

Italian alliances between commoning and law Framing new regulations by challenging rules in Naples

Antonio Vesco and Alexandros Kioupiolis

Abstract: The “commons” have become a rallying point of social mobilization against privatization and a linchpin of collective civic empowerment and democratic renewal in several countries. What singles out the Italian “laboratory” of urban commons in recent years is the coalescence of pro-commons lawyers with activists, movements, and grassroots collectives. The central role played by law in the Italian commons network must be read in the light of the distinctive forms that regulations and rules assume in specific contexts. Drawing on ethnographic research conducted between 2018 and 2019, this article focuses on the case of Naples and the reinvention of the legal tradition of “civic use.” Our account of the daily practices pursued by a Neapolitan community of commoners—L’Asilo—delves into the role played by the law and its representatives in a political context that has always been the subject of stigmatization.

Keywords: commons, institutions, Italy, law, Naples, self-government, social movements

Since the beginning of the new millennium, from the Bolivian Andes (the water war in Cochabamba) to the United States (the Creative Commons licenses) and Southern Europe (the Italian urban commons regulations), the commons have emerged as a sociopolitical, economic, and cultural paradigm that stages an alternative to both neoliberal capitalism and defunct socialism. Crucially, in the contemporary European context, alternative commons embody a visionary pragmatism and an emphasis on massive, bottom-up participation that hold the promise of overcoming the political frailty and the impoverished programmatic imagination of conventional party politics and activism.

In a plurality of social struggles, movements and civic initiatives often coalesce and mobilize explicitly under the umbrella term of the *commons* (Bauwens et al. 2019; Bollier and Helfrich 2019; De Angelis 2017). There are actually many different kinds of common goods across the world, from natural common-pool resources (Ostrom 1990) to common productive assets and digital goods (Bollier 2008; Dyer-Witford 2010). Their common denominator, however, is that they involve shared resources that are governed, produced, and distributed through collective participation in ways that contest the logic of both private/corporate and state/public property.



This article is the outcome of several years of collaboration between a political theorist and an ethnographer. Without having been active in these movements before, we combined our backgrounds, engaging with theoretical reflection on the political dimension of the commons through the filter of ethnography. Over the last two decades, political theory has renewed and amplified reflection on the political itself (see, e.g., Freeden 2013; McNay 2014; Mouffe 2013). Contemporary political ethnography can stimulate and bolster these inquiries in both theory and practice. Anthropology has increasingly immersed itself in the “radical imaginary” of our times that sets out to configure an “alter-politics” in a variety of contemporary social movements, from the Zapatistas to the Indignados and the Occupy movement (e.g., Castañeda 2012; Graeber 2014; Hage 2012; Lorey 2014). Rather than seeing the movements as strategic actors in relation to the state, a more updated conception broaches them as sites for the elaboration of collective identities, innovative meanings, social relations, and cultural practices (Casas-Cortés et al. 2013).

The reflections we put forward are part of a larger research project—“Heteropolitics: Re-figuring the Common and the Political”—in which we have conducted empirically grounded research into new social movements and civic practices that contrive alternative ways of doing politics and into self-governing communities in crisis-ridden Southern Europe.

These mobilizations, spread across countries such as Italy, Spain, and Greece, constitute a collective response to economic and social crises that turn crucially on the relationship between the European Union and its less economically performing countries, and on the austerity policies foisted on the South (Narotzky 2020). New collective experiences have sought to craft processes of egalitarian, consensual deliberation in popular assemblies that are open to all, welcoming diversity and creating decentralized networks that enable collaboration without suppressing the freedom of singularities (e.g., Harcourt 2011; Kiouпкиolis and Katsambekis 2014).

Changes in the forms of conceiving the *political* within social movements are at the heart of certain commons experiences in Italy. In the last decade, the “empty signifier” *beni comuni* (common goods) has become a rallying point of social mobilization against privatization and for democratic renewal. Urban centers across the country have become the hub of diverse patterns of commoning around buildings, gardens, parks, culture, cooperatives, and so on. A plurality of processes in Italian cities grapple with the paramount strategic conundrums of alter-political commons: how to configure durable modes of collective organization that “commonize” leadership and self-government, and how to gain a grip on institutions to put them in the service of expansive commons. The Italian counter-hegemonic strategy for urban commoning must therefore be explored from the two vantage points: (1) institutions and the law; and (2) grassroots initiatives.

The convergence between commons movements and local institutions in Italy is intimately intertwined with diversified forms of activism that are based on the use of private law and, alternatively or in combination, the use of public and constitutional law. This is a distinctive and salient feature of contemporary commoning processes in the country, following the renewed interest in law as a political weapon: “Disillusion with Communism in practice, although not in theory, and distrust of the violence of revolutionary change ushered in a new era of enthusiasm for law as the path to social justice” (Merry 2017: x).

