to medieval and modern times. Rural commons existing in Italy are described by precise data. In 2010, ISTAT, the National Institute for Statistics with the collaboration of the Consulta Nazionale della Proprietà Collettiva (National Council for Collective Property), an organization that joins several entities managing common lands, took a census of collective properties throughout Italy. The data collected by ISTAT showed that of the almost 17 million hectares of agricultural land in Italy, a good 1.668 million hectares (9.77%) belong to the category of commons (Comunanze, Università Agrarie, Regole o Comune che gestisce le Proprietà Collettive). Of these, according to ISTAT data, 82% are located in the mountains, 16% in the hills and 2% in the plains. In the Autonomous Province of Trento, the extension of collective domains reaches 42% of the entire provincial territory, while in the Abruzzo region this number goes up to 49%. This patrimony is a living archive of ways of life and of moral economies that are still little known by many jurists.

After the unification of Italy in 1861, the first intent of the legislature was to abolish these collective forms of ownership. They were considered to be remnants or relics of outdated communal forms of possession. Legal historian Paolo Grossi, in his famous book Un altro modo di possedere, translated into English as An Alternative to Private Property, documented the European-wide debate over these old forms of ownership. They were mostly ignored or marginalized by the civil codes that in the nineteenth century ushered the modern law. Paolo Grossi showed the inability of the legal and

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3 Simone Rosati, *La categoria dei domini collettivi nella cultura giuridica italiana a cavallo tra Ottocento e Novecento* [The Category of Collective Domains in Italian Legal Culture Between the Nineteenth and Twentieth Centuries], *HISTORIA ET IUS*, no. 15, 2019, at 4, 7 (It.); Gabriella Corona, The Decline of the Commons and the Environmental Balance in Early Modern Italy, in *NATURE AND HISTORY IN MODERN ITALY* 89 (Marco Armiero & Marcus Hall eds., 2010); see also Gabriella Corona, *La proprietà collettiva en Italie, in Les propriétés collectives face aux attaques libérales* (1750-1914): *EUROPE OCCIDENTALE ET AMÉRIQUE LATINE* [Collective Property in Italy, in COLLECTIVE PROPERTIES IN THE FACE OF LIBERAL ATTACKS (1750–1914): WESTERN EUROPE AND LATIN AMERICA] 157 (Marie-Danielle Demélas & Nadine Vivier eds., 2003) (Fr.).

institutional culture of that epoch to understand such complex reality, with a few noteworthy exceptions. Over a century later, the way the Italian State approaches rural commons has changed completely: they now are considered as economically sustainable, environmentally friendly forms of property, and as vital means of subsistence for entire communities.

Eventually, legislation was adopted to give formal recognition to this new approach. Article 1 of Italy’s law number 168/1977 declares that the “the Republic recognizes collective domains, however named, as the primary legal order of the original communities.” Under this legislation, commons are a primary legal order “(a) subject to the Constitution; (b) endowed with the capacity for self-regulation, both for subjective and objective administration and for constrained and discretionary administration; (c) endowed with the capacity to manage the natural, economic and cultural heritage that belongs to the territorial basis of collective property, considered as intergenerational co-ownership; or (d) characterized by the existence of a community whose members own in common land and together exercise more or less extensive rights of enjoyment, individually or collectively, over land that the municipality administers or the community distinct from it has in public or collective ownership.” Paragraph 2 of Article 1 of the law provides that: “the exponential bodies of the communities owning collective property shall have legal personality under private law and statutory autonomy.”

In-depth commentary of this legislation is beyond the purpose of this paper, but at least a few points must be noted. This law reverses the previous policy of the Italian State towards commons and abandons attempts at favoring individual property in those contexts in which “domini collettivi” are a historical reality. This legislation furthermore acknowledges that the communities holding lands in common have an original capacity for self-governance. They are not created by the State, nor is this legal capacity granted by the State, rather they are now directly under the framework provided by Constitution of the Republic. An aspiration for self-governance is indeed one of the characteristics of any movement that makes popular participation one of its central pillars; in the case of rural commons, the realization of this aspiration has eventually been fully recognized by the contemporary State on the basis of the principle of subsidiarity enacted by Article 118 of the Italian Constitution. Considering that the Italian State for over a century acted as if common lands had no future in Italy, this law has been saluted as an authentic revolution. The jurisprudence of the Constitutional Court has entrenched the notion that collective dominions are subject to special, original regimes, protected by the Constitution.

5 See further infra section V.

6 The case law of the Constitutional Court and the doctrinal debate over these regimes have been recently discussed by Giuseppe Di Genio, TUTELA E RILEVANZA COSTITUZIONALE DEI DIRITTI DI USO.
Meanwhile, the number of initiatives launched to highlight the value of rural commons to their communities (and more broadly to all) is growing. For example, a festival of the rural commons was held in 2021 in Trentino, with the support of several NGOs, and as part of a research program supported by the European Union.\(^7\) Research centers are established to support analysis and research on collective domains and the commons.\(^8\)

Even before the promulgation of this law, up to the first three decades of the twentieth century, Italian Courts recognized the existence of certain commons in urban areas as well in several high-profile cases. One of the great cases that is still regarded as a precedent in this matter is the litigation concerning Villa Borghese and the right of the citizens of Rome to have access to and wander through its gardens. Villa Borghese is perhaps the most stunning villa of renaissance Rome; nowadays the Villa is one of Rome’s most important museums, a true wonder. It is a place of great beauty, where the Borghese family hosted important visitors and held social events all along the year. In the 17th century, Cardinal Scipione Borghese opened this famous villa to the citizens of Rome, who could therefore freely enjoy this wonderful space, to roam in the park, and admire the artistic masterpieces held in the collections of the palace. In 1885 the city of Rome learned that the Borghese family intended to sell the park of the Villa. It therefore demanded that the rights of the people of Rome to have access to the Villa and its park be safeguarded. In response, the prince closed the Villa to the public to assert his exclusive right to it. The Municipality reacted to this decision by taking legal action for reinstatement or maintenance of possession, thus asserting the right of the people of Rome to perambulate in the property. The Court of Cassation confirmed the existence of such a right in 1887.\(^9\) It did not classify it as a form of easement, but rather as a form of civic use (uso civico)

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\(^7\) See Rural Commons Festival, https://www.ruralcommonsfestival.com/ (last visited Jan. 23, 2024).

