

Commoning the Cities? Active Citizenship and Urban Commons

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Abstract

The essay offers some findings and reflections concerning the so-called *urban commons* (Foster, 2013; Mudu, 2012), in particular, it focuses on the relationship among commons and civic engagement within the local dimension. The research subject concerns two instruments of local governance introduced by a growing number of Italian municipalities: the *regulation on public collaboration between citizens and the city for the care and the regeneration of urban commons* (regulation) and its *collaboration agreements*. After analysing the concept of commons (section one) and an explanation – section two - of the specific approach that constitutes the theoretical ground of these soft-law administrative tools (Gigliani, 2018), the essay provides a two-step descriptive analysis: section three and four deal with the findings originated from the founder and most important Italian experience, i.e. the Municipality of Bologna; section five represents an in-depth description of a specific case-study randomly selected within the Italian municipalities that subscribed at least one collaboration agreement. Final remarks give evidence to the constraints and obstacles that still affect the subsidiary paradigm and, more generally speaking, the difficulties to recognize citizens' autonomous role in governing urban environment.

Keywords: urban commons, subsidiarity, active citizenship

Riassunto. *Le città condivise: cittadinanza attiva e beni comuni urbani*

L'articolo espone in modo sintetico i principali risultati di una ricerca sui beni comuni urbani (Foster, 2013; Mudu, 2012) condotta fra il 2016 e il 2020. Attraverso l'analisi di due strumenti di governance urbana introdotti da un numero crescente di comuni, l'articolo si sofferma sul complesso rapporto fra cittadinanza attiva e amministrazione locale. Il primo paragrafo offre una ricostruzione introduttiva relativa al concetto di beni comuni (commons) e ai suoi principali approcci teorici; il secondo delinea i presupposti normativi e i fenomeni alla base dei dispositivi di soft-law (Gigliani, 2018) oggetto di descrizione nella parte empirica. Quest'ultima è dedicata all'analisi del regolamento e delle azioni di cura e gestione dei beni comuni urbani in due contesti (Bologna e L'Aquila) cercando di rispondere ai seguenti interrogativi: quali sono i beni oggetto dei patti di collaborazione? Di che tipo di azioni collettive sono oggetto? Quale livello di autonomia è riconosciuto dalle amministrazioni locali ai cittadini che intendono prendersi cura di questi beni? Il contributo si chiude con alcune riflessioni che sottolineano gli ostacoli e le difficoltà emerse nell'analisi empirica rispetto ai presupposti normativi che animano queste genere esperienze urbane.

Parole chiave: beni comuni urbani, sussidiarietà, cittadinanza attiva

DOI: 10.32049/RTSA.2023.1.04

1. Three Approaches to the Concept of Commons

The notion of commons has increasingly drawn the interest of the scientific community at least since the publication of Elinor Ostrom's work in 1990; an interest that turned into a widespread trend after the impact of the Nobel prize awarded to Ostrom almost twenty years later, in 2009. After an exploratory analysis of the large scientific production on commons, and despite the increasing opacity that the very production contributes to generate on the concept (Nivarra, 2012; Pomarici, 2015), three hermeneutical approaches can be

distinguished.

The first one can be defined as a socio-economic approach focuses on the analysis of aims and ratios in individual actions, on one hand; and on the survey of the sustainability of practices for the management of commons, on the other. Thus, commons can be understood as “common pool resources”, that is: resources the access to which is non-excludable while their consumption results to be rival (Hardin, 1968; Ostrom, 1990; 2005). The very term “resources” (not goods) shifts the problem of definition, in an economic dimension, from the reference to the entitlement of the good to the sustainability of its collective use. In this sense Ostrom’s work, as well as the work of other scholars such as, for example, Charlotte Hess (2008), is entirely aimed at repudiating the free rider paradigm while maintaining the possibility of a virtuous use of the goods intended for the free use and management of a community. This is to the point of turning what Hardin called the «tragedy of the commons» into a «comedy» of the new commons (Hess, 2008).

