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*Reflections on the commons and the common good: a happy intuition by Giorgio La Pira on man and the city and the Bergoglian magisterium on the "theology of the peripheries"**

CRISTIANA MARIA PETTINATO

ABSTRACT

The recent interest of secular law on the theme of the commons is the product of a different idea of politics and its forms, capable not only of giving people a voice, but of building new subjectivities, and even of redistributing powers. What comes to light is an anthropocentrically well-founded attention, according to which the ownership of goods is not fundamental but the instrumental purpose to the satisfaction of the fundamental rights of the person. In this context, the Magisterium of the Catholic Church is inserted, enriching it, with arguments of Social Doctrine that are always timely because they draw nourishment from natural law. La Pira's intuitions on the role of cities as living entities in the integral development of people and the more current contribution of the Church of Francis on these issues are worthy of reflection.

KEYWORDS

common goods-common good-Social Doctrine of the Church-theology of the peripheries-Giorgio La Pira-relationship between city and people

Summary: 1. The question of the commons: between tradition and innovation- 2. The reopening of the scientific debate with Elinor Ostrom: the Italian position – 3. Inhabiting the earth in the Jubilee year – 4. The intuitions of a fide mayor inspired by the modern link between inhabitant and inhabited land: Giorgio La Pira and the city - 5. The democratic contribution of the "theology of the peripheries" to the realization of the common good – 6. From the common good to the common good in the Social Doctrine of the Church: thoughts at the tail end.

1) *The question of the commons: between tradition and innovation*

A main characteristic of modernity is that of making a dialogue between the sciences indispensable, given that each is used to closing itself within the limits of its own axioms and its own language, and specialization tends to become isolation and absolutization of one's own knowledge¹. In the firm conviction of the uniqueness of the legal experience, I would take the opportunity to replace the term dialogue, perhaps now abused and outdated because it refers to an obsolete static, rather with interaction

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¹ FRANCIS, Encyclical Letter *Laudato Si'*, 24 May 2015, n. 201, in https://www.vatican.va/content/francesco/it/encyclicals/documents/papa-francesco_20150524_enciclica-laudato-si.html.

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and cooperation², capable of finding solutions and enriching the dialoguers in a new dimension of proximity³

The confluence of interests on the part of different legal disciplines and not only, on the theme of common goods and collective rights that has characterized the main European legal systems in recent years, leads us to hypothesize as a probable cause of this phenomenon the need to rethink categories traditionally considered to be the foundation of our social system, political and, therefore, legal which, in the light of recent developments, prove to be inadequate to represent the real needs of the person as well as those of the community. In line with some emeritus voices of Italian private law, we can agree on the fact that the critical discourse on the commons arises from a legitimate democratic and solidarity-based aspiration to the downsizing of the forms of ownership typical of bourgeois ideology⁴, based on the appropriation, the individual concentration “and exclusion of goods”⁵. The transition from the ancient feudal world to the modern one is also decisively marked by the transition from a reicentric vision to one in which the bourgeois subject, protagonist of the new political order, becomes the free owner of the possession of the thing⁶. The return to the table of the legal interest of the theme of the commons is, now, the product of a different idea of politics and its forms, capable not only of giving people a voice, but of building new subjectivities, and even of redistributing powers. We could speak of the manifestation of an anthropocentrically grounded attention. The ownership of the assets is not fundamental but the instrumental purpose to the satisfaction of the fundamental rights of the person, allowing, in the silence of the legislator, the elaboration of different management methods depending on the collective subjects

² ZYGMUT BAUMAN, «Dalla competizione alla cooperazione», in ALDO MASULLO, *Qualità vs quantità. Dalla decrescita a una nuova economia*, Lit Edizioni, Roma, 2013, 187.

³ ANTONIO SPADARO, *Dialogo, misericordia, riforma: le parole del papa secondo Spadaro*, 16 aprile 2015, in www.aletea.it.

⁴ For a reconstruction of the reflection on the historical evolution of property law, see in a necessary synthesis: SALVATORE PUGLIATTI, *La proprietà nel nuovo diritto*, Milano, 1954; UGO NATOLI, *La proprietà*, I, Milano, 1965; GIOELE SOLARI, *Individualismo e diritto privato*, Torino, 1959 e *Storicismo e diritto privato*, Torino, 1971; GIUSEPPE ASTUTI, *La codificazione del diritto civile*, in *La formazione storica del diritto moderno in Europa: atti del 3. Congresso internazionale della Società italiana di Storia del diritto*, II, Firenze, L. S. Olschki, 1977; ANTONIO PADOA SCHIOPPA, *Dal codice civile napoleonico al codice civile del 1942*, in *Scritti in onore di R. Sacco*, I, Torino, 1994, 923 ss; LUIGI FERRAJOLI, *La cultura giuridica nell'Italia del Novecento*, Roma, 1999. On the preparatory work of the Constitution on the subject of property, cf. For example STELIO MANGIAMELI, *La proprietà privata nella Costituzione*, Milano, 1966 e l'indagine di STEFANO RODOTÀ, *La proprietà all'Assemblea costituente*, in *Politica del diritto*, 4, 1979.

⁵ STEFANO RODOTÀ, *Il terribile diritto*, il Mulino, Bologna, 2013, p. 464 et seq.

⁶ The transition between the two systems, the reicentric one and the one that sees the birth of the prerequisites for the future development of agrarian law as proof of the strength of social pluralism against the rigidity of legal formalism is described by PAOLO GROSSI, *Il dominio e le cose. Medieval and Modern Perceptions of Real Rights*, Giuffrè, Milan 1992.

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involved, between the public and the private⁷. It is worth pointing out that the definition of the category of so-called active citizens, who are entrusted with the management of the commons in general, does not provide for reservations in favor of particular titles of legitimacy - conditions such as residence or citizenship, thus representing a concrete possibility of inclusion - leaving the care of the commons also to individuals or informal communities⁸.

The crisis of the representative forms of democracy, within the broader crisis of the State determined by globalization⁹, with the consequent bureaucratic and business degeneration of public management, often bankrupt, have fueled the expansion of the strategy of the commons. With regard to the resources attributable to the category of public services, the idea of the commons “implements a strategy of containment of the universalization of the market and the consequent dismantling of the Welfare State”¹⁰, as well as a sort of socialization of what is normally subject to private appropriation. In fact, it is in the experience of the commons that tradition and innovation meet, declined according to the new needs to propose alternative models of land management, which are not only readable as atavistic orders of the original communities, but laboratories of cooperation and shared responsibility. From a theoretical point of view, this concept expresses a newfound attention to the circular relationship existing between the world of the subject and that of goods, regulated by the logic of commerce and those of private property, which together with the triumph of the idea of freedom had represented the “horizon of meaning”¹¹ of nineteenth-century states, logics of excludability I would say, which are attempted to be replaced, or rather, to support that of sharing linked to the function, and not so much to ownership. These are not goods shared in ownership but rather in their functional use for the exercise of fundamental rights and the free development of the personality, in the medium and long term projected in order to

⁷ Examples in this sense are the realities of the collaborative project between the municipality of Bologna and the Labsus association that in 2014 gave rise to the City Regulation for the management of common goods and the Turin Co-city project of 2016 for the regeneration of the suburbs, with European subsidies and the collaboration of the University. See *Manuale di diritto dei beni comuni urbani*, ROCCO ALESSIO ALBANESE, ELISA MICHELAZZO (eds.), with Introduction by ALESSANDRA QUARTA, and two Essays by UGO MATTEI AND ROBERTO CAVALLO PERIN, Celid, Turin, 2020, pp. 9-10. See also <https://www.labsus.org/2022/06/il-pubblico-diventa-comune-il-potenziale-trasformativo-dei-beni-comuni-urbani-in-spagna/>.

⁸ *Ibid.*, p. 53 et seq.

⁹ GIUSEPPINA BARCELLONA, *Globalizzazione, crisi della politica e spazio giuridico europeo*, in *Costituzione, globalizzazione e tradizione giuridica europea*, BIAGIO ANDÒ-FAUSTINO VECCHIO (ed.), Cedam, Padova, 2012, 145 ff.

¹⁰ MARIO BARCELLONA, *La metafora dei "beni comuni": l'Impero, lo Stato e la democrazia al tempo del capitalismo cognitivo*, in *Democrazia e Diritto*, n. 3, 2016, pp. 1-65, in particular p. 12.

¹¹ MARIO BARCELLONA, *La metafora dei "beni comuni": l'Impero, lo Stato e la Società della Solidarietà*, cit., p. 2 and reference notes.