In describing their political organization and the concrete day-to-day activities they carry out, we will bring out how Italian pro-commons initiatives interact with local institutions, as well as the role played by law and lawyers in the application of commoning principles.

We will dwell on the case of Naples and L’Asilo, the first community of commoners who obtained recognition from the local administration for the use of an ancient public building in the historic center of the city (Cozzolino 2017; De Tullio 2018). Our contribution draws

on ethnographic research carried out between 2018 and 2019 in close contact with the L'Asilo community and the Naples commons network.¹ The rhetoric on the commons and the daily commoning practices were captured during the assemblies, meetings, and cultural and artistic events, as well as in the interviews held with activists and local administrators.

Contemporary legal and political anthropology draw attention to the rifts between legal institutions and the communities they serve (Greenhouse 2012: 432), showing how law and legal redress have become a strategic practice in Italy and Europe—from immigration and refugees to human rights. At the same time, more and more anthropologists have illuminated the transformative potential of law, working out the cultural aspects that enable law to facilitate movements for social change (Goodale 2017: 203). According also to recent sociological literature, “law has provided a link between movements and institutional politics that helps to explain the professional character and durability of movement organizations without undercutting their claim to outsider status” (Cummings 2017: 233).

Focusing on a single case study, we will linger over the relationship between norms, the law, and daily political action within the wider Naples commons network, advancing two main arguments. First, the hegemony of law and its advocates in the Italian politics of the commons shapes the collective modes of interaction with local institutions. Second, the success of the Naples pathway to the commons rests upon particular conceptions of norms and a specific use of the law. The latter can only be understood starting from the “social poetics” (Herzfeld 1997) of political participation that have been constructed in opposition to the stigmas that beset the political reputation of the city.

Commoning and law in Italy

The Neapolitan network for common goods is part of the more general Italian mobilization for

the commons that emerged through two salient experiences. The first one is the national referendum against the privatization of public water. Held on 12–13 June 2011, it was the climax of a series of battles dating back to the alter-globalization insurgencies in the 1990s. The struggle around the referendum illustrates paradigmatically the convergence of legal scholars with social actors, the militant employment of legal means in the service of the commons, and the rise of *beni comuni* in public discourse and action, which all have advanced alternatives against neoliberal hegemony (Fattori 2013; Muehlebach 2018).

The second key experience was the occupation of Teatro Valle, one of the oldest theaters in Rome, that took place on the next day after the referendum. The mobilization involved a huge group of precarious workers in the performing arts. Riding on the wave of the referendum, these subjects contested the planned privatization of the prestigious theater by the municipality of Rome. They vindicated the right to access and run it as a collective resource, keeping it open to the public and experimenting with collective artistic sharing and cultural production (Bailey and Marcucci 2013; Giardini et al. 2012; Mattei 2011). Consulting also Ugo Mattei and the well-known jurist Stefano Rodotà, the occupants authored collectively a new statute and established a formal incorporated foundation that would defend the activities of the occupation. Hence, they employed a private law tool that usually protects private wealth to safeguard a commonwealth co-managed by the General Assembly. This model became immediately paradigmatic, inspiring several Italian experiences in the following years—including Naples and L'Asilo.

The main political wager of Italian pro-commons law experts is that they can blaze a legal path for urban commoning through the twists and turns of the Constitution and positive law. They have mounted the case that the law in force can be deployed to underwrite the legal status of commons and to contend with the rule of private property and state sovereignty. Transcribing commoning activities on the ground,

legal activists conjure a counter-hegemonic use of the law in force, which can shore up the commons in various ways: through reinterpretations, legal *hacks*, and the disarticulation of property rights into a bundle of rights securing access and use (Marella 2017).

The coalescence of pro-commons lawyers and professors with activists, movements, and grassroots collectives has singled out the Italian *laboratory* of urban commons in recent years. Deploying a variety of legal tools, Italian lawyers have aided civic actors to utilize legal tools for the cause of the commons (Mattei 2011). They have helped movements and groups to attain legal recognition and to protect their diverse commoning practices, including initially illegal occupations.²

Hence, the beginnings of the Italian mobilization for the commons clearly demonstrate the important role played by law and its agents in the application of different models of commons-based political participation. In this context, bottom-up constitutionalism and a wider alliance for the commons lean on the mediation of legal experts who can master the technicalities of the direct application of law by citizens and before the courts. Jurists also supply a substantial part of the warrants for the claims to legitimacy.