The second approach belongs to a juridical dimension: it tries, at first, to answer the question on what the commons are, starting from the identification of their proprietary nature and the delimitation related to the availability of the good. Then, it takes a political perspective (mostly of reformist type) when it moves from the analysis of the particular case to the proposal of endowing it with a regulatory basis suitable to the contemporaneity (see, for example, Maddalena, 2011; Lucarelli, 2013). This line of interpretation includes also the whole work by the jurist Rodotà, who considered commons as *complex social objects* (Rodotà, 2012) thus underlying the difficulty found, within the juridical field, in aligning such heterogeneous cases as those falling into the category of commons. From commons understood in an economic sense as «a system of production of resources, both natural and artificial, that is enough large to make it costly (but not impossible) the exclusion of potential recipients from its use» (Ostrom, 2005, p. 52), to the juridical definition that includes in the term all those goods which are functional to the exercise of fundamental rights and the full development of personality (Rodotà, 2012). Starting from the need to support fundamental rights and the aim to foster local democracies within a consensus scheme, juridical view of commons has found an empirical implementation through

juridical innovations and administrative arrangements (see section 2).

The third perspective pertains to the political and ideological field: with the complicity of the global economic crisis and the strengthening of Neoliberal policies, the concept of common good and, in general, all the practices based on it, have come to represent the synthesis of a social and economic paradigm which is critical and alternative to capitalism.

In this sense, commons represent a way to use goods and resources that is in contrast with both the State and the Market. This is, for example, the direction followed by authors such as Hardt and Negri (2010) and, in Italy, by Ugo Mattei (2011). This third interpretative line is based on radical and antagonist experiences such as, for example, the occupation of urban spaces (as in the case of Teatro Valle) or the anti-liberalist claims of local communities, generally read as manifestations of Nimby Syndrome or, in a less utilitarian view, as the demands of a cultural and ecological specificity jeopardized by financial and capitalistic interests. Despite of the different perspectives of analysis these approaches come from a shared reading of the status quo and generate the same priorities: the protection of the environment, the pursuit and claim of social equity, the respect for minorities and the rejection of a State-apparatus which appears to be more and more detached from the State-community. Among the three perspectives presented, this contribution focuses on the second one: the aim has been that of testing its normative premises and their attempts to keep together a collective use of a resource and the representative scheme of local democracy by going beyond the traditional separation between citizens needs and administrative responses or, according to the well-known Easton's scheme, the input-output dichotomy.

2. Subsidiarity, Civic Activism and Urban Commons

Within the juridical interpretation of commons, the principle of subsidiarity offers a point of reference in regulatory terms thus allowing a re-definition of the traditional division of roles between public administration and citizens (Arena, 2006) and promoting the activation of the latter in the handling of those goods which are functional to the exercise of

fundamental rights and the full development of personality.

Among the several reasons explaining the introduction of the subsidiarity principle at the highest level of legislation in the Italian State, there is one that plays a pivotal role in the field this essay deals with. Giovanni Moro (2013, pp. 86-8) reports that it was thanks to the campaign «Imputati per eccesso di cittadinanza», promoted by *Cittadinanzattiva* during the two-year period 1999-2000, that the Italian Government and Parliament became aware of a significant as well as paradoxical issue: to incur sanctions for excess of civiness.

According to this point of view, public goods have to be seen not as distant objects whose care and maintenance fall down the domain of the administrative institutions' functions, but are more likely and actually to be understood as commons, that is: as resources shared, used and cared by citizens which can act autonomously for a collective interest.

This standpoint has found a Constitutional acknowledgement in the last section of art. 118 that states that national and local administrations *promote the autonomous initiative of citizens, individually or in association, to carry out public interest activities* based on the principle of subsidiarity. This principle, therefore, «delocalizes» the decision-making authority or the provision of services and, more broadly, the subject who deals tangibly with the implementation of decisions at the citizens' level, based on the assumption that the closest is the proximity between sender and receiver and the highest is the efficacy and efficiency of content transmission.

To underline the autonomous function by citizens is equal to identify a field of action for a new way of understanding citizenship. In this sense it can be said that section 4 of art. 118 acknowledges the existence of a specific form of activism that can be synthesized by the concept of active citizenship.

With this term, that goes beyond the traditional concept of (democratic) citizenship, Moro indicates, «citizens' capacity to organize, mobilize resources and take part in public policies in order to defend their rights and take care of commons, so becoming de facto holders of rights and responsibilities» (Moro, 2013, p. 109).

In regards to this, and referring to the care, regeneration and management of commons, active citizens have what Moro defines *material power*, understood as the capacity of

«modifying *hic et nunc* the situations that require and allow an immediate change» (p. 111). These situations include, but are not limited to, the creation of services for disadvantaged individuals or voluntary assistance during natural calamities, but also activities that are only seemingly more trivial such as re-painting pedestrian crossings or cleaning park areas.