\(^8\) One of the most important research centers is the Centro studi e documentazione sui demanii civici e le proprietà collettive [Center for Studies and Documentation on Civic Property and Collective Properties], USICIVICI, https://www.usicivici.unitn.it/ (last visited Jan. 23, 2024) (established by the University of Trento).

available to any citizen of Rome. The judgment in question affirms the existence of rights of public use in the city. They entitle the public to have access and make use of someone else’s property, thus establishing a commons regime in this respect. Several other judgments followed, confirming a similar approach to the enjoyment by an urban community of specific urban assets in the first half of the twentieth century.

From the comparative point of view, the custom upheld by the Court in the Villa Borghese case has certain features that are also found in other contexts. While reconstructing the history of the protection of cultural property in England—which is quite different from that of a country like Italy—Joseph Sax noticed a social habit that is worth mentioning here. In the past, the owners of important art collections in England had an ill-defined, and yet quite constraining, social obligation to make them accessible, if not to the general public, at least to discerning visitors. Nineteenth-century English collectors of art had to suffer the inconvenience of receiving visitors in their palaces and mansions. These visitors sometimes complained about an owner’s unwillingness to receive them, and yet: “However much difficulty some visitors may then have faced, what must seem extraordinary to an American today is not that access to great houses was sometimes problematic, but that it was assumed to be the normal order of things. Who today could imagine sauntering up to the door of a leading American collector such as Bill Gates, Eli Broad, or Henry Kravis?”

The notion of “the commons” is the manifestation of long-term trends, highlighting alternatives to forms of exclusive dominion, whether with respect to private property, or to assets under the care of the State, or public bodies. In the history of humanity, property as an exclusive title to possession appeared relatively late, and often subject to a variety of obligations established to protect the general interest, or competing individual interests of both owners and nonowners.

III. A TRIGGER: ITALY’S PRIVATIZATION PROGRAM, AND ITS CONTESTATION. THE REFERENDUM ON WATER SERVICES PRIVATIZATION

There is no doubt that the notion that certain tangible or intangible assets are to be considered as “commons” is present nowadays in Italy among social movements, in the eyes of the public administration, in the public opinion in

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10 Paolo Grossi, Droits civiques d’usage (Italie), in DICTIONNAIRE DES BIENS COMMUNS [Civil Rights of Use (Italy), in DICTIONARY OF COMMON GOODS] (Marie Cornu et al. eds., 2017); Crea, supra note 6.

general, and, of course, across the academic community. This does not mean that this portmanteau notion is uniformly conceived or understood in every context, however. On the contrary, there are multiple threads and multiple ends come alive when considering it. A plurality of perspectives—of conflicting perspectives—is part of the overall picture, and this contribution intends to make the reader alert to this fact. In any case, a critical examination of the Italian experience with urban commons in the twenty-first century may begin by recalling how the debate over the commons, and more specifically over urban commons, acquired momentum and visibility in Italy.

To introduce this dynamic, a first phase to consider is linked, quite paradoxically, to the politics of privatizations that Italy followed in the early 1990’s, and to the need for the government to line up Italy’s system of public accounting to new standards. The government of the time announced in 2001 its intention to make better informed decisions about which asset to keep in the public domain, and which to privatize. To pursue this plan, a study group was then set up at the Italian Ministry of Finance to work on this task in 2003. A second task assigned to this working group was to study the processes of valorization and privatization of certain groups of public assets. In such context, the need emerged to elaborate a new legal framework dedicated to the legal condition of assets owned by the State. The new regime should have laid down general criteria and directives on the management, and possible disposal of, assets in excess of public functions to safeguard the interests of the national community in the medium to long-term temporal horizon.

Furthermore, the government intended to take concrete actions for an improved management of particular types of public utilities. This highlighted the necessity to have a general reform of the various ownership regimes applicable to various categories of assets owned by the State. In 2007, after a conference held at Italy’s National Academy on these themes, the Ministry of Justice set up an ad hoc Commission to revise the civil code rules on the classification of assets and to lay down the principles of the future reform. Professor Stefano Rodotà, an eminent professor of civil law at Rome La Sapienza, who had been a Member of Parliament for the left, was appointed as its chairman. Rodotà was an author of leading works on the law of property and had also taken an early interest in the study of data protection and the use of data for public governance purposes. The draft legislative text that resulted from works of the Rodotà commission envisaged a major change in the approach that, up until then, was followed by our legislation on

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property ownership. The Italian Civil Code of 1942, Article 822, established the division between private and public property at the forefront of the rules on the classification of the objects of rights ("beni"). The work of the Rodotà commission reversed that logic: the new draft text first set out the use that is typical of each class of assets, and then worked out an appropriate regime for it. Following this method, the Commission set out a tripartite division of “beni,” namely, commons ("beni comuni"), public property; and private property.\(^{13}\) This classification is based on the utilities produced by each class of assets, as emerging from the constitutional principles and norms that govern fundamental rights, essential public interests, and private economic activities. Beni comuni, the new category that under the reform would have thus gained general recognition in the civil code for the first time, was defined by Article 1(3) of the draft text in the following terms:

> Things producing utilities that are functional to the exercise of fundamental rights and the free development of the individual. Common goods are to be protected and safeguarded by the legal system, also for the benefit of future generations. Owners of common goods may be public or private legal persons. In any case, their collective enjoyment must be guaranteed, within the limits and in the manner laid down by law.

The listing of beni comuni in the proposed text included a variety of material and immaterial assets. The regime applicable to these assets was integrated by rules on “social assets” (beni sociali), which permanently affected those assets to the satisfaction of certain social needs. The Rodotà commission clearly intended to avoid any privatization of beni comuni, and therefore took certain safeguards to secure this result. To appreciate why this preoccupation was so strong at the time, it should be considered that the politics of privatization followed by the Italian State up to then had already shown the capacity of private interests to influence public decisions over privatization. Austerity measures had weakened the capacity of the State to

\(^{13}\) Commissione Rodotà - per la modifica delle norme del codice civile in materia di beni pubblici, art. 1, lett. b, c [Rodotà Commission—For the Modification of the Rules of the Civil Code Regarding Public Goods], MINISTERO DELLA GIUSTIZIA (June 14, 2007), https://www.giustizia.it/giustizia/it/mg_1_12_1.wp?facetNode_1=0_10&facetNode_2=0_10_21&previousPage=mg_1_12&contentId=SPS47617.
provide certain goods to the population, or to secure supervision of the
proper management of public assets given in concession to private groups.