However, law experts who command an institutional knowledge arcane to most laypeople and are well-versed in the corridors of state power, occupy already a position of high authority in their synergies with collectives. A new vanguard of professionals directing social movements is thus a likely upshot of this law-based strategy, particularly if lawyers come to operate as the agents of hegemonic articulation. Lawyers themselves are alert to this peril that inheres in their strategic propositions (Mattei and Quarta 2018: 156). But the predicaments of sustained mass mobilization and political organization that could address such risks of power asymmetries in collective action have received little notice in the work of Italian lawyers propounding the commons. Their argument is that, in this context, change could be brought about

through “a global (and local) *war of position* in which legal *interpretation through praxis* (i.e., resistance and disobedience) is systematically carried on by legally and ecologically literate people supported by legal scholars who serve the function of ‘democratic philosophers’ in a relentlessly producing new subjectivity” (Mattei and Quarta 2018: x, emphasis in the original).

A second major strand of legal commoning in Italy rests on the various regulations for urban commons that have been enacted since 2014 by more than 260 cities across the country, following the Bologna Regulation on Collaboration for the Care and Regeneration of Urban Commons. This other juridical paradigm is anchored in public law and the Italian constitutional principle of “subsidiarity” (Article 118), which calls on the state and local governments to share public administration and the stewardship of public goods with citizens (Marella 2017: 81). At the core of these new municipal regulations lie the “pacts of collaboration” with citizens, which dictate the terms on which the city administration transfers provisionally to groups or associations the government and the use of public urban resources with a view to regenerating them. Political activism and social movements recede into the background of this scheme, giving way to “active citizens” who steward urban assets for the common good.

In the wider landscape of law-powered urban commons in the country, the Neapolitan model deviates from both the Bologna template and the private law tactics, and it is configured as a more autonomous process. The contribution of law to new pro-commons policies in Naples is articulated on two levels. On the one hand, it was based on the institutional work of jurists close to the last city government. This is the case, for example, of Alberto Lucarelli, Professor of Constitutional Law at the University of Naples Federico II and the Councilor who signed important resolutions for the use of public buildings by L’Asilo and other commons movements. On the other hand, a number of younger jurists are part of the Neapolitan commons network, contributing their reflection and expertise. Al-

though in conflict with each other, there are contact zones between these two groups of professionals. They share certain academic and cultural environments that have been a point of reference for political and legal reflection in the city in recent decades, such as the renowned Italian Institute for Philosophical Studies.

In the next sections, we will delve into our case study by focusing on both sides of the Neapolitan legal model for the commons, namely the institutions and the commoners.

Naples: City politics and commons policies

The Neapolitan model of commoning has been the singular offshoot of a confluence between independent social actors and the persona of the former Naples mayor, Luigi de Magistris. This convergence has been made possible by certain changes in the city's political environment in recent years.

After the corruption scandals known as *Tangentopoli* (1992–2000), which mostly involved the Christian Democratic Party all over the country, Naples was governed by parties belonging to the center-left coalition. The latter was able to articulate demands for change that had been repressed until then, embodying a “Neapolitan Renaissance.” However, this political experience came to an end on account of scandals involving its main leaders and politicians. Following judicial investigations, the latter quickly passed into ignominy, paradoxically becoming the symbol of bad and corrupt governance (Sales 2012). Over time, both the long hegemony of the Christian Democratic Party during the so-called “First Republic” and the events that led to the collapse of the center-left local governments have helped to consolidate a description of the city's political context in terms of patronage (Allum and Allum 2008; Pardo 1996). This narrative is intertwined with a plethora of age-old archetypes and literary *topoi* about politics in Naples and, more precisely, about the bland conception of rules among its inhabitants and politicians.

In response to this state of affairs—and the diffuse negative narrative about the management of public assets in the city—2011 saw the election of Mayor De Magistris, a former magistrate who had kept clear from party politics till then. The new mayor promised a “rebirth”, as he was aware that the city may well represent a case of constant failure (Calafati 2016). The new administration's policies and communication strategies were fully anchored in the critique of the preceding model of city administration. The discourse on the commons was put forward thus as an effective counter-narrative that opposes patronage and corruption. Here is how the main City Manager of Common Goods Affairs put it to us during an interview:

Naples was recovering from a defeat . . . De Magistris is one of the few Italian public prosecutors that have dealt with crimes against the public administration. So, he comes extremely well prepared to face all the mechanisms of blockage and distorted, misguided management of the public administration. He came in and dismantled the political machine. (Interview with F. Pascapè)

Nevertheless, the mayor has attracted constant criticism because of the ways he has used the support he enjoys among social movements, cashing in on his close relationship with the city's occupied spaces in terms of votes. The activists we met in Naples distanced themselves from the narrative that portrays them as pawns manipulated by a charismatic political figure. At the same time, they recognized a certain discontinuity with the previous administrations. According to Dante, one of the founders of L'Asilo, “the administration, here, all in all, as far as being clean, you know . . . I mean, it's pretty clean. De Magistris is very unpopular with a segment of our civil society because he is a nonconformist.”

