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Projet de recherche EnCommuns

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A new type of open commons: The case study of l'Asilo. A transformative experience in the city of Naples

Working Paper – EnCommuns

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Abstract: The aim of this paper is a threefold, first to present a country declination of commons the “*Beni Comuni*” and new type of commons, the emerging urban commons. Secondly, to present the experience of *L'Asilo*, a multifunctional space for the production of art and culture, managed through assemblies, open to all, following the method of consensus, which was born from an occupation. Finally, we will address the importance of the creative use of law within this process. This case study is partly the result of a field work¹ developed under the framework of Ph.D. research of the author.

Key words: Emerging urban commons, direct management, self-governance, *beni comuni*.

Introduction: On the Commons

Common goods have existed for many centuries now, some historical examples are the *res communes* in Roman law and the Forest Charter which recognized the right of people to claim common resources; yet, only a few decades ago their importance as an instrument and practice of governance was rediscovered. Today, the scope of this concept is spreading over many cross-cutting issues in our society, both locally and globally: from the management of natural resources to abandoned urban spaces, from access to culture to internet governance, to social protection, to public services (among many other). Thus, in different spheres of human life, commons have been recovering spaces once lost to enclosure movements.

Commons, as an economic phenomenon, oppose the dominant economic system that supports the paradigms of full rationality, perfect foresight and the maximization of the individual utility and profit as key attributes of the *homo economicus*. On top of that, this ideology has been guiding production relationships, it has taken over our social rapport, and has establish itself as a system that sponsors enclosures of tangible and intangible resources by means of private property rights and intellectual property rights. Today, it is paramount to understand the commons and their potentialities to offer a real alternative to our society and the many crises that we are currently facing. Thus, to study the evolution, use and management of commons overtime, enables a process of deconstruction the predominant neoliberal mindset. Because of their complexity, common goods present themselves as a polysemic notion (Micciarelli, 2018). However, it is important to emphasize briefly how they have been an innovative concept in terms of claims for democracy, restitution of fundamental rights and creation of new participatory institutions that give word to inhabitants.

The theoretical basis

Elinor Ostrom's work is certainly the cornerstone of a conceptual framework for the commons, particularly understood as Common Pool Resources (CPR). For Ostrom (1990), these are "a system of natural or artificial resources that is large enough to make it expensive, but not impossible, to exclude potential users from obtaining benefits from its use" (1990, 30). Since common goods take place in different environmental, historical and social contexts, the rules of their use could never be standard or automatically transferable from one system to another. Consequently, Ostrom, identifying the essential elements to organize the collective action that was articulates to manage them, proposes eight design principles that allow a sustainable management, in self-government, of resources. Moreover, his work provides a conceptual analysis of the relationship between property rights, user behavior and natural resources, deconstructing them and recomposing them within a "bundle of rights" (Schlager and Ostrom, 1992). Hence, her work offers us a reinterpretation of the "theory of collective action"² and common goods, in which decision-making processes draw more centrality (Poteete, Janssen & Ostrom, 2010). Lastly, the rules are well elaborated when they allow the common goods to last over time (Ostrom, 1990).

Based on a deep study of Ostrom's work, Coriat (2011, 2015) proposes a definition of Commons departing from three constitutive elements: 1) the resource, 2) the community and 3) the governance structures. Each common good is unique and different case by case and each can feature new and original characteristics and particularities. Moreover, Coriat et al. (2019) note that there are two moral and political considerations

¹ The different first field missions took place on July 2018, February 2019, June 2019, July-August 2019, October 2019-March 2020 and August-October 2020.

² According to the traditions instore by Mancur Olson (1965).

conceived as an intrinsic part of the commons identity, in addition to the three constitutive traits. The first is the ecology of the system, the rules implemented by commoners must therefore target the reproduction or enrichment of the resource and the community around it (Ostrom, 1990); and secondly, equity, which can also be understood as social justice.