Although the Rodotà commission concluded its work in a relatively
short time, the reform that should have followed never went beyond the stage
of a parliamentary bill. A proposal to re-launch it as a citizens’ bill—
presented as a fresh start for the project in 2019—failed to reach the minimum
number of fifty thousand citizens’ signatures required by Article 71 of the
Constitution to secure its discussion in Parliament.

Nonetheless, the notion that certain assets must be preserved as common
to all, and therefore not be privatized, started to gain traction among the
public. Therefore, when the government introduced legislation to privatize
water services in 2009, several organizations and social movements joined
forces to launch a referendum against it. This front (Forum dei movimenti per
l’acqua) deposited 1.4 million signatures at the Court of Cassation in Rome
in support of the referendum. The Court held that two key legal provisions,
the first allowing the privatization of public services with an economic value,
and the other prescribing water tariffs to be calculated according to capital
costs (full cost recovery), could be put on the ballots. On the twelfth and
thirteenth of June 2011, twenty-seven million voters cast their votes; the
abrogation of both the above-mentioned provisions was supported by 95.4%
of the voters. In other words, the referendum was a huge success in terms
of participation and results.

The campaign for the referendum was set up and conducted by several
organizations that were very much aware of the international dimensions of
the policies leading to privatizations. Several of the Italian movements that
pushed for the referendum took the Cochabamba Water War as a symbol of
resistance to the neoliberal consensus favoring the privatization of water

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14 With respect to the health sector, see for example, Andrea Ciarini & Stefano Neri, "Intended" and "Unintended" Consequences of the Privatization of Health and Social Care Systems in Italy in Light of the Pandemic, 27 TRANSFER 303, 308 (2021); Emmanuele Pavolini, et al., From Austerity to Permanent Strain? The EU and Welfare State Reform in Italy and Spain, 13 COMPAR. EUR. POL. 56–76 (2015).

15 This dynamic is exemplified by the collapse of the Morandi bridge in Genoa, with the loss of forty-three lives. The highway to which the bridge belonged was given in concession by the Italian State to Atlantia, a company belonging to the Benetton group. The company failed to invest for the maintenance of the bridge, while the public administration failed to properly supervise the management of the safety issues relating to it. See Guglielmo Mattioli, What Caused the Genoa Bridge Collapse — and the End of an Italian National Myth?, GUARDIAN (Feb. 26, 2019, 10:20 AM), https://www.theguardian.com/cities/2019/feb/26/what-caused-the-genoa-morandi-bridge-collapse-and-the-end-of-an-italian-national-myth.


Among the supporters of the referendum launched by the Forum was Italy’s General Confederation of Labour (CGL), the largest trade union on the left, and the Partito democratico, the largest center-left Italian political party (who had, however, at least initially a rather lukewarm attitude towards the referendum). Several members of the Rodotà commission, including Stefano Rodotà himself and Ugo Mattei who contributed to the drafting of the legal formulation of the referendum, were in the first line for the promotion of the referendum, campaigning for it throughout Italy. Incidentally, ten years after the referendum, it appears that not much progress has been made to secure the referendum’s results. Just two Italian cities have their water services managed by publicly owned companies (Torino and Naples). A series of indicators show that private companies still managing water services are increasing their profits over time and are reducing investments.

There is no sign of other Italian cities intending to return to the public management and control of water resources. Furthermore, even where public companies are in control of the water services, there are concerns about the actual management of the resource considering public needs. Lastly, to favor competition the government established for local authorities an enhanced obligation to motivate the decision not to put on the market the provision of services, thus rendering recourse to the market the rule rather than the exception in this respect as well.

In any case, the referendum popularized the notion of the commons through the resounding slogan l’acqua è un bene comune. The success of the referendum was widely considered as a victory of a vast popular movement.

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18 See Da Cochabamba a Napoli – Il lungo viaggio dell’acqua bene comune [From Cochabamba to Naples—The Long Journey of Water as a Common Good], GENERAZIONI FUTURE (Feb. 10, 2021), https://generazionifuture.org/da-cochabamba-a-napoli-il-lungo-viaggio-dellacqua-bene-comune/ (interview by Caroline von der Tann with Alberto Lucarelli). Lucarelli relates that it was Father Alex Zanotelli (a missionary) who drew attention to the Cochabamba water wars during a conference, and launched the slogan l’acqua è un bene comune (water is a common good).

19 In 2004 and 2005, the periodical Quale Stato, a CGL publication, was among the few to foster a debate on how to defend beni comuni from privatization programs. An early sign of attention of CGL to the subject is also attested by two books on the topic: GIOVANNA RICOVERI, BENI COMUNI FRA TRADIZIONE E FUTURO [COMMON GOODS BETWEEN TRADITION AND THE FUTURE] (2005); and BENI COMUNI, LA SFIDA PIU’ DIFFICILE DEL VENTUNESIMO SECOLO [COMMON GOODS. THE MOST DIFFICULT CHALLENGE OF THE TWENTY-FIRST CENTURY] (CNSEcologia Politica ed., 2005). Giovanna Ricoveri is an economist who held a university position in the United States, and then worked for 15 years for the Italian confederation of labor.

20 Referendum: ecco come si comporteranno i partiti [Referendum: This Is How the Parties Will Behave], SKYTG24 (June 6, 2011, 2:07 PM), https://tg24.sky.it/politica/2011/06/06/referendum_posizioni_ufficiale_pd_pdl_udec_lega_sel_idv_nucleare_acqua_legittimo_impedimento.


22 Legge 5 agosto 2022, n. 118, G.U. Dec. 08, 2022, n.188 (It.).
The category of “beni comuni” had thus once and for all gained attention in the popular opinion and in the legal debates over the way the State managed and disposed of public assets and essential resources. The echo of these debates is, for example, present in several judgments handed down in 2011 by the Court of Cassation on the legal status of the fishing valleys of the Venetian lagoon, as Maria Rosaria Marella points out. On the basis of several constitutional provisions, which are directly applicable to the facts, the Court affirmed that “the principle of the protection of human personality,” leads us to recognize those valleys as public property assets (beni demaniali) and as “commons” (beni comuni) because of their intrinsic nature or finalization. Therefore, they “are . . . functional to the pursuit and fulfilment of the interests of the community.” Hence:

[Where an immovable property, regardless of the owner, is, due to its intrinsic connotations, especially those of an environmental and landscape nature, intended for the realization of the welfare state as outlined above, this property is to be considered, beyond the now outdated perspective of Roman dominium and code-related ownership, “commons,” that is, regardless of the title of ownership, instrumentally linked to the realization of the interests of all citizens.]