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ensure the satisfaction of primary needs, and therefore removed from trade¹². On the basis of these premises, one can also share the suggestion that this is a “constitutional” issue, which amplifies the individual dimension of property, or according to another reading, is opposed to the traditional view of property as an exclusive and exclusive exercise.

2) *The reopening of the scientific debate with Elinor Ostrom: the Italian position*

A category long hidden by the lack of interest of politics and scientific debate, that of the “commons” was rehabilitated following the awarding of the Nobel Prize in 2009 to Elinor Ostrom¹³. The main objective of the American economist's study, conducted in parallel with that of her political scientist husband, Garrett Hardin, has a twofold direction: on the one hand, the construction of a normative theory of a just society, and on the other, the analysis of the ways in which citizens are allowed by institutions to “govern their common resources from below and cooperatively”, developing the art of the association that allows to produce a positive surplus value for the entire community as well as for the interest of the individual¹⁴. Ostrom, for its part, proposes a cooperative self-management of common natural resources, giving as an example some models that exist all over the world, but characterized by the circumstance, not insignificant, that the protagonists are small communities with low population density and not so much our globalized, overpopulated and, tendentially, multi-ethnic city societies, within which it would be almost impossible to organize on a shared basis because it is mainly impossible Getting to know each other, and getting to know each other is the *sine qua non* for communicating and generating mutual trust¹⁵.

The danger that inevitably lies behind collective enjoyment is the one declared by Garrett Hardin, in the “tragedy of the commons”¹⁶. The author fears that if left to the free management of individuals, individuals will end up, following their tendential prevaricating nature, to exploit them for personal use,

¹² SABINO CASSESE, *Beni pubblici. Circolazione e protezione*, Milan, Giuffrè, 1969, pp. 277-278.

¹³ ELIONOR OSTROM, *Governing the Commons*, New York University Press, 1990, ed. It., *Governare i beni comuni*, Marsilio Editore, Venezia, 2009, in particular on the non-excludability in the enjoyment of common goods p. 11.

¹⁴ *Ibid.*, pp. 93-94.

¹⁵ Ostrom focuses on the development of cooperative strategies with the other actors present, which facilitate relations of reciprocity and not the maximization of individual interest, so TOMMASO VITALE, *Società locali e governo dei beni comuni. Il Premio Nobel per l'Economia a Elinor Ostrom*, in *Aggiornamenti sociali*, 2010, pp. 91-100, in particular p. 92.

¹⁶ GARRET HARDIN, *The Tragedy of the Commons*, Science, No. 162, 1968, pp. 1243-1248.

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with definitive disinterest in the future negative consequences on their subsistence, because the reality of collective goods is not exempt from the infiltration of the spirit of competitiveness¹⁷. It follows the urgent need to provide a form of protection and regulation, and the solution for the skeptic Hardin is hobbesian: the protection of the *commons* should be entrusted to the State through a system of controls and sanctions, in reality, however, this is almost impossible to achieve. There are those among publicists who wonder about the urgency of reviving the welfare state and bending it to the function of protecting the *res publicae* and the management of the *res communes omnium*¹⁸.

In Italy, on the other hand, the debate even preceded the award given to Ostrom, because it was in 2007 that the Rodotà Commission in the draft law-delegation¹⁶ elaborated an exhaustive definition of common goods as “those goods which, by their function, are capable of satisfying the fundamental rights of man, immediately serving not the *dominus* - i.e. the public administration - but the entire community”, highlighting the functional and utilitarian character against that of “*res* that can be evaluated economically and liable to ownership”, which re-emerged during the drafting of the 1942 Code¹⁹. *Res* that is considered collective property, therefore *communis omnium*, but placed among those subject to state reserve and consequently, *extra commercium*²⁰.

The decision adopted in 2017 with the reform of civic uses seems to be moving in a similar direction. Let us remember that the old law 1766 of 1927 aimed to support the publicist orientations of fascism, centered on an idea of a totalitarian state rejecting any form of social pluralism, tending, therefore, to the publicist avocation of collective domains²¹. Law 168 of 2017²² revitalizes the promotion

¹⁷ FRANCESCO BOTTURI, *Per una revisione dell'idea di bene comune politico*, in *Etica Pubblica e Democrazia*, vol. 81, n. 3, 2013, pp. 71-76, in particular p. 71.

¹⁸ ALBERTO LUCARELLI, *The Democracy of Common Goods. Nuove frontiere del diritto pubblico*, Roma-Bari, Laterza, 2013, pp. 15-16: “the welfare state, formally provided for in the Constitution, has been left to itself, and it is our indefectible task to affirm a concept of public law that assumes among its tasks that of managing the *res publicae*, in function of the pursuit of general interests and the satisfaction of new and dramatic social needs, and above all to recognize the existence of the *res communes omnium*, that is, of the commons”.

¹⁹ PAOLO MADDALENA, *I beni comuni nel codice civile e nell'ordinamento romano*, in *Cbi difende i principi non negoziabili? La voce dei giuristi*, MARIA PIA BACCARI (ed.), Modena, Mucchi, 2011, p. 112.

²⁰ SABINO CASSESE, *Beni pubblici. Circolazione e protezione*, Milan, Giuffrè, 1969, pp. 277-278; MARIO ESPOSITO, *Beni proprietà e diritti reali*, T. 1.2, *I Beni pubblici*, in *Trattato di diritto Privato*, MARIO BESSONE (ed.), vol. VII, Torino, Giappichelli, p. 101.

²¹ UGO PETRONIO, *Usi civici*, in *Enciclopedia del diritto*, vol. XLV, Milan, 1992, p. 930-953; LUIGI DE LUCIA, *Usi civici*, in *Digesto discipline Pubblicistiche*, vol. XV, Torino, 1999, pp. 584-602; ALBERTO GERMANÒ, *Usi civici*, in *Digesto. Sezione civile*, XIX, Torino 1999, pp. 535-561.

²² For an analytical comment on the reform, see RAFFAELE VOLANTE, *Un terzo ordinamento civile della proprietà. Legge 20 novembre 2017, n. 168, sui domini collettivi*, in “*Le nuove leggi civili commentate*”, V (2018), pp. 1067-1115

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of the participation of *cives* in the use of the earth's resources in the new spirit of sustainability, the new paradigm on the balance between man and the environment, which requires to rewrite the relationship between law, territory and community, the recovery of those civic uses, which were not born from a regulatory whim but constituted “a prerogative that had its roots in the need of the community to meet its essential needs, that is, to have the possibility of surviving”²³. The private nature, or perhaps better the private dimension alongside the public dimension of the exponential entity, is revealed, as reiterated by the Court of Cassation with sentence no. 24978 of 2018, thanks to which the liquidation process of collective domains inaugurated in the fascist era, considered an obstacle to the development of agriculture,²⁴ is interrupted, they qualify collective properties as primary legal systems of the original communities that reside there, holders of autonomy and constituting an intergenerational co-ownership. In other rulings, the Supreme Court continues to refer to articles 2, 9 and 42 of the Constitution, in order to protect the human personality and its proper development in the welfare state, overcoming “the old proprietary conception of the state-person, to ensure the use and service that the good must offer to the community in the realization of constitutional values”²⁵.

Our Constitution was born from the fruitful convergence of the three main political-cultural currents that promoted the rebuilding of our country after the tragedy of the Second World War: the Catholic, the liberal and the socialist. In the text, probably influenced by the “Code of Camaldoli” (1943)²⁶

²³ FRANCESCO MASTROBERTI, *Comunità, usi civici e beni comuni dopo la legge n. 168 del 2017*. Annali della Facoltà di Giurisprudenza dell'Università degli Studi di Camerino – Note – n. 13/2024, p. 160; *Riforma sociale: Rassegna di scienze sociali e politiche*, FRANCESCO SAVERIO NITTI, LUIGI ROUX, (eds.), Luigi Einaudi, Turin, pp. 82-86: “it would not be difficult to demonstrate how much the agricultural workers of Sicily suffered with the closure of the large estates, for the suppression, allowed by the Bourbon laws, in exchange, however, for fees that were generally not given, of so many civic uses fixed by custom and tolerance of the good old days, and for the effort made by the owners to subject their lands to the greatest return, without the necessary use of capital. Intensive culture has not been introduced, as has been done in England, Prussia, and even Hungary, the old primitive industry has not been transformed into the perfected cultures suggested by science, but the peasants have simply been made to pay what the landlord needs most for his needs. The latter has seized all the rent for his own benefit, and has taken advantage of the increase in population, the lack of industrial work, the increase in the price of goods and competition to raise rents beyond measure”.