In an urban context, those goods are nowadays identified as urban commons. Foster defines them as the set of urban resources collectively shared including streets, parks, kerbs and, more generally, any public space located in urban contexts (2013, p. 58). Though being public goods from a juridical point of view, as Foster points out, for they possess – at least in a prescriptive dimension – the characteristics of non-excludability and non-rivalry which are typical of this category, they would ‘slip’ in the category of commons due to what is called *regulatory slippage*, that is «a decline in the management or control of a common resource over which public authorities have formal governing authority» (p. 67). This laxity of the regulatory or managerial function by public institutions can lead to an unsustainable (thus hopelessly detrimental) exploitation of the resource by a particular group or for a specific use. The path leading to a collective management, Foster points out, would find its way as the only possible alternative, even considering the costs that a privatization or a full, concrete reversal to the public domain (for example through a requalification by employing public resources) for those commons would entail. In order to avoid the tragedy of an unruly use with the consequent deterioration and/or degeneration of the common good, on one hand, or the possible privatization of it or of the space, on the other, Foster examines a series of experiences that she proposes as cases of *collective enabling actions*: (a) *type of enabling of cooperation among private actors to manage open access, common resource* (p. 63).

According to Foster, the variables operating in a virtuous management of urban commons are essentially two: the characteristics of the community involved in the care, regeneration or management of a urban common; the role of public administration that, in a prescriptive sense, has the task of protecting the commons.

The two variables operate by following an inversely proportional way, that is: «there is an inverse relationship between those endogenous variables and a strong central government role in supporting a collective resource management regime» (p. 92). Where for endogenous

variables Foster means, for example, the size of the community caring for commons, the density of relationships among community members, the level of social capital and the sharing of rules and traditions and, above all, the extent of the resource attracting the collective interest.

Based on this inversely proportional relationship between endogenous characteristics and the role of the government, Foster maintains that the collective action is placed on a continuum delimited, on one end, by cases of «largely endogenous collective efforts involving de minimis government enabling» and on the other end «collective efforts that are very much dependent on the government to coordinate, establish and sustain themselves» (p. 92). In the middle, there is a level in which the role of public administration is not essential as much for the formation of the community and the collective action as for its support, carried out both in terms of resources destined to the group and of monitoring of its actions and, finally, as important stabilizing force for the group, or as support for the legitimization of the group itself.

In this sense, the care of a public park or the creation of a community garden obtained in a plot of land abandoned by public authorities and abused by local petty criminality, fall within the category of large collective mobilization/minimum role of public authorities, where the latter limits itself, at the most, to provide some resources or competences or, at the very least, to acknowledge the result of the collective action. Thus, an ex-post intervention. Foster introduces a wide range of case-studies related to the three points representing the continuum. Similar cases (ranging from interventions of care to the realization of actual economic districts under a cooperative management) could be found, even if with some differences, also in the Italian context, where they assume not only the practical evidences of the concept of active citizenship stated by Giovanni Moro, but also as empirical examples of a regulatory framework belonging to the reformist approach for the care and management of commons and the attempt to redefine the relationships between public administration and citizens.

3. The Regulation of Urban Commons: Bologna

The *Regulation on public collaboration between citizens and the city for the care and regeneration of urban commons* (hereinafter the “Regulation”¹) has been introduced for the first time on May 19th 2014 in Bologna².

Letter a) of the first section of art. 2 in Bologna Regulation sets forth that urban commons are «the goods, tangible, intangible and digital, 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».

This definition underlines the following features: the principle of subsidiarity as the ground-norm of the juridical device; the function of urban commons: that is to be a material or immaterial tool for supporting individual and/or collective wellbeing; the equal role that both citizen and administration play in both recognizing and caring urban commons.

Thus, from a juridical point of view, the Regulation represents a second-level source of law that adopts the principle of subsidiarity and, through collaboration agreements (non-authoritative instruments through which the relationship between the public administration and the subjects proposing the intervention on commons is expressed), *facilitates* public interest activities.

In this municipality, the Regulation develops from a 2012 project *The city as a common* whose aim was to make citizens’ active participation in the care of urban commons a distinguishing feature of the city of Bologna.

¹ Il regolamento è disponibile al seguente URL: <http://www.comune.bologna.it/sites/default/files/documenti/REGOLAMENTO%20BENI%20COMUNI.pdf> (29/03/2023).