In the same period, scholarly contributions in the forms of articles in Italian legal journals and monographs relating to beni comuni began to grow in numbers. While in the five years between 2000 and 2005 there were less than twenty articles in Italian legal journals on the subject, in the following years the numbers exploded: articles in legal journals run in the hundreds, and books and pamphlets are regularly published on the topic. This happened while social movements began to reclaim urban buildings and spaces as commons, and public administrations began to initiate programs of participative management of cities and towns. A commentator recently remarked that the Italian debate over the commons is not based on the

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23 Maria Rosaria Marella, *Le opere di Street Art come Urban Commons* [*Street Art Works Like Urban Commons*], 38 *RIVISTA CRITICA DEL DIRITTO PRIVATO* 471, 473 (2020) (the entire article is an important discussion of the Italian experience with respect to urban commons).


25 This is the result of a title search (keyword “beni comuni”) in the data bank DOGI, which retrieves the contributions published in Italian law journals. For the period 2000 to 2005, the subject is covered only by the several contributions in the 2004–2005 issue of the periodical *Quale Stato*, (this is a publication of the Italian Confederation of Labour). In the same period, two books deal with the topic: *RICOVERI*, *supra* note 19; and *BENI COMUNI. LA SFIDA PIÙ DIFFICILE DEL VENTUNESIMO SECOLO*, *supra* note 19. These publications show that in those years *beni comuni* had not yet become a call for mobilization.
economic notions underpinning an economist’s approach to the topic, but it is rather driven by a more legal approach. This is not based on the intrinsic features of certain assets, but rather to the social ends to which they can be put, and the dynamics of participation that they enable, to realize a whole set of fundamental rights. This remark is by and large correct and reflects the subsequent developments that have led to several Italian normative texts establishing the legal framework for urban commons in Italy.

IV. COMMONS IN THE CITY: THREE EARLY CASES

After the referendum on the privatization of water services, several Italian cities witnessed the birth of social movements that were quick to take up the flag of the commons; this is the political and legal category that seemed most promising for social movements to challenge the present order of things, without delegating to political parties or other organizations (like the trade unions) the task of giving voice to the protest. In the post-industrial city there are abandoned buildings and areas that are underutilized, and that can be occupied. The trigger of an occupation is a mixture of motives: the search for an alternative to privatization, the intention to find a seat for a collective initiative, etc. In assessing similar initiatives, one should also consider that, in Italy, workers’ movements have often occupied factories to resist lockouts. In a country like Italy, the memory of these events does not have a purely historical significance. The news regularly reports these forms of industrial conflict. School occupations are a way to carry out students’ protests in Italy every year. In a way, the movement for urban commons in Italy could therefore build upon a pre-existing social capital of spontaneous mobilization in the name of collective aims.

Starting from the 2010s, the paradigmatic examples of actions undertaken in the city by social movements to reclaim the commons are many. Here, I will consider just three of them, which are among the first experiences that gained national resonance. The first two are directly related to the cuts that the Italian State inflicted to the funding of theaters between 2010 and 2011. The management of theaters in Italy was negatively affected by the 2010 abolition of Ente Teatrale Italiano (Italian Theatrical Agency, henceforth ETI), and by cuts in the funding of theaters up to forty-four percent. When ETI was abolished, as part of a packet of austerity measures, major concerns were expressed for the future of theaters that had been


27 See Daniela Festa, Urban Commons. L’invenzione del comune [Urban Commons: The Invention of the Municipality], 14 MEMORIE GEOGRAFICHE 53, 56–57 (2016) (for a sociologist’s account).
managed by ETI. The Teatro Valle, the oldest theater in the center of Rome, established in 1727, was one of the theaters affected by this severe measure. The theater thus ended its activities on May 19, 2011. Amidst rumors of an impending privatization of it, on June 14, 2011, a group of actors, artists, and citizens occupied the building and began an experiment in self-management that turned the theater into a lively cultural hub for three years. Many high-profile cultural events thus took place at the occupied theater. The Municipality of Rome eventually decided to put an end to this experience, with the promise of renovation works soon to begin, and the guarantee given to the occupants that the theater would remain a public institution. The occupation ended by August 2014, under the threat of a police action to clear the theater of its occupants. Two years later, the theater was transferred from the State to the City of Rome. With the participation of the Ministry for cultural activities, a valorization plan was approved by the City of Rome that involved an investment of three million euros for the structural and architectural restoration, safety, and enhancement of the building.

During the occupation, the theater became a center for debates over *beni comuni*, and the community gathering in the theater soon identified itself with that notion. Stefano Rodotà, Ugo Mattei, and other protagonists of the Italian debates over *beni comuni* worked together with the occupants for a constituent assembly to elaborate a regime for *beni comuni*, and for a precise legal regime for the occupied theater. Their presence acted as a catalyst for inscribing the experience lived by the occupants into the paradigm of *beni comuni*. The effort to give to the occupied theater a precise legal status took the form of a charter to establish the foundation Teatro Valle. Although a public notary drafted the charter, the foundation was never recognized by the public authority as it should have been to obtain legal personality. This is hardly surprising, however, because the seat of the foundation was established in a building still belonging to the State—namely, the occupied theater. The form of the foundation was that of a private foundation, and critics from the left noticed that the paradoxical effect of the form chosen was to transform the occupants into managers of the theater, to the exclusion of a public institution representing the generality of the population. As a matter

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28 See Alice Borchi, *Culture as Commons: Theoretical Challenges and Empirical Evidence from Occupied Cultural Spaces in Italy*, 27 CULTURAL TRENDS 33, 40 (2018).

29 The decennial of the occupation of the theater has been the occasion to collect various oral testimonies by the protagonist of that experience by Italy’s public broadcasting corporation (RAI). See Graziano Graziani, *Come l’acqua, come l’aria. il Valle occupato 10 anni fa [Like Water, Like Air. The Valle Occupied 10 Years Ago]*, RAIPLAYSOUND, https://www.raiplaysound.it/playlist/comelacquacomingalaria/valleoccupato10anni (last visited Jan. 14, 2024). For a reflection on this experience by one of the occupants, see Ilenia Caleo, *rel/Play the commons. pratiche e immaginazione politica nei movimenti culturali per i beni comuni [rel/Play the Commons. Practices and Political Imagination in Cultural Movements for the Common Good]*, 14 MEMORIE GEOGRAFICHE 13 (2016).
of fact, it had soon transpired that the rumors concerning the privatization of the theater were just that, rumors. In the end, the foundation, which had not been recognized as such, was dissolved in 2022 because its mission had become impossible, and the foundation’s patrimony, amounting to little over 100,000 euros, was devolved to similar purposes. Meanwhile, the renovation works had not been completed, and probably would not be completed before 2025.