In effect, the election of De Magistris generated an opening, while the collapse of the traditional party system provided a space for

dialogue between movements and institutions. After a long period of institutional repression against the so-called “Occupied and Self-Managed Social Centres” (cf. Dines 2000), conflict with the institutions has given way to a dialogue around the management of public goods. Mobilizing now under the aegis of the commons, many Neapolitan activists have glimpsed a chance to establish a “disjunctive conjunction,” that is, a relation of partial alliance and critical independence between movements and the local government (see Hardt and Negri 2012: 82–83).

In 2011, the administration amended the Municipal Statute, and the City of Naples introduced the legal category of *bene comune*. In 2012, the City Council enacted the Rules for the Management of Common Goods. In 2013, an Observatory on the Common Goods was established to identify public and private assets that could be transformed into commons. In addition to the mayor and the councilor for the commons, most of its members are representatives of the various “urban commons.” The observatory has assumed thus the task of representing the communities of Neapolitan commoners in the institutional setting.

Through all these measures, the administration recognized the political activity of more than a dozen existing groups that were organized according to the logic of self-government and were experimenting with the direct management of public spaces.

L’Asilo and “urban civic use”

The open and fluid community of artists, lawyers, and other people who inhabit the Ex Asilo Filangieri has been at the forefront of this experimentation with public–commons partnerships, in which the Neapolitan commons network took a leading role.

The Ex Asilo Filangieri was a convent established in the historic center of Naples in the sixteenth century. In 2008, it was restored to host a Universal Cultural Forum, an event organized

by a private association with public funds. A group of artists and cultural workers organized in response a symbolic occupation in March 2012, protesting against the public sponsorship of cultural events at time when artistic work in Naples was underfunded and neglected. The community gave itself the name L’Asilo and carried forward the process of commoning artistic activity, community, and politics, which was initiated by the aforementioned Teatro Valle occupation in Rome:

We were born in the wake of a movement of workers in the entertainment sector that began to question the material conditions of their work . . . L’Asilo fits into all this, we have a very strong link with the Teatro Valle. After the referendum on public water [2011], we decided that the time had come for Naples to put common goods at the center. Supported also by Ugo Mattei, it became clear to us that any theory or discourse on the commons should start from a practice.

These are the words of Francesca, dancer and actress and one of the first occupants of L’Asilo. Like many other activists of the first hour, she voiced her reflections, focusing on forms of artistic and cultural activism that have left a strong imprint on this project. In fact, L’Asilo is not a “social space” in the sense of serving pressing social needs. It is mainly a space for actors and performers, craftsmen and artists, musicians, film directors, and other people who engage in “cultural work.”

The occupation marked the beginning of a process of dialogue with the city government. In 2012, a City Council resolution granted the community that had occupied the Ex Asilo Filangieri the “urban civic use” of the space. Lawyers involved in L’Asilo mapped out a legal route that would enlarge the legal provision of “civic use” (*uso civico*). This was historically widespread mainly in the Italian countryside, granting to local communities access to land and the right of its use, most often for grazing

and harvesting timber. This legal affordance, in conjunction with Article 43 of the Constitution, which allows for the conditional takeover of a public service by its workers, supplied a legal scheme that could formalize the experience of self-government and commoning in L'Asilo:

In this way, self-government is connected to a basic decision-making system which . . . puts at the center of the process not a single subject as the exclusive concessionaire, but an open number of individuals, associations and collectives that can benefit from the common good which is the subject of the sharing agreement. (Micciarelli 2017: 145–146)

Over a period of three years, the community, under the guidance of its lawyers, convened a series of public assemblies to frame the regulation governing the use and management of the space. The civic use regulation identifies three main figures: the *inhabitants*, who “take care and manage L'Asilo and therefore enjoy full rights of participation in the decision-making processes”; the *guests*, who “propose an activity that will be scheduled by the assembly”; and the *users*, who participate in the activities proposed by the *inhabitants* or by the *guests* (L'Asilo 2021).

L'Asilo has subsequently expanded these explorations and the collaborative work with the administration to other communities belonging to the city commons network and beyond. Hence, as we explain below, the sources of legality and legitimacy underlying this singular experience of commoning are the autonomy of citizens, local authority resolutions, and customary law (De Tullio 2018; Marella 2017: 81).

So, the Neapolitan legal process is articulated mainly by a group of people who are part of the L'Asilo community—“our jurists,” as their main supporters within the community call them. According to many activists we encountered in the field, their mediation with the administration was instrumental in translating the demands of the city pro-commons movements into a legal language.