² Bologna case-study has been approached with a mixed method scheme: a content analysis of each of the 292 collaboration agreements developed between 2016 and 2019; the creation of a dataset collecting the following variables: the proponent subject; the type of urban common (material/immaterial; green area, street, square...); the nature of the intervention (caring; regeneration; management); the duration of the agreement. The quantitative analysis has been followed by a qualitative analysis of the contents of 8 semi-structured interviews addressed to citizens and municipality managers.

The project, in turn, came from a request for which the city of Bologna was unprepared, as reported by the manager of the Department for the Administrative Simplification and Active Citizenship:

In 2012 we met a group of citizens who was willing to take actively part in a project to improve the conditions of a public square, specifically the square they resided in. However, they wanted to do it with a formal authorization by the City. This causes a good deal of distress for the administrative structure that had to face a series of problems related to its departments' respective competences, responsibilities, limits, etc. [...] We were prepared to interact with external interlocutors only if they presented as associations, specifically as associations registered in a specific list kept by the city, in this case the so called "List of Free Associations". [...] The problem is that one of the first thing citizens reported, and still report, is that they want to get involved in activities aimed at improving their territory but they have no other interests, and for this reason they are reluctant to form an association, to "complicate" their lives with meetings, minutes, charters ... so that if the only way to improve things is to associate they prefer to do nothing at all. In fact, the application reports that about the half of the collaborations we have are with interlocutors from informal groups.

It is worthwhile noting that, according to its writers' purposes, the Regulation contains an interpretation which is not only morphological or with a juridical derivation (based on its competence) but also a relational one: commons are what they are based on a qualitative relationship with one or more stakeholders (Iaione, 2013). In other words, commons are what they are «for they allow social life to take place, collective problems to be solved, man to exist in relationship to the ecosystems he belongs to» (Donolo, 2012, p.14).

The Regulation is composed by 36 articles that define purposes, definitions and principles, fields and instruments of intervention, communication and evaluation procedures, rules on responsibilities and supervision. It is, thus, an articulated and highly structured document that strongly refers to the regulatory setting indispensable to discipline common resources according to Ostrom's framework.

Active citizens are defined as «all subjects, single or associated, anyhow gathered in social formations, also of entrepreneurial type or with social vocation, which are active for the care and regeneration of urban commons, pursuant to this Regulation» (art. 2 c. C,

translated by the author). The Regulation establishes a four-steps procedure for the care of commons: the submission of a proposal for intervention (the expression of interest aimed at proposing interventions for the care or regeneration of urban commons) that can be spontaneous or deriving from a solicitation of the City; the collaboration agreement (the instrument to define the fields of application, modalities and responsibilities of the intervention); implementation of the intervention; evaluation. The abovementioned four steps are completed by the monitoring step.

The implementation of Bologna Regulation has produced almost 300 collaboration agreements, showing at first glance a sort of “civic excitement” phenomenon the generation factors of which can be attributed both to context and process variables. Among the context variables, there is undoubtedly what Moro defines *enabling environment* (Moro, 2013, p.132), that is the existence of an environment that promotes the development of civic activism. In fact, even after deep changes both in political and cultural frames during the last ten years, Bologna can be still considered an outpost of the so-called “red sub-culture” that identifies its prominent characteristics in political participation and, more broadly, in citizens’ capacity to activate and cooperate for the definition of politics and policies. The environment, which is imbued with this specific political culture, is then made further enabling thanks to the action of an Administration that sets as a medium and long-term asset the creation of a different administrative model summarized in the claim: «Bologna is cooperation».

The words said by the manager who edited the Regulation and now deals with the agreements emphasize the Administration’s desire to carry out successfully this experiment (to the point of creating a new “system of territorial administration”):

To start this path, we have had a political mandate by the top level of Administration, so the town council followed all the steps in the path and accompanied them with official stances, that is resolutions, deeds, etc. Clearly, when everything began to function *they realized that the city had sources of energy that could be exploited better thanks to this instrument. Since then, this issue started to play a major role, as I had noted, both in the agenda of the top level of Administration and in their communication strategy [...] that is, they began to say that the foundation of their way of managing the city was the collaboration with citizens,*

understood not only as “have them collecting their proposals for the care of commons”, but also as a cross-sectional element that gradually penetrated all the policies of the institution. This to underline that the issue of collaboration is changing profoundly the way our local welfare functions, involving everything which is social welfare, generative welfare, etc.