²⁴ However, these are always assets linked to the logic of private property although with a collective purpose, which opens up to possible risks, linked, for example, to the power given to municipalities to change the intended use, as well as to virtuous examples, see for example resolution no. 446 of 2016 of the Municipality of Naples which allows the “recognition of spaces of civic importance attributable to the list of public assets (...) perceived by the community as “common goods” and susceptible to collective use”, in <https://www.comune.napoli.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/16783>.

²⁵ ALESSANDRO DANI, *Il concetto giuridico di “beni comuni” tra passato e presente*, *Historia et Ius*, n. 6, 2014, pp. 3-8, online at https://www.historiaetius.eu/uploads/5/9/4/8/5948821/dani_6.pdf, p. 30

²⁶ MARTA CARTABIA, *Dal Codice di Camaldoli alla Costituzione italiana*, in *Quaderni Costituzionali*, 43, 2013, pp. 827-844; *Il codice di Camaldoli*, TIZIANO TORRESI (ed.), Edizioni Studium, Milan, 2024.

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- in the drafting of which some of the founding fathers, Giuseppe Capograssi, Aldo Moro, Giulio Andreotti, Ferruccio Pergolesi and Giorgio la Pira participated - not only the personalist idea²⁷ emerges, at the center of the life of the State and its economy, but also the following corollaries of co-responsibility and solidarity. Given these premises, the same constitutional principles that identify a community by founding its essence, born as bridges between Catholic culture and the other cultures protagonists of social life, to dialogue on the fundamental structures of civil life, could be considered as common goods, and the Constitution itself as a common good²⁸.

3) *Living the Earth in the Jubilee Year: Canonical Reflections*

The history of collective goods, or common property resources (*commons*), with the necessary distinctions, linked to the variety of the object of study²⁹, is inspired by an anthropological register that marks the constitution of realities with a strong social vocation, which, according to a modern reading, have the merit of creating effective forms of environmental protection, but also personal protection that simultaneously express multiple high levels of solidarity.

²⁷ Inspiration is the fundamental reading of EMMANELLE MOUNIER, *Révolution personaliste et communautaire*, Aubier-Montaigne, Paris 1935, (tr. it.) *Rivoluzione personalista e comunitaria*, Edizioni di Comunità, Milan 1949, where the author is firmly inclined to prefer the communitarian way, the only true form of original society among men, rather than the societal one made up of artificial and conventional bonds.

²⁸ AUGUSTO BARBERA, *Reportage al Rimini Meeting 2024*, online on www.cortecostituzionale.it/actionSchedaPronuncia.do?param_ecli=ECLI:IT:COST:2022:72.

²⁹ Three categories of common goods can generally be identified. The commons also called collective property, traditionally enjoyed by customary law (meadows, pastures, woods, fishing areas, etc.). Global commons such as water, forests, air, oceans and space with all their biodiversity, up to non-renewable resources. Finally, the so-called *new commons*, which can also be identified among intangible assets such as culture, and then: real or virtual communication routes (roads, highways, Internet), and above all the components of an urban agglomeration that make it a *civitas* as well as *urbs*, parking lots and green areas in the city, public services of water, electricity, transport, social housing, health and education, law to security and peace. Habermas, however, notes that it is an unfinished experiment for which, “dazzled by Vision, by the obsession with the point of view”, the Modern would have limited himself to creating a mere technical-instrumental work, using a halved rationality that makes him unable to open up to the “communicative” concreteness of the forms-of-life. Unfinished above all because, in the relationship between finished work/process and between distance/participation, there is the most significant difference between the thought of modernity and the forms that these two pairs of polarities could or should assume in the contemporary world because they concern the central node of the relationship between *urbs* and *civitas*, between the world of objects and the subjects who inhabit it, so STEFANO ZAMAGNI, *For the return to Civitas*, Short Paper, 24, 2022, in www.aiccon.it.

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In the context of this fluid juridical collocation of the category of common goods, straddling the concept of public and private, even at the European level³⁰, we are interested in stopping our gaze on what the Catholic Church has to say on the subject of shared ownership and use of goods.

In the horizon of hope outlined by this Jubilee 2025, the Church places herself firmly on the front of building a just, ethically and socially just society, making integral ecology one of the most evident, as well as recurrent, features of the Bergoglio's magisterium, represented by the precise aspiration with which "Laudato si'" was presented, ten years ago, May 24, 2015, that is, that it is not "a document to be read, but an itinerary to be lived in view of commitments to be made and behaviors to be implemented taking into account today's multiple crises"³¹. This is how care, for nature and of nature, becomes part of "a lifestyle that implies the ability to live together and to communion" (LS, n. 228). The solution to socio-environmental problems can be found if one decides to deepen the collective dimension of some good practices, a shared, social lifestyle, with a high educational value (LS n. 223), to thus strengthen social ties (LS, n. 232), especially in the city context. Supporting social cohesion means in fact enhancing relationships between members of society and promoting the collective assumption of responsibility³², perceiving problems as common, to which solutions can be found that are equally common, shared or shareable. The redefinition of some points of the Social Doctrine of the Church is also part of this finalistic horizon, including those, interconnected, concerning the ownership and universal destination of goods, declined by Pope Bergoglio, however, in new terms, and, in part, contrasting with a previous consolidated doctrine³³ through a formula used for the first time in the encyclical "Fratelli tutti" of October 3, 2020, which seems to go back in time, to return to the original positions of Patristics³⁴: "The

³⁰ FABRIZIO MARINELLI, *La proprietà collettiva nei codici civili europei*, in "Archivio Scialoja-Bolla. Annali di studi sulla proprietà collettiva", I (2005), pp. 13-38.

³¹ CHIARA TINTORI, *Nuovi stili di vita*, in *Aggiornamenti sociali*, giugno-luglio 2016, pp. 510-514, in particolare p. 510.

³² PAOLO, FOGLIZZO "Coesione sociale", in *Aggiornamenti Sociali*, 1 (2012) 75-78.

³³ In *Rerum Novarum* private property is a "natural right", perfect, therefore "in conformity with human nature" and "in no way opposed" to the principle of the universal destination of goods, as a gift of the Creator "to all, not because each had a common and promiscuous dominion over it, but because he did not assign any part of the land specifically to anyone, leaving this to the industry of men and to the special law of peoples". The contrast arises from the belief that the principle of the universal destination of goods is the first principle of the Social Doctrine, and therefore not the common good, and moreover an absolute and natural right, LEO XIII, Encyclical Letter *Rerum Novarum*, 15 May 1891, nn. 6-8, in https://www.vatican.va/content/leo-xiii/it/encyclicals/documents/hf_l-xiii_enc_15051891_rerum-novarum.html.

³⁴ The position commonly shared by much of Patristics and subsequent scholasticism on the personal property of goods is that private property is only the consequence of nature corrupted by sin, without which there would have been a system based on the community of goods, the only one of natural law. See *ex multis* Sant'Ambrogio: *Natura igitur ius commune generavit, usurpatio ius fecit privatum*, AMBROGIO *De officiis* 1, 28, 132 and again *La storia di Naboth*, MARIA GRAZIA MARA (ed.),

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right to property is a secondary natural right derived from the right that everyone has, born from the universal destiny of created goods”.³⁵ In line with the conciliar Magisterium expressed since *Gaudium et Spes*³⁶, the implications deriving from these presuppositions are, for Bergoglio, juridically based on justice and not on merely sociological or solidaristic bases. In this perspective, the universal destination of goods implies justice, the first form of charity, and not so much generosity or solidarity³⁷. In Bergoglio's reforming plan, there is ample space for a reinterpretation of property in which the individualistic and self-referential dimension gives way to the community dimension, And the same happens by shifting the discussion to consumption, which becomes critical thanks to some virtuous practices that make it possible to achieve multiple objectives: protecting the environment, restoring dignity to work and allowing a wide and redistributed enjoyment of goods that disregards the traditional title of ownership.