Rome was not the only center of the occupation of buildings soon to be labeled as “commons.” In Naples, a historic sixteenth century convent, known as Asilo Filangieri, was due to be restored with public money to host a “Universal Forum of Cultures” in 2013. This mega-event was funded with public money but organized by a private organization. In March 2012, the building, which was not renovated as it should have been to host the forum, became the stage for a symbolic occupation by a group of artists and cultural workers (“Balena,” “The Whale”). The occupants contested the public sponsorship of the event at a time when artistic work was suffering from the budgetary cuts mentioned above. Soon, a substantial number of people decided to stay in the building, and to develop various activities there.

This grassroots mobilization was eventually supported by the Naples municipality. Under Mayor Luigi de Magistris, the municipality recognized the new status of the Asilo redefined as Ex-Asilo Filangieri. The recognition of the new condition of the building took the form of uso civico, the legal category that, as mentioned above, was used in the past to refer to a legal regime corresponding to the commons in the Villa Borghese case. The Municipality of Naples instituted a department for the commons and finally recognized seven areas in Naples as commons. The experience of the Ex-Asilo as commons is still ongoing. The legal basis for it is the ordinance of the Municipality of the City of Naples on usi civici, which recognizes the possibility that a certain building or a certain space is permanently dedicated to a certain purpose.\(^{30}\) The Municipality now has a new mayor; the new administration intends to guarantee that these places are actually open to the entire local community, but it is also considering how the current management of these assets is sustainable. These questions in the eyes of the movements are pressures to depoliticize and bureaucratize the initiatives launched by the movements, and while the language of the administration now speaks of “accountability”\(^ {31}\) for these experiences, the occupants fear a
managerial drive for “control” by the municipality. Still, the way movements and the city of Naples have interacted during the last ten years is considered to be a positive example. The URBACT program, established under the EU Regional development fund, highlighted its positive aspects, and considered it as a model that could be “transferred to six other EU cities through the Civic eState network.”

A third, different story concerns the monumental set of buildings in the very center of Torino, known as La cavallerizza. This architectural complex is part of the former royal possessions of the Savoy family. Turin’s Cavallerizza Reale is the former cavalry academy of the Kingdom of Savoy, twenty-two thousand square meters of seventeenth-century buildings, courtyards, gardens, and two theaters declared a UNESCO World Heritage Site, together with other Savoy residences in Torino. The Italian State obtained title but did not invest to preserve and maintain it, a failure that is partly explained by the fact that the number of public buildings in the city that would need investments for their upkeep is great. Eventually, the State transferred this complex to the City of Torino. Part of the buildings were occupied by the theater of Torino up to 2013. The City began considering a sale of the dilapidated buildings to private investors to ameliorate its balance sheet (deeply in red), and in 2009, the complex was entrusted to Cartolarizzazione Città di Torino srl, a privatization company established by the City of Torino. In 2013, performances by the theater were thus stopped and visits by private investors to buy the monument (at a bargain price: twelve million euros) began. As a reaction to this news, a group of activists occupied the buildings on May 23, 2014. After three months of permanent assembly, they decided to open La Cavallerizza to the public. The architectural complex thus became the center of several activities, while the status of it as bene comune was immediately reclaimed by instituting a committee for the civic use of these assets. Meanwhile, the municipality of Torino passed a regulation on beni comuni, which should have been the means to guarantee the future of this experience. This was done in collaboration with the University of Torino, within the framework of the co-city project, funded by the EU. Ugo Mattei and a group of university researchers collaborated with the city administration to write this regulation.

reddittività civica! [If for Repubblica It Is Damage to the Treasury, for the Commons It Is Civic Profitability], COMONAPOLI (Apr. 25, 2022), https://comonsnapoli.org/archivio/documenti-giuridici/.

32 Napoli, L’autogestione si difende con l’autonomia e il conflitto (non con tavoli e regolamenti) [Naples, Self-Management is Defended with Autonomy and Conflict (Not with Tables and Regulations)], NAPOLIMONITOR (July 18, 2022), https://napolimonitor.it/napoli-lautogestione-si-difende-conautonomia-e-il-conflitto-non-con-tavoli-e-regolamentit/.

which was in part inspired by a similar project originally launched by the City of Bologna in 2014. Although the City of Torino supported a few experiences of management of public assets by citizens on the basis of this regulation, the Cavallerizza was at least in part taken out of the public domain and privatized by the Municipality. Under the new administration led by the five stars movement, there was continuity with the policy carried out by the previous administration. The occupants had to leave the buildings; a few fires—set on purpose or originated by accident—also created the urgency to find a solution to the deterioration of the whole estate. Eventually, the municipality decided to sell the greatest part of the architectural complex to the foundation Compagnia di San Paolo and to the University of Torino, thus receiving eleven million euros from the sale. The buyers intend to renovate the buildings and use them for establishing their offices, with some spaces for the public as well. The renovation works of the buildings (now property of the buyers) should begin in 2023 and end by 2024. The possibility to have a unitary destination for the entire complex was lost as a consequence of this decision by the city, unfortunately. This is a cause for regret, because safeguarding the complex as a whole could have had a tremendous positive impact on the life of the city.

V. COMMONS IN THE CITY: THE INVENTION OF A LEGAL FRAMEWORK

In Italy, law number 168/1977 introduced a new legal framework for rural commons, which finally clarified their regime. However, since the attempt to introduce the category of “beni comuni” into the Civil Code (pursued by the Rodotà Commission) failed, urban commons are not regulated by a similar framework. Therefore, the question of the legal framework applicable to beni comuni located in urban areas remains very much open. One could try to litigate the issue through the courts, but such an attempt would be in vain. As stipulated in Article 1158 of the Civil Code, property located in an urban area is subject to acquisition by prescription after the passing of a period of twenty years of undisputed possession. This is a rare occurrence. The fact that the property is abandoned does not change the situation in principle. According to Article 827 of the Civil Code, immovables that are not the property of anyone (e.g., because the last owner

of them died without successors) are the property of the State. On the other hand, according to Article 823 of the Civil Code, any immovable asset owned by the State is not liable to be acquired by prolonged possession because no one can acquire an immovable which is public property by acquisitive prescription.