On one hand, the Regulation is the destination of an experimental process that covered a two-year period; on the other, it is the starting point to activate citizens and practices placed side by side to a network of tools and procedures aimed at involving citizens in the political and administrative mechanisms of the institution. An in-depth redefinition of the administrative identity of the city, both on a functional and an organization level, is ongoing. This reorganization takes place through the creation of structures like the department of civic imagination or the realization of an institutional website that defines itself as civic network and puts the institution and citizens on the same level, at least graphically and spatially. It is worthwhile noting, however, that if on one hand citizens activate, there is, on the other, a continuous stimulating activity by the administration that materializes not only in the bulk of information, events, communications and discussions at citizens' disposal, but also through calls for activation, as those represented, for example, by the proposals of collaboration made by the administration itself.

This channel of activation falls within the abovementioned variable of process that can be generally synthesized both through the modality with which the object of the procedure (urban commons) finds its place within a regulatory framework determining clearly roles, competences, responsibilities of the stakeholders involved, and in the steps that accompanied the adoption of this practice and those that follow its development. In the case of Bologna, the Regulation has not only an articulated and detailed structure, but this structure derives also from a path of analysis and experimentation within a complex and highly differentiated administrative ecosystem oriented to the inclusion and active participation.

The Regulation introduced in the municipality of Bologna has been taken as an example by more than 300 Italian municipalities in the last years. Municipalities that have showed

their interest in this instrument and, above all, in the urban commons and the cooperative potentials offered by the new administrative paradigm.

As is well known, however, one thing is the prescriptive dimension (in this case the regulation) and another thing is its empirical execution. As it is highlighted by the literature on other participative experiences (Putini, 2011), the existence of an instrument does not guarantee its immediate empirical translation, let alone the achievement of the value-related or practical objectives that led to its introduction.

The fundamental questions, thus, pertain the modalities related to its empirical translation. Therefore: how many agreements have been made? How many, and what kind of, urban commons have been involved? Which kind of intervention has been carried out by citizens? Which has been the level of citizens' autonomy? Which kind of actions (minor care activities, continuous-care actions, regeneration) have been adopted by people?

Hence, a quantitative and qualitative analysis of the research subject is required and, in order to carry it out, it is necessary to leave behind the regulation and focus on its implementing instruments, that is the collaboration agreements.

4. Collaboration Agreements: What Citizens Collectively Do

Collaboration agreements represent the implementing instrument through which the collaboration between citizens and the local administration takes place. In other terms, they contain the definition of the area for the interventions of care or regeneration of urban commons. The analysis of the collaboration agreements in the municipality of Bologna has been preceded by a general analysis of the implementation of the regulation in Italy: in order to do this, we employed the annual report edited by Labsus and referred to the year 2016 (Ciaffi, 2017).

A first, important aspect to highlight is the percentage representing the deviation between the municipalities where the regulation has been approved and the municipalities where at least one agreement has been made. In this sense, only 36 out of 104 institutions constituting

the total population for collaboration agreements (after approving the regulation) have made at least one agreement, that is the 34.6%.

The phenomenon is still more limited when – among the municipalities falling within the abovementioned percentage – the number of agreements produced is taken into account. In fact, only 10 out of 36 municipalities have made more than 5 agreements (27.8%); being it a threshold arbitrarily established during the stage of statistical survey that, considering the territorial and demographical dimension of the municipalities involved and the novelty represented by the regulation and the practices it introduced, is considered as a reasonable turning point for a reiteration functional to the consolidation of this procedure in relation to the paradigm of shared administration.

The first group of ten municipalities is joined by a second one, identical from a quantitative point of view, that represents those municipalities where only one agreement has been implemented. In terms of distribution, a clear concentration of agreements in the municipality of Bologna can be noted, given that it counts alone the signing of 295 acts against the 127 acts of the remaining 35 municipalities where the regulation has been introduced and at least one agreement has been made. In short, the 70% of agreements is gathered in this municipality, even though there is not a so large deviation between Bologna and the other municipalities adopting the regulation based on the time when these instruments of shared administration have been introduced.

Another important element in the analysis of the phenomenon pertains the “nature” of the agreements. How can urban commons be taken care of? The interventions can be, for example, the fixing of a flowerbed or the caring of a public garden, or cultural proposals can be favoured such as, for example, the use of public spaces with purposes different from those that characterized the commons so far. Or, can even intervention proposals be made to regenerate and jointly manage a public building?