Entering the Italian context, the outcome of the Rodotà Commission³ offers us a definition of common goods (*beni comuni*) as goods that "express functional utilities for the exercise of fundamental rights as well as for the free development of the person, and are informed by the principle of intergenerational protection of utilities"⁴. Thus, the work of the Rodotà Commission was the redefinition of property as things, material or immaterial, whose utilities can form the subject matter of rights, for this purpose they proposed the establishment of three distinct categories of properties: common goods, public goods and private goods. A larger proposition of the definition of *beni comuni* was stated as follows:

“(c) Definition of the commons as such goods whose utility is functional to the pursuit of fundamental rights and free development of the person. Commons must be upheld and safeguarded by law also for the benefit of future generations. The legal title to the commons can be held by private individuals, legal persons or by public entities. No matter their title, their collective fruition must be safeguarded, within the limits of and according to the process of law. [...]. Commons are: rivers, torrents and their springs; lakes and other waterways; the air; parks defined as such by law, forests and woodlands; high altitude mountain ranges, glaciers and snowlines; beaches and stretches of coastline declared natural reserves; the protected flora and fauna; protected archaeological, cultural, and environmental properties, and other protected landscapes. The commons legal regime must be coordinated with that of civic uses.[...]"⁵

In a complementary way, we have also defined as common experiences of "emerging subjectivities", which decide to make a direct re-appropriation of abandoned, underutilized or neglected spaces, which through different commoning practices are able to establish a shared management in self-government functional to fundamental rights. Micciarelli (2014) defines these experiences as "emerging common goods", i.e. "those goods administered in the form of cooperative and mutualistic government [...] directed to the satisfaction of fundamental rights pertaining to the entire community of reference connected to the good itself". Furthermore, the eventual nature of these type of commons, which highlights the decisive role of use, allows us to identify margins of democratic experimentation that are wider and more unpredictable than those hypothesized for the necessary common goods (Micciarelli, 2014). So, we can identify emerging commons in empty, neglected or underused buildings or agricultural fields directly managed by a community that, in doing so, becomes the community of reference of the good (Micciarelli, 2014).

As a result, term emerging urban commons was coined in a complementary way to "necessary commons" that he defines as those natural or man-made resources that must be made accessible in order to aim at the satisfaction of human rights and their governance regime should be participatory in order to ensure this. The former are more in line with the traditional definition proposed by the Rodotà Commission. That brings to the definition of Urban commons which according to Micciarelli (2019) are emerging commons located in urban "ex places" (but they could also be in a rural context), real estate's collectively used by community based organization where non-excludability is the output of a political choice linked to an anti-rival cooperative governance, because they are shared notwithstanding their very often big dimensions due to the fact that cooperation is needed to manage them. As a result, we can say that emerging urban commons pose a challenge to the law which is now requested to provide legal tools to resist the dispossession of the commons wealth.

Introduction to the Case Study – The Space in the City

The Ex-Asilo Filangieri (former Asilo Ugo Filangieri) is a monumental building located in the San Lorenzo district (Vico Giuseppe Maffei, 4 80138), immediately adjacent to the Greco-Roman area of Piazza S. Gaetano and the monumental complexes of San Paolo Maggiore and San Lorenzo, which are part of the historic center of the city of Naples. The building belongs to the monumental complex of the convent of San Gregorio Armeno, residence of the order of Benedictine nuns. Back in 1572 the building was a workshop for the exercise of arts and crafts.

In the first post-war period, the building was purchased by the Countess Giulia Filangieri di Candida, who, following the loss of her son Ugo during the conflict, decided to turn it into a men's boarding school, which

³ The Rodotà Commission, Commission on Public Goods was appointed on June 14, 2007 by decree of the Minister of Justice and it was charged with drawing up a draft law for delegating the reform of the rules of the Civil Code on public goods.