Confronted with this problem, a first strategy advanced by some scholars was to claim that any asset is potentially belonging to the category of the commons, if it is at the center of the practice of social movements, or more precisely of social struggles contesting the present order of property relations in the capitalistic economy. Commons are therefore created through the practice of “commoning,” as the many occupations of cultural spaces in several cities would show. This approach highlights the value of the notion of *beni comuni* as a catalyst for mobilization and extols its potential to feed resistance towards neoliberal policies fostering, e.g., privatization programs. Nonetheless, it has its weak points in the lack of a clear perspective concerning the sustainability over time of any such experience. This approach does not identify any precise mechanism by which the assets that are claimed by a group or a community as “commons” are legally ascribed to it, especially if those assets are public property, owned by the State, or by a public body, as it often happens. The notions that are put to work to overcome these difficulties are no less problematic. The argument that in these situations there would be a form of constituent power at work has some appeal, but it is difficult to maintain over time that such power is productive of definitive effects, unless it is recognized as a legal form of power, which is not necessarily the case. Furthermore, such a broad and ill-defined notion of *beni comuni* poses additional problems when it becomes crucial to identify who controls and is therefore responsible for the management of any resource that is labeled as a “bene comune” under this conflictual model of participation in its use.

Similar considerations explain why in several contexts grassroots movements for the commons have not pursued this perspective but have accepted to enter into a dialogue with the public institutions to find ways to secure and support their claims to a specific resource as “commons” by relying on more traditional approaches. A first paradigmatic example in this respect is provided by the regulations issued by the city of Naples concerning the ex Asilo Filangieri and a number of other occupied buildings and spaces that have eventually been declared commons by the Municipality. As

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mentioned above, the legal device that has been put at work here is the notion of *uso civico*, namely the designation of the property as public usage that is realized by the occupation and the use of the building by a group of people who makes the building available to the local community. This designation has been considered by the Municipality of Naples as an expression of the principle of the social function of property under Article 41 of the Constitution, and of the possibility established by Article 43 of the Italian constitution to allow groups of citizens to manage certain resources. The regulations issued by the Municipality of Naples on this subject expressly declared the existence of such designation over several assets that were abandoned or underutilized. Through these city declarations and ordinances, the venerable notion of *uso civico* was rejuvenated and actually turned into a new tool to recognize, in an inventive way, the citizens’ right to self-organize and manage resources which were thus put to more socially oriented usages. The legal solution thus devised in Naples has merit, namely, to recognize that the capacity for self-organization and cooperation is at the root of the movement for the commons, and pre-exists before any recognition of it by the State or the public administration. Nonetheless, public institutions can act to support that capacity by formalizing the actual existence of it in context—hence the public declaration that certain assets are subject to “*uso civico*.”

On the other hand, it is also true that this capacity for self-organization does not exist in a vacuum. City administrations are a visible presence in the city. They have a stake in the game, and they may thus decide to foster collaborations involving “active citizens” to manage specific properties that are designated as “*beni comuni*.” These projects often intercept or respond to demands of participation from the bottom up. Based on projects sponsored by the city administration—and ultimately governed by facilitative rules issued by the same administration—groups of citizens, NGOs, etc., may thus manage assets that usually belong to the public hand, quite often with the support of the administration, to encourage participative civic government. In this respect, there is a flip side of the coin to property law as a means to provide a legal framework for the commons in Italy, and that is the use of public law concepts to do the same job, namely to provide spaces for certain activities and initiatives that go under the flag of the commons.

Italian constitutional law recognizes the principle of subsidiarity. Horizontal subsidiarity in Italy was initially recognized in Article 2 of law

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36 For a full documentation of the initiatives taken in this respect by the local authorities in Naples, see, for example, ISTITUTO ITALIANO PER GLI STUDI FILOSOFICI, RAPPORTO SUI BENI COMUNI A NAPOLI: ATTI E DOCUMENTI (2011-2021) [REPORT ON COMMON GOODS IN NAPLES: ACTS AND DOCUMENTS (2011-2021)] (Nicola Capone ed., 2022). For a commentary by a scholar involved in the redaction of the Ex Asilo Filangieri self-governance regulation, see, for example, Giuseppe Micciarelli, *Introduzione all’uso civico e collettivo urbano. La gestione diretta dei beni comuni urbani [Introduction to Civic and Collective Urban Use. The Direct Management of Urban Common Goods]*, MUNUS, no. 1, 2017, at 135.
number 265/1999, which was then incorporated in law number 267/2000 and, finally, in Article 118(4) of the Constitution. On the basis of the principle of subsidiarity, the State, regions, metropolitan cities, provinces, and municipalities favor the autonomous initiatives of citizens, either individual or associated, who intend to carry out activities of general interest. Horizontal subsidiarity governs the distribution of competencies between local authorities and private, individual, and collective entities such as NGOs. Accordingly, the role of local authorities would be a subsidiary role of coordination, control, and promotion of such activities. Public powers should intervene directly to carry out a certain activity of general interests only if it can be carried out more efficiently and effectively by them, rather than directly by citizens, either individually or collectively.

Relying on this principle, the public administration can support any initiative that is the expression of this logic. While the rules relating to the classification of the different types of property are the exclusive preserve of State legislation under Article 117(l) of the Italian Constitution, the power to elaborate administrative rules applicable to the management of public property is an inherent power of the public administration.

On this basis, some urban centers in Italy began to adopt city regulations governing the management and use of the commons in the urban space. The first city to take such initiative was Bologna in 2014, with the approval of the Regulation on collaboration between citizens and the City for the care and regeneration of urban commons, which entered into force on June 16, 2014. Bologna began experimenting with the notion of shared city government (amministrazione condivisa) in 2012 by opening three so-called laboratories for it in three neighborhoods. The experimentation took place with the involvement of the local NGO, Centro Antartide, with a rich experience in civic engagement; the support of a Bologna based foundation (Fondazione del Monte di Bologna); and the contribution of Labsus, an NGO association based in Rome. The latter was the center of elaboration of the notion of subsidiarity and active citizenship by one of Italy's foremost scholars in the field, Professor Gregorio Arena, full professor of administrative law at Luiss University. Professor Arena took up the project to write the Bologna city regulation together with Dr. Christian Iaione, now Professor of administrative law at the same Luiss University. Iaione then went on to establish Labgov, an international research platform on the collaborative


governance of the city as a commons, co-directed with Professor Sheila Foster.\(^\text{39}\)

The Bologna city regulation provides the following definition of urban commons in its Article 2:

The tangible, intangible and digital assets, that citizens and the Administration, also through participative and deliberative procedures, recognize to be functional to the individual and collective wellbeing, activating consequently towards them, pursuant to Article 118, par. 4, of the Italian Constitution, to share the responsibility with the Administration of their care or regeneration in order to improve the collective enjoyment.