Ed. Japadrem L'Aquila, 1985. The same concept is reworked by the Thomistic doctrine according to which the collective appropriation of goods is defined as the ideal regime for innocent humanity, if there had been no sin, TOMMASO D'AQUINO, *Summa Theologica* I^a, q. 98, a. 1, in www.corpusthomicum.org, consequently the realistic solution to selfishness and violence deriving from sin seems to be private property, *Summa Theologica* II-II, q. 66, a. 2. Although Aquinas speaks of a natural character of private property, he does not intend to refer except to an ontological relationship between man and goods, characterized by *usus* and not by a juridical-moral qualification, in fact he insists on emphasizing the search for the common utility, *Summa Theologica*, II^a II ae, 66, 2: “*Aliud vero quod competit homini circa res exteriores est usus ipsarum. Et quantum ad hoc non debet homo habere res exteriores ut proprias, sed ut communes: ut scilicet de facile aliquis ea communicet in necessitates aliorum*” see EDWARD KACZYNSKI, *Il naturale dominium» della II^a II ae, 66,1, e le sue interpretazioni moderne: un esempio dell'ermeneutica morale tomasia metafisicamente ed empiricamente fondata*, in *Angelicum*, Vol. 53, No. 4 (1976), pp. 453-477, in particular pp. 469-470. Gratian himself in the *Decretum* would say: “*iure nature est commune omium possessio et omnium unalibertas*”, D. I, and c VIII.

³⁵ FRANCIS, Encyclical Letter *Fratelli tutti*, 3 October 2020, n. 120, in https://www.vatican.va/content/francesco/it/encyclicals/documents/papa-francesco_20201003_encyclica-fratelli-tutti.html

³⁶ SECOND VATICAN COUNCIL, Pastoral Constitution *Gaudium et Spes*, n. 69, “God has destined the earth and all that it contains for the use of all men and all peoples, and therefore created goods must be shared equally with all, according to the rule of justice, which is inseparable from charity”, in https://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat_ii_const_19651207_gaudium-et-spes_it.html, and PAUL VI, Encyclical Letter *Populorum Progressio*, 26 March 1967, n. 22, continues: “all other rights, of whatever kind, including those of property and free trade, are subordinate to the universal destination of goods”, in https://www.vatican.va/content/paul-vi/it/encyclicals/documents/hf_p-vi_enc_26031967_populorum.html; JOHN PAUL II, Encyclical Letter *Centesimus Annus*, 1 May 1991, n. 30: “The ‘use’ of goods, entrusted to freedom, is subordinated to their original common destination as created goods and also to the will of Jesus Christ, manifested in the Gospel”, in https://www.vatican.va/content/john-paul-ii/it/encyclicals/documents/hf_jp-ii_enc_01051991_centesimus-annus.html, even more precise ten years earlier in the Encyclical of 15 September 1981 *Laborem exercens* n. 14: “The Christian tradition has never upheld this right [of property] as something absolute and untouchable. On the contrary, it has always understood it in the broader context of the common right of all to use the goods of the whole of creation: the right of private property as subordinate to the right to common use, to the universal destination of goods”, in https://www.vatican.va/content/john-paul-ii/it/encyclicals/documents/hf_jp-ii_enc_14091981_laborem-exercens.html.

³⁷ FRANCIS, General Audience, Wednesday, August 26, 2020, in https://www.vatican.va/content/francesco/it/audiences/2020/documents/papa-francesco_20200826_udienza-generale.html.

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In this Jubilee Year of 2025, the Church invites us to hope, and to reflect on those conditions of life that amputate it or, on the contrary, enliven it, so that our gaze rests on the peripheral structures within the State, more specifically in the parts that compose it, including the cities³⁸, where, by now, most of people's lives take place. In recent decades, the city has gradually become a symbol of the capitalist, or rather neo-liberal, system, a sort of huge market subjected to consumerist and marginalizing logics for large sectors of the population, those who with their purchasing power can hardly afford to buy the most necessary services. The ability to polarize essential functions becomes over time the determining factor of the influential dominance over the territory to the detriment of smaller centers.

Almost all urban goods and services have, in fact, become market objects, and contribute to forming the overall price of use of the city. This diversity contributes to changing the urban structure by creating the division into neighborhoods, and offers models of individualistic use of property, which, no longer justified by the right of the person to have a living space, becomes a specious justification of a market.

The disaffection of citizens who are increasingly inclined to take away responsibility, and the dismissal of construction and maintenance works by public administrations “victims” of budget deficits converge to redefine the relationship between citizens and their land, i.e. the city. In 1973, forty years before *Laudato si*, Don Giovanni Franzoni, the abbot of St. Paul's Outside the Walls in Rome, an objectively discussed figure within the Catholic Church so much so that he incurred censorship for the ideas he professed, wrote, however, a pastoral letter entitled “The land belongs to God”, on which an interesting study by Fabrizio Marinelli³⁹ focuses, on collective goods. Don Franzoni's analysis is probably inspired by a reading of the Holy Scriptures in the light of socialist theories, which he applies to urban realities. In his pastoral letter, he denounces the reduction of cities, which were born as places of culture, to the result of capitalist speculation because they allow the centralization of property with the result of “codifying inequality in the use of the city”⁴⁰.

³⁸ There are many elements that contribute to the formation of the State: the common patrimony, the public treasury, the space of territory occupied by the city, the streets, the walls, the squares, the temples, the markets, the customs, the customs, the justice, the rewards, the penalties, and all other things of the kind, common or public or both. JEAN BODIN, *Les six livres de la République*. Un abrégé du texte de l'édition de Paris de 1583, édition et présentation de Gérard Mairet, Paris, Le livre de poche, 1993, p. 51.

³⁹ FABRIZIO MARINELLI, *La terra è di Dio. I beni collettivi tra storia e diritto*, Centro Studi sui Beni Collettivi e la Cultura del giurista “Guido Cervati”, L'Aquila 2020.

⁴⁰ GIOVANNI FRANZONI, *La Terra è di Dio*, Excerpt from *Com*, n. 53, of 17-6-1973, p. 14.

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Although the Church does not intend to consider the Bible as a code of social rules, she lives in it a patrimony of principles that have the character of universality, overcoming the space-time limits to which the reality of politics is constrained, and becoming fluidly applicable also to today's reflections on property and its collective declinations⁴¹. Starting from the assumption that the earth belongs to God (Gen. 1:28), (2 Sam. 20:19), its arbitrary use is transformed into criminal conduct from both a social and religious point of view, and it is generally the prophets who remind us that the earth with all its benefits is given by God to men in equal measure. Think of the story of the despoiling of Naboth's land by the powerful sovereign Ahab and the subsequent intervention of Elijah, from which it can be deduced that owning the land meant belonging to the people of God, and no one should feel excluded. In the liturgical history of the Church there are particular moments in which one is called to nourish social bonds also through the fulfillment of mixed obligations of a spiritual and non-spiritual nature. One of these moments is, for example, the Jubilee, instituted by Boniface VIII, whose tradition is still kept intact, referring to the biblical tradition of the Old Testament in which the Jubilee Year, or Holy Year, consisted, among other things, in the restoration of the original distribution of land ownership (cf. Lev. 25:8ff.).

The Jubilee year intervened to restore, therefore, equity in the enjoyment of lands, which for some reason had changed owners⁴². "In the year of the Jubilee each one will return to his possessions" commands Leviticus (25:13), hoping for interventions aimed at re-establishing an equitable, therefore common, use of what belongs to all by virtue of a community bond of filiation. If "the heavens belong to God", he has given the earth to the children of man, the psalmist sings (115:16), where to give means nothing more than to give as an inheritance, rather than to acquire by way of property, the land of which man is constituted a mere "depository"⁴³. The violation of these precepts does not go unpunished, sanctions proliferate for those who profane this obligation of care and solidarity in the administration of God's land⁴⁴. The narrative following Christ's coming and his preaching, which comes to us from the

⁴¹ *Ibid.*, p. 15.

⁴² "Woe to those who... / covet the fields and steal them, / from the houses and take them; / and they are arrogant with the master and his house, / with the individual and his property", thunders the prophet Micah, recalling that divine justice will intervene to restore the order of equality in the enjoyment of the earth (Mt. 2:1ff).

⁴³ *Ibid.*, p. 15. Allow me to refer to CRISTIANA MARIA PETTINATO, *Aversio a Deo: l'origine della riflessione ecologica nel magistero papale da Leone XIII a Francesco*, in www.statoe_chiese.it, *Rivista Telematica Stato, Chiese e Pluralismo Confessionale*, n. 17, 2022, pp. 1-27 and in *L'ambiente tra diritto ed economia*, PAOLO MALANIMA, DESIRÉE ADA LUDMILLA QUAGLIAROTTI (eds.), Rubettino, Soveria Mannelli, 2023, pp. 133-154.

⁴⁴ *Ibid.*, pp. 16 and 18.