The analysis of the contents of the collaboration agreements in the municipality of Bologna has shown some important trends to measure both the citizens' involvement and their level of autonomy (Putini, 2019): in particular, the agreements concerned above all green areas (gardens and parks collect more than 35% of the total amount of agreements)

with minor interventions of mere maintenance (56.2%) that can be addressed within the “urban decorum” field. Moreover, by examining the trend concerning the number of acts during the years, it has to be underlined that the phenomenon seems to be substantially static (91 during 2017; 89 during 2018; 81 in the first ten months of 2019) with a 20% of the pacts that is composed of renewals of previous agreements (Putini, 2019, pp. 108-10). For what concern the category of citizen involved in the activities, even if the Regulation was created for informal groups, the instrument has been used mainly by formal association (105 pacts over 292) and economic subjects.

In the other municipalities, the 127 agreements made can be divided into 74 occasional care interventions (58.3%), 33 of shared management and 20 of regeneration. The analysis that has been carried out offers a picture that, compared to the aims of its promoters and the size of the debate generated by commons, reduces significantly the empirical range of the phenomenon under examination.

Among the questions raised by the phenomenon, there is one that plays a significant role, at least in relation to the effects caused by the paradigm of shared administration and the concept of active citizenship. How are agreements essentially translated? Who does what and how? If it is true that the paradigm evoked requires an equal distribution of roles between citizens and the city, that the horizontal subsidiarity recognizes the autonomy of citizens in their actions implying the fulfilment of public interests, and that the very concept of active citizenship expresses itself in the field of care and management of commons, which is the role played by citizens (besides that of initiative prescriptively recognized by the Regulation) in the processes of care and regenerations of commons?

To this purpose, a description is given of an experience randomly chosen after a filtering operation on the population of reference made up of 422 agreements. The filtering action was performed in the attempt to describe a standard situation, that is neither a simple care intervention nor a high complexity agreement. Thus, an intervention of shared management, carried out in a local area that could fall within the 36 municipalities that have produced at least one agreement. Then the set has been further reduced (N=21) based on the fact that not all the municipalities that made at least one agreement have effectively produced them in

relation to this intermediate typology of intervention. Among the 21 municipalities, one has been randomly selected. The selection indicated the city of L'Aquila and the agreement related to the "Square Garden" project.

5. The "Square Garden" Project of the City of L'Aquila

The material goal of the agreement was the requalification and shared management of a green area in front of a church that involved, besides the Municipality, the cultural student association *Eidos* and the Parish of Santa Maria Mediatrice. The agreement arises from the actualization of a previous project, denominated ReUSEs, dated back to 2014. The project was submitted by three associations (Policentrica, Viviamolaq and FablabAQ) to the registry of participative projects, a participative instrument created by the municipality to carry out the experience of Participatory Budgeting (2013) and the creation of a Regulation on the Participative Institutions. All the instruments can be included in the aims established by the Management Plan of 2014, specifically: development of participative paths.

ReUSEs started in February 2015 and is articulated in 4 steps: start event; mapping tour; project time; enjoy and reuses. In the introductory event experiences of re-use of urban spaces have been presented and the participants (20 associations and 70 citizens) have been invited to begin a mapping tour that went on with neighborhood walks during the second steps (30 participants; March-August 2015). Meanwhile, the initiative earned the sponsorship of Labsus. Among the 31 unutilized or underutilized spaces signalled, only 10 are pertaining green areas, while more than a half (16) refer to abandoned public buildings (former schools, stalls, gyms, laboratories; Baglione *et al.*, 2016, p. 9).

The third step (July-September 2015) consisted in a call for action addressed to citizens and associations who wanted to make proposals for the reuse of urban spaces. Eight proposers (3 citizens and 5 associations) took part in it. The eight proposals have been evaluated both through a civic channel (the meeting of citizens) and the technical committee composed by the «ReUSEs Team». The evaluation criteria were based on principles such as

the social innovation of the proposal, its economic sustainability, its capacity of networking with other associations on the territory and the territorial impact in terms of inclusiveness, replicability and creativity.