⁴ The text of the proposition can be found here: www.giustizia.it/giustizia/it/mg_1_12_1.wp?contentId=SPS47617

⁵ *Idem.*

welcomed and trained the young Neapolitan orphans and underprivileged young men of the area, but since in the immediate post-war period it hosted also many young men coming from different social conditions, during this course the activity was characterized as a college. The Filangieri boarding school remained active until 1980 when the city was devastated by the Irpinia earthquake. After this dramatic event, the building fell into complete abandonment and became a meeting place for the local underworld and delinquency. In 1993, due to the commitment of the City of Naples and the Superintendence of Architectural Heritage, a group of designers and architects began their studies on the history and architectural restoration of the Ex-Asilo Filangieri (which will lead to its definitive restoration in 2005). In 1995 the historical city center of Naples was declared World Heritage site by UNESCO.

In February 2010, the building was appointed as the headquarters of the Universal Forum of Cultures Naples 2013 Foundation that was created to organize the Universal Forum of the Cultures, international event promoted by UNESCO, which the city of Naples has won for the 2013 edition.

The narration of Bifano et al. (2020) recalls the situation of the city previous to the birth of l'Asilo:

“Before the birth of l'Asilo, the city lacked a free, multidisciplinary space that could serve the needs of the non-institutionalized culture. In Naples, in those years, workers of the performing arts had little dialogue with each other and there was no free space to rehearse, create and imagine together. It was a moment of profound cultural flattening and it had been too long since anyone “dared to”. That period was characterized by a profound stasis that coupled with a sectoralisation of the arts: almost a period of artistic depression.

In the wake of the experiences of the Teatro Valle and the Nuovo Cinema Palazzo, something new began to be imagined in Naples as well: a movement that brought together the discourse on cultural policies and that on the commons came to life. So it was that some workers of the culture and the performing arts began to meet regularly and shortly after the collective “La Balena” (the Whale) was born with the aim to experiment with new cultural practices and creation and production processes as inclusive as possible.[...]

[...] At the time, Naples was hosting the Universal Forum of Cultures, an international cultural event intended to invest and fund cultural policies and initiatives that proved not inclusive and unsustainable and that would feed a cultural consumerism without improving the rights and conditions of the workers of art and culture. La Balena took office in the same work space of the Forum; to occupy, as the large mammal it was, the third floor of the building like at Vico Maffei n. 4. However it was not an occupation but the appropriation of an underused city space that had historically sheltered a vocational space for neighborhood kids facing hardship.

There was the need to dare more and act on the urgency of getting together instead of the urgency of the moment [...].”

So, in 2012 the building was occupied by a collective of workers of the Arts and Culture, as well as a plurality of artists, operators, researchers, students, workers of the cultural sector and free citizen, as a sign of protest against the restoration and new abandonment of the premises and exclusive arbitrariness of political-partisan power. The space was immediately revived with shows, concerts, book presentations, assemblies and seminars, etc.

L'Asilo an emerging urban commons: Story and political struggle

The Ex-Asilo Filangieri is an emerging urban commons in the city of Naples. As we mentioned before, the experience of l'Asilo was born from the occupation of a monumental building in the historical city center of Naples, owned by the Municipality, and it was carried out by a plurality of artists, cultural operators, researchers, students, workers of the cultural sector and citizens. The occupation was motivated by opposition to the centralizing policies of great cultural events (and in particular opposition to the Forum of the cultures and the way it was managed) that have failed to stimulate all local artist and in turn have created a waste of money while concentrating funding in just a few hands (De Tullio, 2018). This experience became emblematic in spite of the rough beginning between the municipality and the community, because they turned their antagonistic relationship into a transformative open dialogue that allowed the recognition of a legal dispositif that acknowledged rights of access and direct administration of the building by the community. This process didn't aim to seek the protection of the law, but to ‘hack’ legality, i.e. to use the disruptive energy of the process to carve the rules and change institutions (De Tullio, 2018). A right was born from a practice as the institutional recognition of l'Asilo “it was not a kind concession of public administration”⁶.