Mario is one of these lawyers. He is a researcher in law and legal philosophy, and a couple of years ago he won an important international prize as a commons scholar. In his words, the scheme proposed by L'Asilo is designed to introduce “a bottom-up, rebel and reconstructive commoning” that harbors an aspiring counter-hegemonic intervention. Their strategy seeks to gain leverage on institutions while upholding grassroots autonomy. Rather than being simply imported by jurists from the outside, legal instruments and proposals grew organically within the communities of commoners and through civic action.

Hacking the law and institutions

To quote its protagonists again, L'Asilo is a creative, counter-hegemonic, bottom-up praxis of law-making by people who converted law into “a force of communication and connection rather than of limitation and punishment” (Mario). The legal instrument fabricated by L'Asilo connects social movement politics with a juridical path that *uses* the legal system by enlisting the law to alter the system “from within.”

The L'Asilo activists who have elaborated the framework of urban civic use claim that this methodology allows a “creative use of regulations which reveals an ability to create new institutions from below” (Micciarelli 2017: 136). In this model, institutional leanings and legal aids are counterbalanced and contaminated by a fluidity which strives to escape institutionalization.

This novel hybrid arrangement relies on municipal funding for some of its functions (the maintenance of the building and basic operational expenses, such as electricity). It separates the property of an infrastructure, which remains public, from its common use and management, which is pursued through direct administration in open assemblies. Hence, the “civic use” strand of *beni comuni* stands opposed to the ideology of “the private” and aims at a deeper engagement of citizens and social movements. The main priority of the L'Asilo *inhabitants* is to invent new

institutions for the communal self-management of public infrastructure and cultural heritage, through which people in a building can regulate in concert the ways in which they enter public spaces, they employ the means of production, and they decide and co-decide on matters as a collective deliberating subject.

One of the main groups formed within the community is the “Self-Government Working Group,” which usually convenes on weekends and is open to the public but mainly involves the so-called “inhabitants.” Members discuss the political nature of their project, their forms of self-government, the “accessibility” of the space, and their political and cultural/artistic role in the urban space. The decision-making processes are marked by a continuous confrontation, according to the well-known “consensus method”—“whereby a decision can always be brought back into the discussion so as to satisfy the widest possible number of people” (Della Porta et al. 2006: 53–54). This slows down decision-making processes and challenges many efficiency criteria. As Alberto said during one of these meetings: “If we wanted to be efficient, we would have chosen a majoritarian method. The crowded assemblies may not be very efficient but they allow us to share our choices. The method is our political strength.”

Alberto is a musician and part of the group of people who occupied the building in 2012. In February 2019, while we were chatting with him on the sidelines of a self-government meeting, we were joined by the aforementioned Francesca and by Attilio, also a musician. As they noted, in *L’Asilo* “consensus does not mean unanimity” (Francesca). On the contrary, it entails tortuous and not always happy processes. As in many other political collectives, “consensus is a method that protects individuals who do not accept certain principles decided by the majority of the community” (Attilio).

Their Declaration of Urban Civic Use (*L’Asilo* 2015), which makes up the core of their constitution, reflects their will to constitute an inclusive and generative urban commons, a diverse community hospitable to the city at large, where

people without adequate resources (funding, material means, knowledge) are able to act and create together. To use an emic term, they construe this will to share and to do things in common in terms of “interdependence” (Agostino).

We can trace here a feminist spin on the politics of *L’Asilo*, in the sense of a caring political ethos that seeks to fend off violence, domination, and bullying as an ongoing challenge. Caring for relations with others and connecting through mutual vulnerability are two linchpins of the feminist politics that infuses *L’Asilo*. As one of the jurists of the community told us during a long interview, “the future lies in such an ethos of community, in which one’s freedom is more open to the freedom of others” (Maria Elena). This approach reflects a “politics of possibility in the here and now” and an “emerging political imaginary” as laid out by J. K. Gibson-Graham (2006: xxiv). The actors of this “politics of possibility” are held to be central and capable of self-transformative activity that is nursed by ethical practices of self-cultivation.

“A piece of paper”

The “Neapolitan way” is marked off from other cognate cases in the Italian context precisely on account of its distinctive conception of the rules and regulations—that is, on account of its distinctive way of articulating law and the concrete political action of its members. One of the main risks of commoning projects premised on strong legal assumptions is that rules and regulations become an instrument of defense for individuals and a form of protection from the community itself. As we have found in several other instances in Italy, in the daily work of the commons the word “rules” becomes often a leitmotif. In these cases, the signifier “common good” tends to become a moral justification for a participation based on mistrust and for a commoning *style* that is gradually divested of its political function. In contrast, what marks Naples and its pro-commons urban movements is the

tendency to make a *light* use of rules, reconsidering them all the time: “We never use the word ‘rules’ during our assemblies. No one would dare mention the rules during a discussion, not even during a heated argument” (Diego).