The result of the evaluation process identified the Square Garden as the proposal worthy of being implemented. So in November 2015, the final step started with the participative planning and shared management of the underutilized green area in front of the church. The step involved, besides the 3 associations leading the project and the *Eidos* association (winner of the call), the Territorial Council for Participation 8. After a first draft, the co-planning phase saw the involvement of the representatives of the T.C.P. 8 and those of the Parish of Santa Maria Mediatrice. Once this phase was ended, associations and representatives carried on «defining together with the Administration the planning aspects and the reciprocal responsibilities, both civic and public, to be included in the collaboration agreement» (Baglione *et al.*, 2016, p. 12). The collaboration agreement was approved by the Town Council in June 2016 and signed on the 29 July of the same year by the representative of the city and the associations involved. From an operational point of view, the agreement establishes that the city shall provide the recyclable materials (wood) to be used for self-construction as well as the recreational equipment (coming from another playground in the town); that the ACS *Eidos* Association shall deal with the planning of the intervention, with the support of a qualified technician, and organize the activity of participative self-construction up to the inauguration; that the Parish, starting from the inauguration and for a year, shall manage the area through an ordinary maintenance activity (cleaning and supervision).

Fifteen boys and girls belonging to the *Eidos* association took part in the phase of self-construction which was preceded by a preparation of the area carried out by the municipal staff and consisting in the cleaning of the area, together with the disposal of waste, by an excavation of the ground in order to allow the laying of a wooden platform and the preparation of the very platform, besides the installation of the playground toys for children. The Square Garden was formally inaugurated with a public meeting on October 8th, 2016.

6. Final Remarks

Urban commons and their management represent a trending topic in the national and international public debate over the last years. We have examined the Regulation starting from its theoretical premises: a juridical approach to commons; the principle of subsidiarity; the concept of active citizenship; the paradigm of shared administration.

The description of the Regulation and its implementation has provided a set of data, among which the huge discrepancy between public debate and empirical practices stands out. The regulation is scarcely implemented. Not only, the majority of the local administrations that adopted the Regulation have not activated its executive instrument (the collaboration agreement) provided to start forms of collective care and management of the commons (or have not received grassroots purpose in this sense).

In addition, it is worthwhile noting that this form of democracy of proximity, of shared administration, this appeal to the principle of subsidiarity to the realization of which active citizens contribute, cannot be put into place – as in the case of the agreement under examination – with the construction (by qualified personnel and by using reuse materials deriving from post-earthquake scaffolding) of a platform and a playground (made available by local administration) on a land next to a religious building.

In this sense, the about two-year experience that involved local administration and dozens of associations and required the efforts of its proposers and promoters for a constant activation of ordinary citizens (who, however, have constantly decreased in number in terms of participation), produced results which were at least limited if compared with the amount of energy employed and the values evoked. Also the autonomous role played by citizens seems to be strongly embedded by the local administration. The paucity of adoption and implementation, in fact, is accompanied by a qualitative datum pertaining the commons under examination: agreements concern, for the vast majority, only minor forms of intervention and actions. Urban decorum is the mainstream axis of the collective action, and citizens seem to be strictly directed in what to do by administration (Putini, 2019). Basically, it is as if – despite the autonomy of initiative offered to citizens and the new paradigm of

shared administration recognized by the principle of subsidiarity – there was an invisible boundary preventing a creative (and legitimate) use of urban resources by the citizens themselves. Especially in relation to those resources defined by the regulation as «of relevant economic interest».

In short, even in presence of an explicit juridical recognition of autonomous actions by the citizens, these actions are restricted within the limits of the regulation itself and ascribable to a condition of subjection or subordination of citizens to the bureaucratic and administrative system so that, in spite of their efforts, the bipolar paradigm so clearly described by Sabino Cassese is confirmed (2001). We are presented still with another inhibitory action (see, for example, the limitations imposed more or less directly to citizens' capacity of determining the expenditure or the investments of local authorities in the case of participatory budgeting; Putini, 2011) that is either explicitly applied (see, for example, the selection of care interventions of public spaces and buildings in the case of L'Aquila) or, even, represents a form of more or less aware self-censorship.

A final remark: as regards the management of urban commons, Sheila Foster refers to the autonomous action of the community that often finds an administrative recognition only downstream: it is the material power that the active citizenship has at its disposal in the caring of commons, as described by Giovanni Moro.

On the other hand, the Square Garden case has clearly showed the countless steps that a group of citizens was forced to take in order to benefit from a regenerated space of modest entity and of residual interest compared to the urban ecosystem where it is located. By this way, the original capacity to modify the “here and now” situations becomes a modest chance to be continuously affirmed and confirmed both by citizens and administrations.

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