The occupation of l'Asilo took place the 2nd of March of 2012. Originally this occupation had a symbolic motivation and it was supposed to last only three days, but to the extent that the public assemblies took place, the

⁶ From the participation of Andrea de Goyzueta in *Usò civico urbano e le buone pratiche del teatro*, Civica Scuola Di Teatro “Paolo Grassi”, Milan, 4 March 2017 (available at: <https://www.youtube.com/watch?v=vv-IEZpbu7w&t=327s>).

crowd they decided to go beyond the three days stipulated days and to make of this space a commons at the disposition of the city and its inhabitants. The process allowed to overcome the idea of the occupation and to ignite a “liberation” process through the collective writing of the declaration of use of the space, which took place in a span of three years, between 2012 and 2015.

To continue the narration of Bifano et al. (2020):

“After the first three days of occupation, of open public assemblies, concerts and projections, it was then clear that la Balena was able to welcome, not only the different groups of workers of the arts, but also the desires and urges of other social movements and even of those without particular affiliation. It was perhaps the first time that other social centers of the city and other small counter-cultural realities met and assembled together overcoming their disputes to dialogue and experience a new, open, changing and potentially infinite community. A space where the various disputes could come together under one claim, that of the Commons. The process was carried out with great care to protect that informal community from any degeneration towards the establishment of an eventual cultural foundation or association. This gave way to a collective reasoning towards a new legal dispositive that could protect the space that was hosting the newborn community, but without any proprietary claim. This new intuition came from the land and the sea and, specifically, from the branch of law that protected the communities of shepherds, fishermen, breeders who could benefit from the civic use of resources (sea, pastures, woods) in a non-exclusive and not competitive way.

Thus an open, free and multidisciplinary space was born. A space recognized as a "commons" for the civic use of the city. A non-circumscribed space, because it welcomes a potentially infinite, changing and heterogeneous community that offers concrete possibilities to artists who need spaces and means of production but who practice new ways of relating, and aiming to overcome patriarchal, intrusive, colonizing automatisms. An office for the arts, where skills multiply and the means of production are mutualized and shared. A place where artists can go to prepare before entering the market, where interdependence with other artistic sectors offers opportunities for meeting and confrontation that nourish their personal growth and artistic work. Furthermore, a community that re-appropriates public space by overturning and uniting the many positions of those who traditionally practiced politics by refusing any meeting with the institution and local administrations. This was emerging as a practice that firstly experimented with new ways of relating, capable of overcoming the disputes, the competitiveness, the individualism and the vertices that easily crept into the movements. And so it was like that the collective, aware of its limitations decided to dissolve into a larger open community guided by the practice of consensus.

The practice of care carried by l'Asilo proved, and still proves, the possibility of developing antibodies against individualism and competitiveness by opening spaces of creation and production where no one is left behind, because even those who still cannot do have the right to their space to creation and experimentation.”

Today, l'Asilo is a multi-functional, interdependent center for the production of the arts that is run by an open community under the practice of self-management and self-governance based on a regulation of use produced by the community itself. L'Asilo is not a canonical space. It offers mutualized means and spaces of production, accessible to everyone for free. For example, it has a multifunctional self-built theatre that was not conceived as a performance space, but as a space of production. L'Asilo is also run through a series of modalities, practices and forms of interaction and living (accessibility, inclusiveness, solidarity and cooperation), in contrast to the current system (competition, privatization, extractivism, etc.). The informal community grows every day and guarantees the daily opening of the spaces; their care, as well as the supply of means of production for art, is carried out on voluntary basis. In like manner, “the artistic and cultural research it is thought out and aimed at remaining outside the logic of the market and the practices of discretionary co-optation from the part of political power”⁷. This is because within this community there is the belief that the investment in art and culture impacts and carries out well-being for society at large. Today the community that inhabits l'Asilo, due to the hardships of the economic, social and political context is replacing those who should be responsible for ensuring artistic and cultural research in the city and even sometimes at a larger scale.