Such a practical attitude cannot be traced back to a Kantian and Durkheimian deontological ethics, in which preexisting norms prescribe and circumscribe the horizon of action of individuals. Their political action is rather attributable to a “consequentialist ethics,” whereby actors assess their conduct according to the consequences, immediate or remote, that may derive from them. By renouncing immutable principles valid for every situation, they opt instead for a Weberian ethics of responsibility (Fassin 2012: 9). They engage thus in a constant self-reflective practice that enables them to remain alert to the articulation of the moral and the political in their daily commoning.

Such an imperfect, continually questioned process is grounded in the sharing of what Jeanne-Pierre Olivier de Sardan called “practical norms.” The latter are not necessarily explicitly expressed as such by subjects. They are “more often than not automatic and routine, existing in a vein more latent than explicit” (2008: 14). Their strength lies precisely in their being provisional, and they have often supplanted the value of the formal or official norms that should regulate the interactions between communities of commoners and local institutions.

The discrepancy between norm and action and, above all, between written norm and the daily life of the community is an important component of the way in which L’Asilo effectively functions. When the civic use regulation was authored, many participated and wrote it in a form that was both creative and authoritative. Yet today, no one ever refers to that regulation. It is common sense that it is only a “piece of paper,” a formal text serving to attain a form of self-government that needs to be subject to constant maintenance, to be continually reinterrogated. And the community knows very well how politically important it is to take the rules ironically (Vesco 2021):

On the civic use declaration, we reached this sensational, sweaty consensus that when the phrase “in the regulation it was written that” was said during an assembly, then this meant that the regulation had to be immediately questioned! (Giulio)

On this view, rules are nothing but the formalization of a way of doing politics that constantly challenges those same rules. One of their main arguments is that if, by its constitution, the law favors private property, it is imperative to recalibrate it to make it supportive of the common, or at least not hostile to the common.

From the lawyers’ leadership to “another logic”

The influence of this experience exceeds the narrow Neapolitan sphere. A network of movements spread throughout the country has taken L’Asilo and its lawyers as their point of reference. The link between the movements involved in this network was consolidated in early 2019 in response to the proposal of certain intellectuals, including professors Ugo Mattei and Alberto Lucarelli, who had launched a collection of signatures for a national citizens’ initiative law on common goods. The promoters of this venture were blamed for acting in a top-down way without involving the communities and the processes that actually undertook commoning practices. According to the above-mentioned Mario, lawyer and activist of L’Asilo, “they promoted a citizens’ initiative law using methods that were anything but horizontal . . . It’s completely paradoxical!”

These misunderstandings disclose the widespread need of activists to distance themselves from top-down knowledge. But, at the same time, they bring to light debates and conflicts informed by competitive dynamics among jurists. The latter implicate the roles of leaders and intellectuals—more or less organic—played by these activist-jurists, who command a specific cultural capital.

Leadership by particular individuals or groups within a community such as L'Asilo involves the carrying out of operations that spearhead effective action and organization. These leaders introduce new practices. They mediate conflicts and they dialogue with local administrators. They hatch plans and common visions. They connect with other organizations, and they reach out to broader audiences (Kioupkiolis 2019: 34).

The capacity to carry out these vital functions is unevenly distributed within pro-commons movements. In general, those that hold the strings of the ongoing legal process are also those that invest more time and devotion to the common endeavor. They accumulate thus more practical experience. Crucially, they possess expert knowledge and other unequally shared skills and capacities, from persuasion, planning, and communication, to technical skills and social capital (Dixon 2014: 175–179; Han 2014: 33–34).

The part they assume is also the subject of discussion within the community. They are perceived as bulky but also as useful figures. They are mostly tolerated by some and wholeheartedly supported (or defended) by others. For some—both inside L'Asilo and outside—they are responsible for an excessive institutionalization of the process, while for others they are the only ones who have been able to give substance to a political journey that otherwise would be so heterogeneous and vague as to risk failure.

The main split that often arises in assembly discussions lies between the group of jurists and the so-called “libertarian wing” of the community. It bears on the conception of rules and the forms of dialogue with institutions. However, beyond a mutually articulated distinction between the two parties, their positions on the main issues are rather nuanced. Hybridity and contamination between these two souls is one of the main characteristics of the community, to the point that dialogue with institutions is also accepted by those who would be against it in principle. Let us quote, for example, the words of the aforementioned Giulio, who is consid-

ered by the community to be the representative *par excellence* of the libertarian trend:

Our forms of interaction with the outside world are very varied. Contradictions are not to be avoided, quite the contrary. So, for example, we interact with the municipality for a path in the legal field. “Civic use” is a complex process, because it stems from the encounter between (1) jurists who had participated in the experience of the referendum on water; (2) craftsmen and manual workers; and (3) comrades.