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Acts of the Apostles (Acts 2:45; 4:35)⁴⁵, testifies, then, to the desire to put into practice the evangelical principles of communion, which is the very essence of Christ's Church⁴⁶, in the sense of sharing also a commitment, *munus*⁴⁷, not only of spiritual goods but also of temporal goods, therefore of sharing goods, although there is no evidence of a formal institutionalization of the community system of goods⁴⁸. The purpose of sharing one's goods is enrichment in good works, as we read in Timothy 16:17ff., not to retain and capitalize, but to give, to distribute with joy that comes from the concrete teaching of Jesus who did not hold on to his being God like a treasure but took on the form of a servant to share the human condition. Poverty and the sharing of the goods of the earth are a constant feature of the evangelical preaching in which the prophetic vein mentioned above is revived, although Christ does not impose absolute poverty but understands it as a demeanor, especially in its spiritual declination, to become like him and be pleasing to the Father. John the evangelist and then James again in his letters that will underline the inseparable relationship between proclaiming oneself Christian and saying that one loves the Father and being truly so, demonstrating a healthy detachment from materiality in order to pursue spiritual good. Patrology, then, proposes a rigid interpretation of the Gospel teachings, to the point of labeling as superfluous everything that is not used personally and, therefore, stigmatizing those who accumulate it, occupying the commons and appropriating them⁴⁹. The obligation, then, to consider the

⁴⁵ For Luke, sharing means having no needy person in one's community: "They sold their possessions and substance and shared it with all according to each one's need" (2:45); "[The proceeds] they laid at the feet of the apostles; but then it was distributed to each according to his need" (4:35)", fulfilling the command of the ancient law of the Fathers "there shall be no needless with you", Deut 15:4.

⁴⁶ "Communion is the fruit and manifestation of that love which, flowing from the heart of the eternal Father, is poured out upon us through the Spirit whom Jesus gives us (cf. Rom 5:5), to make us all 'of one heart and soul' (Acts 4:32). It is by realizing this communion of love that the Church manifests herself as a 'sacrament', that is, 'a sign and instrument of intimate union with God and of the unity of the whole human race'", said JOHN PAUL II, Encyclical Letter *Novo Millennio Ineunte*, 6 January 2001, n. 42, in https://www.vatican.va/content/john-paul-ii/it/apost_letters/2001/documents/hf_jp-ii_apl_20010106_novo-millennio-ineunte.html

⁴⁷ *Communio, communis*, in *Thesaurus linguae latinae*, Leipzig 1906-1912, coll. 1960-1984. *Communio* in the double static and dynamic sense of a group of people who share goods of different kinds.

⁴⁸ *Koinônia* qualifies the Christian experience in a transversal way: from the Trinitarian to the Eucharistic, from the existential to the eschatological one. For St. Paul, it is a sin against the body of the Lord that generates God's curse on the community, the fact that in the community of Corinth, while the "Lord's Supper" was celebrated, everyone ate, as a liturgical sign, of the one bread and everyone drank from the one cup, but then one was unable to divide, in the community context, the other foods brought from home, so that "one is hungry and the other drunk" (1 Cor. 11:17-34). The reference to the need to provide for the needs of the weakest is widespread, making it difficult to reduce communion to a single spiritual need, see: Gal 2:6-10; 1 Tim. 5:9-10; 2 Cor. 8:4-9:10. See the study by JACQUES DUPONT, *The community of goods in the early times of the Church*, in Id., *Studies on the Acts of the Apostles*, Rome 1975, pp. 861 – 889 and by the same author *L'unione tra i primi cristiani*, in Id., *Nuovi studi sui Atti degli Apostoli*, Cinisello Balsamo 1985, pp. 277 - 297.

⁴⁹ "They occupy the commons first and, because they have occupied them first, they make them their own. But if each one took only what is required for his own use and left the rest (what is superfluous) to those in need, no one would be rich,

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goods of the earth as common is even more incisively provided for the goods in the possession of the Church, which are qualified as goods of the poor, the result of *votive offerings*, obols for indulgences, and administered by the ecclesiastical hierarchies⁵⁰, which over time have, however, in some circumstances ended up appropriating them, forgetting the duty of administration in good faith, which, according to the Fathers of the Church, is counterbalanced by the right of recourse, which is based on the biblical narrative of the exodus from Egypt, during which the Jews took away with them goods belonging to the Egyptians, who had previously helped to build fortified cities, increasing their value and wealth for the inhabitants, without, for this reason, then, rightly repaid⁵¹. For a long time, the churches themselves have clothed nature as common goods in common with all the inhabitants of a given place, including those who were passing through such as pilgrims, places where they could find shelter and asylum, or in any case representative symbols of those places, think of St. Peter's or Notre Dame⁵²

4. The intuitions of a fide mayor inspired by the modern link between inhabitant and inhabited land: Giorgio La Pira and the city

In the biblical story of creation it is evident how man is born bodily from the use that YHWH makes of the earth, in Hebrew, in fact the man 'Adam and the earth 'Adamah also seem to have almost the same name. Christ in his preaching also uses the symbolism of the earth in the parable of the good sower, for example, to indicate the different types of people and the different reactions to the reception of his message. Human life is continually marked by a visceral bond with the earth, from Eden to the promise of Canaan, “a good and vast land, a land flowing with milk and honey” (Ex 3:8). The

no one would be poor”. The superfluous therefore is accumulated, BASILIUS, *Homilia VI in illud Lucae. Destruam*, 7, in PG vol. XXXI, cc. 275-278.

⁵⁰ “Such men possessed the goods of the Church not as property, but as procurators. And therefore, knowing that the goods of the Church are nothing other than the vow of the faithful, the price of sins and the patrimony of the poor, they did not claim to use them for themselves, as their own, but distributed them to the poor, as goods that had been entrusted to them”, JULIANUS POMERIUS, *De vita contemplativa*, II, 9, 1-2 in PL vol. LIX, cc. 453-454.

⁵¹ IRENAEUS, *Adversus haereses*, 4, 30., in PG vol. VII, cc. 1065-1066.

⁵² DAVIDE DIMODUGNO, *Ecclesiastical properties as common goods. A challenge for the cultural, social and economic development of local communities*, in *Stato, Chiese e pluralismo confessionale*, Rivista telematica (<https://www.statoechiese.it>), fascicolo n. 12 del 2022, pp. 11-37, in particular p. 13, where Author says that “according to authoritative studies, churches have been considered for centuries as common goods, as places where everyone could find asylum and enter with dignity. Today these buildings still play a special role in Western cities, towns and villages: they contribute to shape the landscape and can be considered as “places evocative of a belonging”, which refers not only to the community of believers, but also to the entire society. This conception does not contrast with the vision of the Church but, on the contrary, it is fully coherent with its doctrine”.

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development of civilization tends to dissolve this atavistic bond, making man no longer the shepherd or the farmer but the practitioner of professions that lead him to free himself from the relationship with the land of origin to settle in foreign places that bring together a variegated multiplicity of subjects, the cities, and man is transformed from the owner of a land, or cultivator, of this to a simple inhabitant of a city.

The term *habitare*, although it derives from *habere*, is not reduced or identified with mere possession, but finds its fullness only if it recalls in itself all the meanings operating in the locution *incōlā*⁵³. One can rightly be considered inhabitants of a place, a city and a territory only insofar as one acts as subjects who take care of it so as to be able to guarantee future generations an enjoyment of the same intact, if not even perfected.⁵⁴ Living, more than possessing, indicates belonging, which implies knowledge and care, research and discovery, because taking care of the inhabited place has to do with one's soul, with one's humanity and is independent of a specific title whether legal, theological or historical. It is a service carried out on behalf of others which, however, brings benefits to ourselves.

“The lordship of man is not absolute, but ministerial [...], it is the mission not of an absolute and unquestionable master, but of a minister of the kingdom of God”, Wojtila recalled in a Discourse of 17 January 2001, 14 years before *Laudato si*⁵⁵.

Inhabitant derives from the Latin *habitare*, shares the root of *habere*, of which it is frequentative, indicating the subject who brings into being the repetition of an action in time and space, the settlement in a well-defined portion of land. It is precisely this space, assiduously possessed by modern man, which we identify in the city, that determines such a bond with the subject who inhabits it, that it can be considered a sort of domination, which has the strength to guarantee through a certain virtual, sentimental, ideological inheritance, a bond between the different generations. A condition for this to happen, however, is that the space in which one resides is perceived not as an empty expanse, but as a

⁵³ From *colere* which means precisely to cultivate in the sense of having care.