The Resource: the spaces, the means of production and the activities

If we seek to understand the commons' nature of the experience of l'Asilo, we should start by addressing the three constitutive elements of a commons: the resources, the community and the governance scheme. The traditional commons, Ostrom's CPRs were centered on the element resource, its management and sustainability. At l'Asilo we can firstly identify the space (and spaces) as the main “resource”. We must take in consideration the nature of the activities developed inside of this place. Since the inhabitants of l'Asilo are mainly workers of

⁷ <http://www.exasilofilangieri.it/chi-siamo/>

the arts and culture, the work developed by them is not only creative and cognitive work, but also is a work that requires freedom of motility; therefore spaces of creation and rehearsal are vital. This applies particularly for the dramaturgy, theater and dance, and their declination in research. Thus, the spaces *per se* become spaces of production. Secondly, we can identify the means of production as resources as well. L'Asilo counts with a series of equipment, tools, books, free internet connection, etc. that allow different professionals to develop their daily activities of work for self-income, research or experimentation. However, economic support and sustainability is still an important concern for these kinds of experiences and practices.

Accordingly, one of the guiding principles of L'Asilo is the mutualisation of spaces and means of production, therefore, spontaneous practices of collaboration and cooperation begun to take over the interactions and relationships, never falling into the trap of exclusive use, and rigidly conformed to criteria of rotation and sharing. As a result, interdependence became another guiding principle of this space. For the community, the principle of interdependence is more of an excuse to "*fare in comune*", to make or create together.

Interdependence entails a state of being reliant upon one another, a form of symbiosis between people, projects and activities that are developed inside of the space. Moreover interdependence turns out to be a practical convention as it aims to make the most out of the limited resources of L'Asilo. Another salient principle is that L'Asilo offers the access to the mutualized spaces and means of production, to everyone for free.

L'Asilo is organized in the following spaces of production where the different means of production are stored:

- The theater: the self-built theatre was not conceived as a performance space, but as a space of production for different the different arts and the different moments of the creation process of a work. The theater and its direction are furnished with technical equipment.
- The foyer: Anteroom for the theater, multipurpose room. Used for plenary meetings, events and even as working space if needed. As well as a space of relaxation and sociability.
- The refectory: Mainly used for dance rehearsals. The community has furnished this space with a specialized dais for dance practices.
- The Cinema: This space was originally a chapel that was transformed in a cinema hall thanks to a crowdfunding campaign. This space is where the weekly assemblies take place. It is also used as a conference hall, rehearsal space and space of creation, according to the needs of the moment.
- The Library: The library wing consists of four rooms and a long hall. One of the rooms is dedicated to a digital archival project, which also serves as a meeting room. Another room holds the books of the library and the other two rooms are "empty" at the base these rooms were intended as study rooms, however they can be used as rehearsal spaces or meeting rooms. The hall of the library often hosts a variety of meetings, assemblies and can even be turn into a space of exhibition.
- The Armory: This wing is a laboratory of visual art and scenography as well as a workshop of different arts and crafts. The hall of the Armory was set up as a semi-professional exhibition hall, but in daily bases it becomes a working space. The different means of productions store in this space have created a metal and wood workshop as well as a ceramic workshop to its own oven. There is also a sewing workshop and a dark room.
- The Guesthouse: L'Asilo has a guesthouse with the capacity to host around 10 guests at the time. L'Asilo was never conceived as a living space that could answer to housing needs. Accordingly, this space is reserved only to host artist in residence.
- The garden: Green space, which has been used as urban garden or just as ornament, or space of relaxation according to different needs and wishes of the community throughout the years.

At L'Asilo every space can be a meeting or a working space, there is series of intermediate spaces that are not listed above that have hosted and witness art and culture at different moments in time.

The use and fruition of spaces of L'Asilo, as well as the planning of events come about in a participatory manner. This is prepared and acted through public assemblies devoted to management and through specific thematic work tables open to all. These two instances are not only limited to the scheduling of events but they also regarded as space that favors the meeting and enable the exchange between artists.

In terms of activities, the concerts, shows, projections and meetings at L'Asilo are free admission, but a free contribution is also always welcome. These contributions serve to reduce the minimum expenses and to equip

the spaces with the means of production necessary for the different workers, professionals and artists as well as to carry out the political, legal and cultural experimentation launched at L'Asilo.