According to the vision of its framers, the beating heart of the Bologna regulation is not so much the idea of the commons, but rather the notion of subsidiarity, which would express the centrality of citizens’ initiatives in the management of public affairs. The public administration itself and the city would be commons when considered from this angle.\(^\text{40}\) The regulation therefore enacts that collaboration between citizens and the administration is realized with the adoption of administrative acts of a non-authoritative nature, known as “collaboration pacts.” Article 5 of this text specifies that they are “the instrument with which the municipality and active citizens agree on everything necessary for the realization of interventions for the care and regeneration of the commons.” Each pact contains a detailed description of the project to co-manage or regenerate an urban resource, and defines the scope of the action, including the duration and the respective roles and commitments of the actors involved. These pacts are the technical-legal means by which a form of shared administration is carried out. All pacts are now periodically included in an interactive map where all interventions implemented by the municipality in support of public space regeneration, community well-being, and urban economic development are collected. To support civic participation, in 2014, Bologna launched an online tool known as Comunità, a dedicated area of the Iperbole Civic Network to provide a space for civic and social practices. Comunità is the online space dedicated to the city’s inhabitants to support their participation in public life, promote collaboration, and care for the commons.\(^\text{41}\) It is a civic network—i.e., a social network with civic objectives—which fosters horizontal relations between

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citizens and the public administration, and among citizens to stimulate commitments and collaborations based on common interests, places, passions, needs, and resources.

The regulation generated a positive response by the citizens of Bologna. According to a report published in 2017, Bologna has concluded 280 collaboration pacts in the period from 2014 to 2016. An empirical analysis of this experience carried out by de Nictolis and Iaione\textsuperscript{42} showed that 56\% of pacts entail resource care actions, such as painting over graffiti, or cleaning up a public park or street, or public events to promote environmental or civic awareness. The remaining agreements are equally divided among those that involve the co-management of spaces or buildings (for an average of one to three years) to realize art exhibitions, book exchanges, a mural painting on a school wall; workshops and labs to teach neighborhood residents how to use technology creatively, or other cultural or social activities; and complex interventions in public space and/or building regeneration that included renovation work. Most pacts concerned urban public spaces such as squares; only 7\% of them aimed at regenerating building. In economic terms, the total amount of financial resources invested by the pacts’ civic signatories (including foundations and businesses) was €480,180,27 over a period of two years, while the City invested €195,558,84 to the same effect.

The Bologna regulation had a snowball effect; many municipalities across Italy adopted it as a template. The latest count indicates that about two hundred cities and towns have adopted a regulation on \textit{beni comuni urbani} inspired by the Bologna experience. Some of these regulations set out a plurality of instruments to foster a collaborative approach for the management of these resources. For example, the Torino regulation includes the possibility to establish a foundation to take care of the urban commons.\textsuperscript{43}

While so many local administrations now support initiatives to broaden a participatory approach to local administration, the notion that the city itself is to be conceived as a commons goes back to the approach supported in Italy by Professors Arena, Foster, and Iaione. The latter published a landmark contribution on the topic in English with Professor Sheila Foster and is a consultant to many projects on the commons by city governments. Professors Foster and Iaione consider that the governance of urban commons is, in their own words, an arrangement between five different actors (or “quintuple helix” model), where: (1) the unorganized public (e.g. social innovators,

\textsuperscript{42} Christian Iaione & Elena de Nictolis, \textit{The City as a Commons Reloaded: From the Urban Commons to Co-Cities Empirical Evidence on the Bologna Regulation, in The Cambridge Handbook of Commons Research Innovations} 124 (Sheila R. Foster & Chrystie F. Swiney eds., 2021).

\textsuperscript{43} Regolamento per il governo dei beni comuni urbani nella Città’ di Torino [Regulation on Governing the Urban Commons in the City of Turin], regolamento no.391 [regulation no. 391] (It.) (available at http://www.comune.torino.it/regolamenti/391/391.htm.).
active citizens, urban regenerators etc.), (2) public authorities, (3) businesses, (4) civil society organizations, and (5) knowledge institutions (e.g. schools, universities, cultural institutions, etc.) work together to establish public-private-community partnerships and contribute to the preservation of the cultural heritage and the co-creation of the social as well as economic value.

This approach has been codified under the label right to the co-city, to indicate the importance of the networks of collaborations established to promote processes of democratic participation and urban regeneration and is summed up by the following keywords: Enabling State; Pooling Economies; Experimentalism; and Technological Justice.44 The application of these principles in context mobilizes institutional, financial, legal mechanisms, and technological tools that are employed to constitute, govern, and sustain a whole range of shared urban resources consistent with the said principles. The combination of these five design principles and of these various organizational dimensions leads to the production of different urban commons governance devices that are to be adapted to the local context and the needs of local communities. The work of Foster and Iaione is empirically based on a large global experimentation of the quintuple helix approach across the world. Several countries and cities all around the world have taken to initiatives that have put this approach into practice. Italy is one of the countries at the forefront of this movement, and the organization by Foster and Iaione of the first thematic conference of the International Association for the Study of Commons on the Urban Commons in Bologna in 2016 was a major milestone along the road.

An important aspect of this theoretical framework is that it makes the most of the opportunities offered by the multilevel system of governance established in Europe under the European Union Treaties. The EU has worked towards supporting these developments through its Urban innovative actions agenda and the regional development fund. A full examination of the programs of the EU that are relevant to this topic is beyond the scope of this piece, but surely the EU allocates substantial resources to projects that reflect the approach advanced by Sheila Foster and Christian Iaione. These are tremendous resources that are fundamental for the success of similar projects.