⁵⁴ INTERNATIONAL THEOLOGICAL COMMISSION, Communion and Service, “*The Human Person Created in the Image of God*,” July 24, 2004, nn. 58-60, in https://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_con_cfaith_doc_20040723_communion-stewardship_it.html: “Human beings occupy a unique place in the universe in accordance with the divine plan: they enjoy the privilege of participating in the divine government of the visible creation. a creation visible only by virtue of the privilege conferred on it by God (...) It imitates divine rulership, but it cannot replace it. The Bible warns against this sin of usurpation of the divine role. It is a grave moral failure for human beings to act as rulers of visible creation by separating themselves from the highest divine law. They act in the place of their master as stewards (cf. Mt 25:14ff.), to whom is attributed the freedom necessary to make the gifts entrusted to them bear fruit, and to do so with a certain daring creativity”.

⁵⁵ *Ibid.*, no. 73.

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delimited and delimiting place of which man himself will be the measure⁵⁶. A place, the city in which human life is grafted onto space, merging with it and developing in and with it.

The reference to the demeanor *ad instar dominus* and the clause of transferability to heirs, applied to the city, are singular intuitions of an illustrious Romanist, fervent Catholic, father of our Constitution in whose works he brought the inspiration of the Social Doctrine of the Church for the search for the common good in political activity, and mayor of Florence in the post-war years who is Giorgio La Pira. On April 12, 1954, at a session of the International Committee of the Red Cross in Geneva, he presented his ambitious and theologically inspired project for cities, below is the content of one of his famous speeches. The activity of inhabiting a place, in this case a city, is not reduced to the mere allocation, to the occupation of individual or collective spaces, but must be understood as a complex practice, linked to the search for a deeper meaning of one's own existence and human action. A use that belongs to citizens, which is not reduced to a mere repetition of acts but conceals an ontological belonging, and can make them so also in a perspective of welcome, and subsequent integration of those who do not have a let's say historical link with the *civitas* they inhabit, let's think of the current reality of the relationship between migration and urban⁵⁷ growth. For La Pira it is indisputable to focus on the pre-eminence of the human person over the State, he presses for the construction of a “civilization” capable of responding to the essential needs of human beings, both of a material and spiritual nature, through a series of effective interventions on the territory albeit with an open gaze on the whole world and the inescapable needs of peace, that resonate now as then. In particular, he affirmed, in the final speech of his electoral campaign in 1951: “Civilization is such when, having solved the elementary, urgent problems of life, everyone has basically a luminous idea, to which they give a reflection of light, a supreme beauty, a supernatural enchantment: this is true civilization”. His theological and political approach is based on those images

⁵⁶ Suggestive, with reference to the theme of the relationship between space and man, is the reading of MARTIN HEIDEGGER, *Essere e tempo*, (1927), FRANCO VOLPI (edited by) on the version of PIETRO CHIODI, Longanesi, Milano 2008, especially p. 75: “In-being does not therefore mean the spatial presence of one thing within another, since the 'in' does not originally mean a spatial reference of the aforementioned kind at all. In" derives from innan-, to dwell, to dwell, to stay; an means: I am accustomed, I am familiar with, I am usual...: it has the meaning of colo, in the sense of habito e diligo!!

⁵⁷ “Living is a process of construction of individual and collective spaces, in which social actors and physical spaces, concrete objects such as the house or apartment come into play as well as feelings, imaginaries, social relationships”, so FRANCESCA COGNETTI, ELENA MARANGHI, *Abitare*, in *Tracce urbane*, 2017, 1, pp. 12-15, in particular p. 13.

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that, later through the mouth of Paul VI⁵⁸, first, and then becoming a consolidated social doctrine with subsequent pontiffs⁵⁹, will identify over time what is meant by true integral human development.

Giorgio La Pira's vision, certainly radical, implies the responsibility of all in the face of a vital necessity, and is based on his theological vision of human sociality, understood as *Corpus Mysticum*, in which all members are linked at the same time by a bond of communion and civil beauty. A sociality understood, according to Aquinas' lines of thought, as an anthropological translation of the theological idea of *imago Dei*⁶⁰. He invites us to love the city as an integral part, so to speak, of the personality, a precious heritage that we are obliged to pass on intact to the generations to come, if anything improved and increased⁶¹. The expression “being planted in its” is of great impact, in the city where we represent

⁵⁸ PAUL VI, Encyclical Letter *Populorum Progressio*, 23 March 1967, nn. 14-15, in https://www.vatican.va/content/paul-vi/it/encyclicals/documents/hf_p-vi_enc_26031967_populorum.html.

⁵⁹ BENEDICT XVI, Encyclical Letter, *Caritas in Veritate*, 29 June 2009, n. 76: “One of the aspects of the modern technical spirit can be found in the propensity to consider the problems and movements linked to the interior life only from a psychological point of view, to the point of neurological reductionism. The interiority of man is thus emptied and the awareness of the ontological consistency of the human soul, with the depths that the Saints were able to fathom, is progressively lost. The problem of development is also closely linked to our conception of the human soul, since our ego is often reduced to the psyche and the health of the soul is confused with emotional well-being. These reductions are based on a profound misunderstanding of the spiritual life and lead to a disacknowledgment that the development of individuals and peoples, on the other hand, also depends on the solution of problems of a spiritual nature. Development must include spiritual as well as material growth, because the human person is a “unity of soul and body”, born of God's creative love and destined to live eternally. The human being develops when he grows in spirit, when his soul knows itself and the truths that God has germinally impressed on it, when it dialogues with itself and with its Creator. Far from God, man is restless and sick. Social and psychological alienation and the many neuroses that characterize affluent societies also refer to causes of a spiritual order. A society of well-being, materially developed, but oppressive to the soul, is not in itself oriented towards authentic development. The new forms of drug slavery and the despair into which so many people fall find an explanation that is not only sociological and psychological, but essentially spiritual. The emptiness in which the soul feels abandoned, even in the presence of so many therapies for the body and psyche, produces suffering. There is no plenary development and universal common good without the spiritual and moral good of persons, considered in their entirety of soul and body”, in https://www.vatican.va/content/benedict-xvi/it/encyclicals/documents/hf_ben-xvi_enc_20090629_caritas-in-veritate.html.

⁶⁰ “In the Christian perspective, this personal identity, which is also an orientation towards the other, is essentially based on the Trinity of the divine Persons. God is not a solitary being, but a communion between three Persons”, so FRANCESCA COGNETTI, ELENA MARANGHI, *Abitare*, in *Tracce urbane*, cit., n. 41.

⁶¹ Below is the speech given by Mayor La Pira for the delivery of the keys to the assignees of the first five thousand five hundred rooms built in the “satellite” city of Florence on the banks of the Arno, GIORGIO LA PIRA, *La città è la casa*, in Id., *Le città sono vive*, Editrice La Scuola, Brescia, 1978, pp. 54-56: “The first thing I have to say to you is this: love this city, as an integral part, so to speak, of your personality. You are planted in it: in it will be planted the future generations who will have their roots from you: it is a precious heritage that you are obliged to pass on intact, indeed improved and increased, to the generations to come. Every city contains within itself a vocation and a mystery: you know this: each of them is guarded by God with a guardian angel, as happens for every human person. Each of them is over time a distant but true image of the eternal city. Love it, therefore, as we love the common home destined for us and for our children. Guard the squares, the gardens, the streets, the schools; take care of it with love, always embellishing and illuminating them, the tabernacles of Our Lady, which will be kept in it; make sure that the face of this city of yours is always serene and clean. Above all, make it the effective instrument of your social life; Feel, through it, that you are members of the same family: may there be no essential

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the root of future plants. In Lapira's vision with eschatological overtones, the city is almost personified thanks to its mysterious vocation, which makes it pleasing to God “as it happens for every human person”, because cities are placed in time as “a distant but true image of the eternal city”. It appears a term that will be so dear to Bergoglio, and indicative of his ecological magisterium, “the common home destined for us and our children”. From these premises derive concrete obligations of custody and care: “Guard the squares, gardens, streets, schools; take care of it with love, always embellishing and illuminating them, the tabernacles of Our Lady, which will be kept in it; make sure that the face of this city of yours is always serene and clean. Above all, make it the effective instrument of your social life; Feel, through it, that you are members of the same family: may there be no essential divisions among you that disturb peace and friendship: but may peace, friendship and Christian fraternity flourish in this city of yours as the olive tree blooms in spring”⁶² The echo of war resounds ever closer, the devastating images of what until a few months ago were living cities now reduced to piles of rubble that pitifully guard the now indistinguishable remains of innocent victims, make vivid the worried visions expressed by La Pira on the dangers of destruction of cities, “*magna quaestio* of our time”, as images of disconcerting relevance that call for the creation of a movement for the defense of urban agglomerations with the idea of considering attacks on them as crimes against humanity. The appeal of the mayor of Florence not to destroy the cities and to recognize their right to exist is based on the conviction that they are “living units”, it was said before we said extensions of the personality, which represent the connective tissue of society and human civilization, because they are ontologically linked to the human beings who inhabit them, vivifying them. “States change, cities remain”, thundered La Pira in his famous speech at the Geneva Conference in 1954, for this reason they cannot be allowed to die, but on the contrary we must pose the problem of their value as well as their destiny, and “on the other hand the responsibility – historical, political, social – that weighs on the present generation with respect to future generations”⁶³. “I ask - thunders La Pira - that the right of cities to exist be formally and jointly recognized by the States that have the power to violate it; I ask, also in the name of future generations, that the goods of which

divisions among you that disturb peace and friendship: but may peace, friendship and Christian fraternity flourish in this city of yours as the olive tree blooms in spring”.