The Community

L'Asilo is not only a place or a space it is also a self-governed community. This community consists (mainly) of workers in the fields of art, culture and entertainment "residing" in the building of the ex-Asilo Filangieri in Naples. The notion of community at l'asilo is very large and encompassing. However, the art. 4 of the declaration of civic use of l'Asilo identify three different types of actors within the community:

- The people who participate regularly in the life, care and management of l'Asilo are considered "inhabitants" and therefore enjoy full rights to participate in the decision-making processes set forth in the aforementioned declaration. A person becomes an inhabitant after having participated in four management and steering assemblies in the span of three months and that through the participation in the thematic work tables, contribute to the care of space. The status of "inhabitant" can be lost if after three months of non-participation in the life, care and management of l'Asilo or by the non-motivated absence in twelve consecutive Assemblies.
- Those who propose an activity, event, workshop, etc. that is scheduled by the assembly or those who, for artistic or cultural purposes, request a space for extemporaneous use are considered "guests" of L'Asilo.
- Finally, those who participate in activities offered to the public by the "inhabitants" or the "guests" are considered "users" of L'Asilo.

The notion of community, it goes beyond the walls of l'Asilo and considers as well the other communities of the other emerging urban commons (the other *beni comuni*) of the city. The particular way in which the community (constitutive element of a commons) was conceived and its practices today - open to all, ever changing, horizontal - is what makes of l'Asilo a new type open commons.

The Governance and management of the space⁸

The community of references of l'Asilo is heterogeneous, open and always changing, such characteristic could pose major challenges to the governance and management of the space. In turn, l'Asilo defines itself as a space of self-governance that practices direct management. This every decision and action taken in this place is regarded as a process of political, artistic and cultural experimentation. At the center of the decision making process we find the assembly, supported by the different working groups (see graph #1), operative, logistic, thematic, ad-hoc that are convened and dismantled according to the current needs of the community and the space.

Before going forward in the description of the type of governance and management of l'Asilo, it is important to recall that both are regarded by the community as a process and that any attempt to describe this process will only be a description of a moment in time as l'Asilo is in constant experimentation, transformation and movement.

The Assemblies

As we mentioned before, l'Asilo is run by an open community of reference and under the practice of self-governance. The self-government of l'Asilo is based on the practice of the assembly. The assembly is always open to everyone. It is held every Monday at 19:00 and it follows a previously established agenda that is in open access for the community to include points of discussion, projects and other different kind of propositions. L'Asilo community has two types of assembly: First, the "Management Assembly" and the "Steering Assembly". The management assembly normally takes place during the first and the third Monday of the month. This assembly is dedicated to the organization and programming of daily activities and all new proposals presented and accepted by the assembly. The steering assembly, in turn, takes part every second and fourth Monday of the month. The aim of this assembly is to discuss what is happening inside and outside of l'Asilo in terms of political and social context, and the actions to take in terms of civil and civic engagement and activism.

⁸ The information presented in this section is partly taken from the official website of l'Asilo <http://www.exasilofilangieri.it/>

The ordinary management of spaces is organized with regard to programming, communication and logistics it's also address in the assemblies. For that reason, during the assembly the cultural needs of the community are put forward and each thematic work table is able to present a weekly update of the activities or projects that are taking place in the space. There are many activities and subjects that are regularly addressed in different moments of the assembly:

- The proposal are welcomed and discussed in the assembly circle, the proposals can be artistic, cultural, regarding self-training and/or of social interest. If accepted they will be directed to pertinent thematic work table in order to discuss the proposition and organized its passage through l'Asilo. there is discussion about the temporary use of spaces based on the different artistic and cultural needs of individuals, groups and the community;
- The logistic organization of the shifts for the cleaning of the space. The cleaning of the space is normally responsibility of the guests of l'Asilo. Every person, group or companies are responsible to clean the area where they worked after they have used it in order that the next person finds it proper. There are also special cleaning days with open calls for the participation of the community at large;
- The financial statements and situation of l'Asilo is regularly discussed in the assembly. L'Asilo follows a practice of self-financing, therefore its expenses tend to be frugal, but accordingly to a principal of transparence the financial statements are made public for the whole community.