For example, the city of Torino alone benefitted from an EU grant of 4,125,891.44 Euros for its co-city project from 2017 to 2020. The EU Horizon 2020 program has been instrumental as well in supporting co-city projects, as it happened in Rome, where the money allocated to the project established a cultural cooperative providing services to the inhabitants of several neighborhoods of the city. Finally, Italy has a thriving third sector. Once more, private actors belonging to the third sector, like private foundations, are willing to support similar programs. Several Italian private foundations pursue community purposes and thus support urban regeneration projects, or social housing projects targeted to the more disadvantaged parts of the urban population (like the elderly).45

While the lack of national legislation covering urban commons persists, the demand for a legal framework going beyond the city level has not diminished. The latest legislative initiatives are by the regional governments. The Lazio Region (comprising Rome) passed a regional law on *beni comuni* in 2019.46 Article 2(d) of this law defines commons as those tangible and intangible assets, functional to individual and collective wellbeing and to the interests of future generations and for which administrations and citizens take action, pursuant to Article 118(4) of the Constitution, to guarantee their collective use and share responsibility for their care, regeneration and management in a shared form.

The exemplification covers immovable assets that belong to the Lazio Region, or to subsidiaries owned by the Lazio region, as well as a whole range of tangibles (e.g., streets, squares, arcades, urban public green areas, public agricultural areas, school areas, sports facilities, building elevations, abandoned buildings undergoing urban regeneration activities), intangibles (e.g., programs and actions for social inclusion and cohesion, education, training, culture, civic awareness, education to legality, environmental sustainability, reuse and sharing), or digital assets (e.g., sites, applications, social media, computer literacy). The new law regulates pacts of collaboration and sets up a fund to support the activities that “active citizens” intend to carry out based on this law. The law intends to promote at the regional level training courses aimed at disseminating the culture of civic collaboration and to enhance the professional qualifications of public administration operators; it provides for the creation of a special section of the regional digital platform dedicated to shared administration; and the


publication of a regional electronic list of regulations on common goods approved by local authorities.

All these initiatives clearly go beyond the purely local level. The Regional Council is tasked with the evaluation of the application of the law, with powers to monitor and control the results by measuring the dissemination of the cooperation pacts, the implementation of the training courses, the state of digitalization of each project, the types of economic benefits bestowed to the beneficiaries, and any criticalities that may have emerged. Once more, this first law has been followed by similar initiatives in other regions. Tuscany enacted its law on *Governo collaborativo dei beni comuni e del territorio, per la promozione della sussidiarietà sociale* in 2020.47 This law provides expressly that abandoned buildings are prejudicial to the fair and equitable use of the Region’s territory. Hence, like the Lazio Region, it considers abandoned buildings as resources that can be used by active citizens who intend to enter into pacts of collaborations with the administration to advance socially useful activities. The Piedmont region as well approved its law on the co-management of *beni comuni* in 2024.48

These laws, like the city ordinances mentioned above, are no mere proclamations, they are supported by actions that are producing substantial effects on the city and regional territories to which they are applicable. The path towards sustainable urban commons requires the activation of economic models that aim at the public production of collective goods. The notion of shared economy is now at the center of debates concerning the development of urban commons in Italy. One way to highlight this turn is the recognition that cooperatives have a decisive role to play in this environment, hence the trend towards the constitution of *cooperative di comunità*. The task of these cooperatives is to pursue the purposes of this new form of economy by giving a more stable organization to initiatives that involve the contributions of workers.

**VI. CONCLUSIONS**

The Italian experience with urban commons has been very rich indeed. Leaving aside the study of the distant past, which is, however, by no means irrelevant to understand institutions as they are shaped in the *longue durée* of history, in the last ten years or so the number of social and legal initiatives relating to urban commons in Italy has exploded. The present Italian situation shows that urban commons are here to stay. By now, they are part of the

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collective imagination, of political and socio-economic transformative projects, of administrative practices, and of the law. The demand for the commons in the city originates from the social movements that intend to resist the penetration of the market and of private property in every ambit of life but is by no means confined to that end of the political spectrum. The idea of social solidarity and the demand for autonomy underpinning many discourses over the commons is more widely shared, as it draws upon legacy of liberal socialism and catholic social thought as well.

Reference to several articles of the Italian constitution in all the rules and regulations enacted by over 200 Italian cities, towns, and villages all along the peninsula, and in the laws enacted by several Italian Regions, show that governing the commons is a constitutionally viable strategy, although, for the moment, no legislation as ambitious as the one drafted by the Rodotà commission passed through parliament. The Italian experience shows as well that, in the urban environment, the role of the public administration in managing urban spaces and urban dynamics as commons is crucial. Hence, the idea of utilizing city ordinances to introduce a new formality, namely pacts of collaboration between the administration and those city inhabitants who intend to have access to commons. The recourse to the old notion of uso civico is as well a proven solution, at least in some contexts. The city of Naples thus found that a declaration of uso civico was enough to provide an appropriate regime for certain buildings which are now part of the commons recognized in that municipality.

Nonetheless, the governance model which has become prevalent in Italy is the city ordinance that regulates pacts of collaborations. They give the administration the possibility to relate to groups of citizens in ways that guarantee the respect of public values and provide incentives to city administrators to have a positive relationship with the city inhabitants who take responsibility for the commons by becoming a partner in the development of specific projects. The way forward is traced by a larger view of the use of the commons that connects them to a moral economy based on sharing, mutual support, and solidarity. At the city and regional level, this requires new infrastructures and new approaches to the administration to be developed in collaboration with citizens. Access to knowledge and data relating to each experience is crucial to reflect on the dynamic triggered in each local context, considering the remarkable variety of each experience in this field. When reviewing the concrete experience of pacts of collaborations in various Italian localities it appears that many of them concern relatively simple activities, such as gardening in a certain area of the city, cleaning and restoring a playground, creating a meeting center to provide services to the neighborhood, etc. More ambitious projects require substantial support from the municipality and higher levels of government, including the EU.
The role of academics and consultants has been crucial in identifying the principles, means, and ways in which commons could be sustained, and their work has been systematically used by city and regional governments to establish a viable legal regime for urban commons. The experience gained can, to some extent, be generalized through mutual learning and knowledge sharing to generate sustainable innovation.49

49 This perspective is advanced by an important research report prepared by JUDITH ROCHFELD ET AL., RAPPORT FINAL DE RECHERCHE: L’ÉCHELLE DE COMMUNALITÉ: PROPOSITIONS DE RÉFORME POUR INTÉGRER LES BIENS COMMUNS EN DROIT [FINAL RESEARCH REPORT: THE SCALE OF COMMUNALITY: REFORM PROPOSALS FOR INTEGRATING COMMON GOODS INTO LAW] (2021) (Fr.).