⁶² GIORGIO LA PIRA, *La città è la casa*, cit., p. 54.

⁶³ GIORGIO LA PIRA, *Le città non possono morire*, 2 October 1955, in <https://giorgiolapira.org/le-citta-non-possONO-morire/>.

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they are the recipients not be destroyed: *ne civitas destruetur*. By affirming this, we are in the narrow orbit of justice: *neminem laedere suum unicuique tribuere*".

These intuitions are countered by obstacles. "Is the city really of the citizens?" and "Is it really the citizens who decide the city?". And yet Giorgio La Pira, again in 1954, spoke of the persistence of the "mysterious and profound meaning of cities", which modern man, progressively insensitive to ancient shared values, loses. Among the values of which the city was the original nucleus there is an idea of freedom that has never been separated from a bond of responsibility. Max Weber, in his essay on the city, takes up an old German proverb "the air of the city makes you free", which is not reducible only to the idea of liberation from the feudal bonds that oppressed life in the medieval countryside but to the spirit of innovation and development that dwells in them. Cities, over time increasingly unifying within them the dual nature of *urbs* and *civitas*, have become the womb in which culture, art, the paradigm of interpersonal civil relations, the cradle of modern democracy have sprouted. Cities could and should aspire to be the places where *pax* and *tranquillitas*, of which Augustine spoke, are experienced⁶⁴, transferred to the material and political world and become the theological foundation of the lexicon of politics.

The city is the place par excellence where the cultural identity of a community of people is formed and strengthened. It is also the place where one can educate in the cultivation of civic virtues. You can choose between a *smart city model*, devoted to lightening the burdens of the inhabitants, to a *care city*⁶⁵ model, closer to the idea of *comunitas, communio, corpus*, where it is possible to implement a "democracy of proximity",⁶⁶ or, at the very least, a model of shared administration⁶⁷. The management of a city that wants to call itself "virtuous" cannot fail to pose the problem of its own cultural matrix, of that lymph that inspires and stimulates *community building*. It is a matter of resocializing citizens by bringing them closer to political life, through direct involvement in the planning of public activities and services for the community, to overcome that defeatist feeling of nobody's government with which Hanna Arendt indicated the dissolution of the sense of responsibility and belonging. The problem of the growing

⁶⁴ AGOSTINO D'IPPONA, *De civitate Dei*, in PL, vol. XLI, Book XIV, chap. 28, cc. 436: "two loves have generated two cities: the earthly one, the love of self to the point of contempt for God; the heavenly one, the love of God to the point of self-contempt".

⁶⁵ STEFANO ZAMAGNI, *Per un ritorno alla civitas*, cit., p. 3.

⁶⁶ VINCENZO PEPE, *La democrazia della prossimità nel confronto giuridico*, Edizioni Scientifiche Italiane, Naples, 2015; LAURA ALESSANDRA NOCERA - ANDREA FIORENTINO, *Declinazioni innovative della democrazia partecipativa e dell'integrazione dei gruppi deboli: riflessioni comparate e conclusive*, in *DPCE online*, 2, 2023.

⁶⁷ SABINO CASSESE - GREGORIO ARENA, *Cittadini Attivi*, Bari, Laterza, 2006.

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scarcity of public resources often generates a growing disaffection of citizens, especially the youngest, towards the preservation, care and maintenance of the places of life and aggregation where community life takes place. Most likely this lack of interest is also rooted in a poor work of citizenship education on the part of families and educators. Yet in the construction of well-being, including urban well-being, the involvement of the main actors of the ecosystem, the same citizens who use and live in the city, is irreplaceable. An ideal city is a continuous work of the inhabitants who claim the right to the city as a superior synthesis of other rights, freedom, socialization, habitat, etc., as a spatial projection of a social instance⁶⁸, as a response from below by those who live in the city and live it daily, rejecting the supremacy of exchange value over use value. But it cannot be overlooked, in fact, how the so-called flight from rural areas has destroyed the historically formed cities, reducing them to “only an object of cultural consumption marked by aestheticism aimed at tourists greedy for spectacles and the picturesque”⁶⁹, surrounded by a corollary of more or less destitute satellite neighborhoods.

The challenge of the legislator is to recognize, and protect, the real advantage of the individual, in the continuous change of life, which is why perhaps the city of all, not only for everyone, can also become the “right place for the rereading of the Gospel”⁷⁰, as a fundamental discourse on God and man, in which to draw ideas and inspiration also for the renewal of urban life. Guido Gonella courageously wrote in the fascist period that the only way to safeguard the persistence of democracy from drifts “towards forms of selfish individualism” is “to insist on the duties of the person towards the community (...) claim the priority of the common good over the particular good”⁷¹. The era of privatizations inaugurated in the 90s and linked to budgetary issues that are still pressing today, risks eroding the values of the person, of the communities, which can be protected “only if at the base there is a firm awareness of the duties of the State”⁷², including attention to the principle of subsidiarity, the ordering principle of society linked, precisely, to human sociality and therefore, one of the foundations of democratic constitutionalism⁷³,

⁶⁸ HENRI LEFEBVRE, *Il diritto alla città*, Venice, Marsilio, 1970 (ed. orig.) *Le droit à la ville*, Paris, Editions Anthropos, 1968.

⁶⁹ *Ibid.*, p. 102.

⁷⁰ GIOVANNI FRANZONI, *La Terra è di Dio*, cit., p. 35.

⁷¹ GUIDO GONELLA, *La nozione di bene comune*, Milan, reprint 1959, I edition Milan, 1938, now in *Sulla scuola italiana del diritto*, Milan, 2001, p. 121.

⁷² ALBERTO LUCARELLI, *Alcune riflessioni sui beni comuni tra sottocategoria giuridica e declinazione della variabile*, in *Nomos. Attualità giuridica*, II, 2017, p. 1.

⁷³ See art. 2 of the Constitution and art. 118 of the Constitution amended by Constitutional Law n. 3 of 2001.

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with its different dimensions (vertical-horizontal-protective-defensive)⁷⁴ but also of the Social Doctrine of the Church⁷⁵, with its precise anthropological option, arguing starting from reason and natural⁷⁶ law. Certainly, La Pira's visions will have resonated during the work of the Constituent Assembly, but they have not been grasped within the debate on the theme of property, so much so that in art. 9 the interest has been restricted exclusively to the promotion of the landscape and the historical and artistic heritage of the Nation.

With the integration pursuant to Constitutional Law no. 1 of 11 February 2022, the result of an acquired ecological sensitivity, the protection of the environment, biodiversity and ecosystems, and animals is added also in the interest of future generations. However, we continue to be silent about the city, understood as a common good in itself, because evidently that peculiar Lapirian sensibility of⁷⁷ protection and enhancement of cities and their civilization has not yet matured, both from a physical point of view, understood as a landscape and artistic heritage, and from the point of view of customs, understandings and customs, ways of life, the relationship between the people who live there, becoming citizens, because the first common good is precisely the same life of relationship between human beings⁷⁸, even before defining a common good⁷⁹. Perhaps we need to take a further step and consider overcoming the idea of *habitare* come *habere*, the city as a common good, to embrace the idea of being an integral and

⁷⁴ ANTONIO D'ATENA, *Il principio di sussidiarietà nella Costituzione italiana*, in *Rivista italiana di diritto pubblico europeo*, Vol. 7, n. 3-4, 1997, pp. 603-627; FRANCO CARINCI, *Il principio di sussidiarietà verticale nel sistema delle fonti*, in *Forum di Quaderni Costituzionali*, 20 November 2006, online in www.forumcostituzionale.it/wordpress/wp-content/uploads/pre_2006/1132.pdf; MICHELE MISTO, *La sussidiarietà quale principio di diritto ipotattico da Aristotele alla dottrina sociale della Chiesa: per una ricostruzione storico-ideale del concetto* in *Iustitia*, 1/2002, pp. 31-104.