The Assembly is the major instance of decision at l'Asilo. Most of the decisions take place in the assembly, and even if there are other spaces of discussion, the community tries to keep all the decision making for the moment of the assembly. The fact that the assembly is heterogeneous and open poses the question of how it is decided inside of the assembly circle. The community has opted for the method of consensus, under the premise of "seeking agreement in the disagreement"; any attempt of voting or suggestion of any majority decision is refused inside of the community.

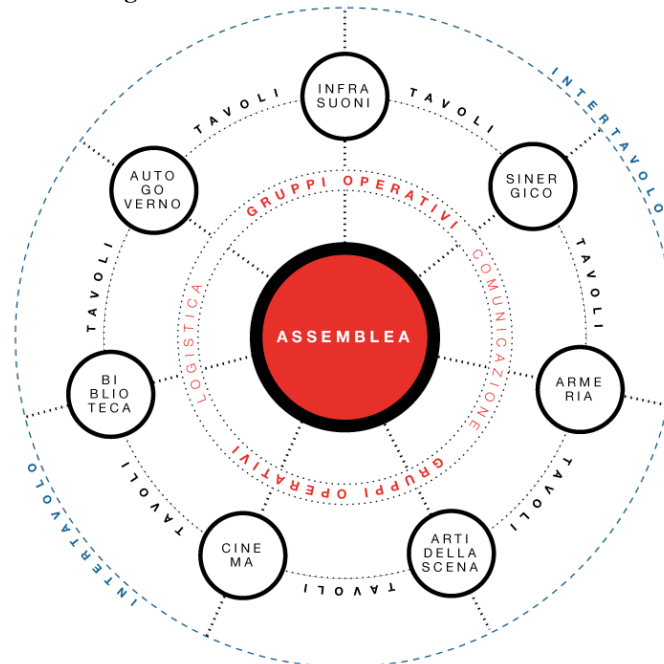
Thematic Work Tables:

The thematic work tables are the second most importance spaces to encounter at l'Asilo. Under normal circumstances they would gather every Wednesday evening (at different time frames according to the convenience of each group) in the different spaces of l'Asilo. This thematic working groups help to organize the activities and artistic proposal that arrive at l'Asilo and they array it according to the nature of the proposal and the space that they would be using. These thematic meetings also serve the purpose of bringing together the different guests and inhabitants that willingly participate to the life and care of the group. L'Asilo has five thematic work tables related to the artistic productions and two strategic tables:

- *Arti della Scena* – Performing arts: is a public and open table that organizes and helps the creation of theatrical activities inside l'Asilo. The logic of this group is to help the community of immaterial workers of culture and performing arts whose work has been severely compromised by budget cuts in culture, by providing spaces and means of production.
- *Infrasuoni* – Music: deals with all aspects related to music and sound creation and experimentation, as well as with the programming and organization of events and concerts. They can also provide help with technical aspects for other non-related projects.
- *Cinema*: welcomes and promote initiatives, related to cinema and video in all forms: film screenings, meetings with authors, workshops, seminars and moments of "theoretical" study.
- *Biblioteca* – Library: manages the library and the study hall. A big project of l'Asilo, (not yet accomplished, is to have a functioning library with cataloged books of interest.
- *Armeria* – Arts and Crafts workshops: is a permanent laboratory of visual arts that is equipped with different tools and means of production for different artistic professions. The idea of sharing a space to work entails the interest of engaging in collective projects.

- *Autogoverno* - Self Governance: this group aims at creating a space for exchange of political reflection regarding issues of different thematic of interest that touch the livelihood of l'Asilo, the community and the city.
- *Fare Comunità* - Community building: this group was conceived as a safe space to discuss about the way we use, live and go through l'Asilo.

Graph1: Visual representation of the governance and management scheme of l'Asilo on moment in time



Source: L'Asilo

Declaration of Civic and collective Use

According to Capone (2017), the Declaration drawn up by the community of l'Asilo was inspired by a broad interpretation of the civic uses. The civic and collective uses are the oldest institutions in the rural world dating back to even before Roman law and still allow today to collectively govern common resources that are fundamental for a community (Capone, 2018).