We could say that people coalesce and co-create in L'Asilo precisely by virtue of their differences in terms of their profession (artisans, actors, cultural workers, researchers, unemployed, and students) and of their political orientation (anarchists, greens, Marxists, social democrats, etc.). All of them cooperate on the understanding that they are not under the umbrella of a monolithic ideology, and they do not vie for internal hegemony. As one of the artists told us: “The legal-political and the artistic-creative souls of L'Asilo come together in a circuit that eschews a lopsided accent on politics alone or on art alone” (Agostino).

Although it is rather dialectical, the main characteristic of this community is precisely that of being able to heal rifts by respecting the basic principle that it has set itself, that is, the need to make conflict and dissent a virtue and a resource.

L'Asilo achieves thus an oxymoronic synthesis between the hegemony of legal knowledge and openness to constantly evolving patterns of organization. The identity of the community is grounded precisely in heterogeneity and the ability to continuously question the assumptions just established. The L'Asilo community seeks thus to be conscious and clear about the workings of the assembly by means of systematic internal reflection and external projection: “Our approach to rules and law makes L'Asilo a true space of the possible” (Francesca). In other words, it is a place where people undertake

diverse inquiries rather than search for final answers.

This mode of proceeding can be traced back to the whole network of Naples pro-commons movements. It is a genuine example of “another logic” (Gibson-Graham 2006: xxvi) of ongoing self-scrutiny and reflexivity that grapples with complexity and handles the risks that alter-politics assumes by working through messiness and by renouncing ideological rigidity and “cleanliness.”

Law as a cultural practice

When talking about the Neapolitan movements with other collectives around Italy we have clearly noticed the widespread tendency to insist on the *otherness* and the presumed contradictions of a complex city like Naples (Vesco 2021). This attitude can be traced back to the usual internal orientalism that characterizes relations between Northern and Southern Italy (Schneider 1998; see also Gribaudo 1996; Moe 2002). The mechanisms of orientalization and construction of the Neapolitan *other* permeate public discourse and media representations. All the above affect the way in which individuals and groups conceive the opportunities for change and intervention. Both the new administrators and the activists we encountered in the field have built their own cultural intimacy (Herzfeld 1997) by appropriating and overturning the stigmas attached to their city. The commoning processes we have laid out so far are anchored in these cultural mechanisms.

What the inhabitants of L’Asilo call “creative use of the law” implies a cultural self-reflection and an attempt to unsettle the strong narrative about the alleged use of rules and regulations in this city (as in the rest of Southern Italy). This narrative emerged, for example, during the COVID-19 pandemic, when rules had to be established to contain contagion. During the restitution of our fieldwork with the activists of L’Asilo, we had the opportunity to comment on politicians from Northern Italy who proposed

more checks for areas in the South, particularly Naples, which were considered incapable of complying with the rules. As one of these politicians commented:

If I say that Padua is different from Naples, I say it with reference to the conception of rules. For many years, there has been a sociological and political literature that tries to explain the profound differences in political culture between North and South . . . I am thinking of Robert Putnam’s work . . . I won’t mention the old book of the American anthropologist [sic!] Banfield, who even evoked “amoral familism” . . . Are all these scholars racists? And are we to deny that this diversity also includes, in its own right, the knot of non-compliance with the rules? (Councilor for Culture, Padua)

During our field research in northern Italian cities, such as Turin and Bologna, the “Naples case” came up often in conversations with activists and local administrators. On several occasions, they reiterated the well-known cliché: “In Naples, they are almost anarchists! Here there is something completely different; ours is a structured and well governed process,” as an officer of the Municipality of Bologna commented during an interview with us.

On the other hand, the activists involved in commons movements in these same cities welcomed the Neapolitan approach with enthusiasm, that is, with positive discrimination. An activist of a pro-commons movement in Turin once told us: “We are deeply Savoyard, rigid; we take everything too seriously! Our Neapolitan friends, on the other hand, are capable of not giving a damn about the rules. This is a crucial political weapon.”

The Neapolitans are well-aware of this portrayal. As Maria Elena, one of L’Asilo’s jurists and one of our key informants, explained:

Maybe they’re right; our model is profoundly Neapolitan . . . [laughing] Well,

a model is better for some contexts and other models are better for others. When people invite us in other cities to explain to them our “civic use” arrangement, we never go there and say “you should do the same.” We always try to understand what their needs are and if there are conditions for applying this model . . . social conditions, but also cultural conditions, I would say.