The governance of l'Asilo follows an open approach, though not neutral: it is based on itself in the repudiation of all forms of fascism, racism, homophobia and sexism through active policies of inclusion and affirmation of singularities, as it is manifested in the preamble of their declaration of civic and collective use. Furthermore, this model of management of public goods revives the social function, guarantees accessibility, impartiality and inclusiveness in the use of both spaces and means of production through democratic and horizontal decisions. Thus, with regards of the process liberation through the collective writing of the Declaration, Acosta Alvarado and De Tullio (2020), recall that:

“These modalities have been transcribed in a Declaration of civic and collective urban use, then presented to the City of Naples, owner of the property, which after a long and heated negotiation has recognized them with its own resolutions (nos. 400/2012 and 893/2015). Thus entered into law a new instrument, developed by the assemblies: the "civic and collective urban use", which does not provide for the allocation of the property to any subject, but recognizes the open self-government of the community and commits the institution owner to ensure the accessibility of the property, taking charge, among other things, of utilities and extraordinary works, as well as some hours of custody. The legitimacy of this institution has been found directly in the Constitution, in particular in the rights of participation (art. 48 and 49) - supplemented by the principle of horizontal subsidiarity (art. 118, paragraph 4) - in the social function of ownership (art. 42), in the possibility of entrusting essential services to communities of workers and users (art. 43) and, above all, in substantial equality (art. 3, paragraph 2).”

The Declaration seeks to provide guidelines regarding the practices and methods put in place by the community. It also contains information regarding the rights and duties of the people who participate to this process. It

stipulates de self-governance organs, as well as the decision-making instances and modalities. Finally, it tries to shed some light on the discussion about the economic sustainability of the space.

Creative use of the law, innovative method and practice

As we mentioned before, the Declaration of use of l'Asilo is the result of a "legal hacking" born from a "creative use of law" from the part of the community of l'Asilo. In this case, the community sought in the law not a simple regularization, but a tool to imagine new institutions (Acosta Alvarado & De Tullio, 2020). A creative use of law at the service of the commons would to hack the legal proposals made by local authorities or private owners in order to help communities to generate their own regulation system, implementing or changing those which already exist (Micciarelli, 2019).

The experience of liberation of l'Asilo, the dialogue establish with the Public Administration and the collective writing of its Declaration of civic and collective use served as a precedent in the city of Naples that introduced the concept "Emerging Commons (*Beni comuni emergenti*)" in the statutes of the municipality. Hence, the recognition of the experience of l'Asilo opened the possibility for other spaces to be recognized as emerging urban commons (city council resolution n ° 446/2016). Today, seven other spaces are officially recognized by the municipality as emerging urban commons. There are still other spaces that claim this status that have not yet being recognized by the municipality but they have established a dialogue with them. Meanwhile, all of these spaces have articulated the Neapolitan network of *Beni Comuni*, with the purpose of strengthening the collaboration and solidarity ties among the spaces and the different communities of reference. Moreover, the Neapolitan network fostered the creation of new public body such as the Permanent Observatory of Commons, this new entity has the purposes of study, analysis and proposal on the protection and management of common goods, providing for the possibility for this body to also express evaluations on the proposals for resolutions of the Municipal Council, concerning the common goods, participatory democracy, neo-municipalism and fundamental rights.

The impact that the experimentation with emerging urban commons have had in the city of Naples is undeniable. It not only has changed the urban landscape, opening and transforming spaces that have been closed, neglected and/or underuse to a variety of actors, it also has reanimated the livelihood of different neighborhoods and communities through the daily use and crossings of these spaces. After a conflictual beginning, the experience of l'Asilo and its community managed to stablish a collaborative relationship with the municipality. It is true that part of the success of this experience was the willingness of the public administration to engage with this process, and that to upcoming municipal election generates unease in the community at large. That is why the challenge faced by these new institutions is to raise more broadly the issue of a city government functional to social rights and the experience of social movements and their claims can provide important lessons to keep on combating new enclosure movements.

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