A full consciousness emerges here that law is contingent, and its use and importance for social movements varies with the context and character of struggle (McCann 2006). As we have noted, the bland use of the rules of self-management by L’Asilo’s activists is not the outcome of a superficial approach. On the contrary, it derives from a considered political attitude that is constantly subject to reflection. This approach is legitimized also by the community’s *insolent* pride in the judgments and the prejudices of those who observe it from the outside. The community defies the orientalism inherent in those statements, affirming the distinctiveness of their approach. Several activists we met in Naples end up appropriating such orientalist narratives as an intimate aspect that defines their collective identity (Herzfeld 1997). The active and critical processes of subjectivation that have enabled deep, self-reflective political practices is reflected in the ability of L’Asilo activists to recognize, to internalize, and to overturn the stigmas usually attached to the alleged Neapolitan conception of rules.

Conclusion

The main finding in our encounters with L’Asilo and other communities of Neapolitan commoners concerns a substantial convergence between (a) the need to make a “light use” of the law and its rules to advance pro-commons politics; and (b) the possibility of drawing on the greater narrative about the lack of consideration for rules in Naples to create cohesion within the

communities themselves. They take ownership in this way of the cliché related to the allegedly poor organizational capacity of Neapolitans and their tendency to disregard rules. The success of L’Asilo rests precisely on the strong geographical and cultural marks of the method set out in the foregoing pages.

From this angle, forms of self-organization, decision-making processes, and conceptions of the commons turn out to be an entirely cultural construct, a norm that regulates collective action on the basis of a specific rhetoric that refers to relations between different areas of the country.

In the final analysis, in Naples the intrusiveness of the legal discourse paradoxically confirms the open and creative disposition of the communities that deploy the law. The gist of the alter-politics embodied by L’Asilo can be summed up in two main elements, or rather paradoxes. First, its inhabitants are aware that rules are even more effective if, once endorsed, they are immediately challenged. This fosters the internal cohesion of communities, as their members know that they are pursuing thus a way of doing politics that marks off their area. Second, L’Asilo is a project undertaken by people who have a high opinion of their own work and their political potential precisely because they are aware of the importance of constantly facing its limits.

Through an imperfect, questionable, and constantly debated approach, L’Asilo’s politics for alternative commons also develops networks with similar citizens’ initiatives across urban and national borders. This network-building seeks to disseminate the seed-forms of Neapolitan commoning, so as to enunciate a common narrative and to marshal a counter-hegemonic civic power by bundling together urban movements, commons, and cities.

Across the board, the political wager of Italian legal experts who propound the commons is that they can trace legal ways through the Constitution and positive law to attain legal recognition for grassroots projects, and they can even bring city governments to sponsor urban com-

mons. In Naples, they strive to *twist* legal traditions, such as civic use, to put them in the service of contemporary urban self-management. All in all, this is an idea of counter-hegemonic action in, against, and beyond the neoliberal order. It unfolds from within the rules of the system but can also stand up against the status quo and clear ways beyond it. Carol Greenhouse (2012: 441) has pointed out that, although many studies have shown the capacity of legal practices to empty the social of its political implications, the technicalities of politics do not automatically undo strong subjective engagements. Nor do they erase the cultural foundations underlying the creative uses of the law itself, we might add.

Antonio Vesco is a research fellow in cultural anthropology at the Department of Political and Social Sciences, University of Catania, Italy. Holding a PhD in anthropology (University of Siena) and in political science (University of Paris 1 Sorbonne), he has completed a three-year postdoctoral fellowship within the ERC project entitled “Heteropolitics: Refiguring the Common and the Political.” His research interests focus on commons and institutions, party politics, political corruption, and the interconnections between Mafia clans and the state. On these topics he has published several papers in Italian and international journals, and the monograph *Come pesci nell’acqua: Mafie, impresa e politica in Veneto* [Like fish in the water: The mafia, business, and politics in Veneto] (Donzelli 2018, with G. Belloni).

Email: antonio.vesco@unict.it

Alexandros Kioupiolis is an associate professor in contemporary political theory at the School of Political Sciences, Aristotle University, Greece. He is an ERC Grantee (ERC COG 2017-2020) and a Fulbright scholar. Recent publications include the articles “Commoning the Political, Politicizing the Common” (*Contemporary Political Theory*, 2018), “Movements Post-Hegemony: How Contemporary Collective Action Transforms Hegemonic Politics” (*Social*

Movement Studies, 2018), the co-edited volume *The Populist Radical Left in Europe* (Routledge 2019, with G. Katsambekis), and the monograph *The Common and Counter-Hegemonic Politics* (Edinburgh University Press, 2019).

Email: alkioup@polsci.auth.gr

Notes

1. Ethnography was mainly conducted by AV. As PI of the “Heteropolitics” project, AK also visited Naples and L’Asilo several times.
2. A striking example of this dynamic is the work carried out by Ugo Mattei, Professor of Private Law (University of Turin) and International and Comparative Law (University of California).

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