⁷⁵ BENEDICT XVI, Encyclical Letter *Deus Caritas Est*, n. 28b: “Not a State that regulates and dominates everything is what we need, but rather a State that generously recognizes and supports, in line with the principle of subsidiarity, the initiatives that arise from the various social forces and unite spontaneity and closeness to people in need of help”.

⁷⁶ *Ivi*, no. 28 a.

⁷⁷ LETIZIA PAGLIAI, *Per il bene comune: poteri pubblici ed economia nel pensiero di Giorgio La Pira*, Edizioni Polistampa, Florence, 2009

⁷⁸ FRANCESCO BOTTURI, *Per una revisione dell'idea di bene comune politico*, in *Etica pubblica e democrazia*, cit. The author questions the realistic possibility of identifying a univocal concept of common good within a fragmented and pluralistic society, on which to converge the growing and increasingly different traditions, religions, and political-cultural convictions, a common denominator, in short, that is not reduced to mere rhetoric functional to the governing politics of the day.

⁷⁹ SECOND VATICAN COUNCIL, Pastoral Constitution *Gaudium et Spes*, nn. 26 and 74: “The common good is concretized in the totality of those social conditions which permit and foster in human beings, families and associations the fullest and most rapid attainment of their perfection” in https://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19651207_gaudium-et-spes_it.html.

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vitalizing part of this common good, “in the context of the commons the subject is part of the object (and vice versa)”⁸⁰.

Some fruits of this ethical orientation attentive to the good of man and the spaces in which he lives have recently appeared in America and Europe, where there are some interesting social experiments of transitions towns, in Italy there is RIVE (Italian Network of Ecological Villages) whose organization indicates a path of involvement of the inhabitants, are identified on which to develop visible actions on the territory, those virtuous social practices that are so pleasing to Pope Francis that they are the protagonists of many parts of *Laudato Si'*.

5) *The democratic contribution of the “theology of the suburbs” to the realization of the common good*

A temporal junction with an impactful significance is the advent of the third millennium which has seen for the first time in the history of humanity the population of the cities has exceeded that of the countryside. But what kind of city are we talking about? Of a sort of mega city that was born from the set of suburbs, ideologically, culturally and economically distant from the centers hosting the economic and financial beating heart, therefore suburbs inhabited by great solitudes, colonized most of the time by crime mortifying all human dignity. Places, the suburbs, where the challenge of integration is played, because it is the communities of men that are integrated into the practice of everyday life, certainly not the institutions capable most of the time of ideal planning but not realistically unrealistic in everyday life. It is the communities of men that must be rebuilt on the basis of common awareness, in the search for a common vocation, to the common good, which can allow heterogeneous groups of citizens to rediscover themselves as a society, as a *civilitas* that represents an evolution of the simple *civitas*⁸¹, therefore citizens

⁸⁰ UGO MATTEI, *Beni comuni. Un manifesto*, Laterza, Roma-Bari, p. 55.

⁸¹ Consolidating oneself as a *civitas* can lead to the birth of a community that goes beyond the merely institutional political and legal dimensions and ends up realizing a broader vision that includes social relations, behaviors and rules of coexistence that make a civil and orderly life possible. In essence, the sharing of material and immaterial goods founds *civilitas* understood as a product of political socialization and cultural conquest, at the same time, not as a normative ideal, a model of behavior to which the emperor should have adhered so that his power would not degenerate into tyranny, see ANTONIO, PISAPIA *The “civilitas” of the prince Considerations on an ancient political-juridical notion**, in *Scienza e Politica*, V. 9, n. 17, 1997, pp. 87-102, in particular p. 88. Cicero in *De Officiis*, I, 53 states that: “The broadest society is that which consists in the identity of nation and language, which is the firmest bond that unites men among themselves. A society that is even more intimate is that of belonging to the same city: many things the citizens have in common with each other, such as the forum, the temples, the

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holding a shared right and a shared responsibility for the care of common parts and common services that would generate new forms of *commons*.

About fifty years after La Pira's speeches, Pope Bergoglio returns to the theme of cities and suburbs, enriching the SDC's teachings on these issues with details that are not negligible. In concluding the 50th Social Week in Trieste on 7 July 2024, Francis speaks of democracy as a heart wounded by inequalities and discrimination, not only by illegality, and, using the metaphor of the body, recalls that “the throwaway culture draws a city where there is no place for the poor, the unborn, the fragile, the sick, children, women, young people. Power becomes self-referential, incapable of listening and serving people”⁸², Bergoglio hits a nodal point that concerns the limited definition of democracy, at the origin of his own crisis, no longer coinciding with the mere exercise of voting, but rather “requires that the conditions be created for everyone to be able to express themselves and participate. Participation cannot be improvised: it is learned as children, as young people, and must also be “trained” to a critical sense with respect to ideological and populist temptations”⁸³.

The role of religious communities can prove to be essential within the vision that is also attributed to Bergoglio as a “theology of the suburbs”, urban and human, at the same time, and which aims to inspire through the concrete action of religious communities in the territory, the reintegration into history of all, of the last, of the hidden, attributing to them an active role and above all a real visibility in democratic and participatory dynamics⁸⁴. In this theology of the peripheries, in which the idea of *communio* as one of the identifying concepts of the Church of Christ is revived⁸⁵, Bergoglio's attention also rests on the peripheral municipalities, which gravitate around the large city agglomerations, the only ones to be the object of attention of the institutions with sporadic and not always effective policies of urban redevelopment. In a recent speech in December 2024, the Pontiff expressed concern for “small municipalities, especially those that are part of the so-called inland areas, and which are the majority, are

porticoes, the streets, the laws, the rights, the courts, the votes; moreover, familiarity and friendships, the multiple and reciprocal relationships of interests and business”.

⁸² FRANCIS, *Address on the occasion of the 50th Social Week of Catholics in Italy*, in <https://www.vatican.va/content/francesco/it/speeches/2024/july/documents/20240707-trieste.html>.

⁸³ *Ibidem*.

⁸⁴ FRANCESCA OLIOSI, *Globalizzazione e periferie nel magistero di papa Francesco. Verso un diritto canonico “glocal”?* in *Quad. dir. pol. ecd.*, 2022/1, p. 87 ss.

⁸⁵ JOHN PAUL II, “*Communio: An Ancient Legal Concept for the Third Millennium*” in *John Paul II. The Ways of Justice*, cit., pp. 513 s.

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often neglected and find themselves in a condition of marginality. The citizens who live there, a significant portion of the population, suffer from significant gaps in terms of opportunities, and this remains a source of inequality⁸⁶. The effect is the depopulation of these territories that end up more and more on the margins of the interest of the institutions, in a condition of abandonment that falls in terms of negative consequences on the weaker categories that are no longer productive, whose welfare needs on the contrary grow exponentially. Pope Bergoglio emphasizes another aspect of this dynamic, namely that in inland, marginal areas, there is most of the natural heritage, consisting of forests, protected areas, which are therefore of strategic importance in environmental terms. The attraction to the cities, and the consequent progressive depopulation, makes it more difficult to take care of the territory, which has always been entrusted to the inhabitants of these areas. The result is the progressive fragility of abandoned territories, whose instability is mostly attributable to the causes of disasters and emergencies, aggravated today by increasingly frequent extreme events. Looking at these territories means listening to the cry of the earth, and with it that of the poor and the discarded. In Bergoglio's vision, ecocentrism and anthropocentrism are inseparable, “in the fragility of people and the environment we recognize that everything is connected – everything is connected! – that the search for solutions requires us to read together phenomena that are often thought of as separate”⁸⁷. For Bergoglio, however, it is the inhabitants of a place, the indigenous or indigenus, who are considered the most suitable to take care of it “when they remain in their territories”, as we read in the Exhortation *Querida Amazonia*⁸⁸.

Ecological sustainability cannot be achieved if, at the same time, social sustainability is not addressed. The survival of the planet and of humanity is entrusted to the achievement of two objectives: the preservation of the nutritional capacity of the earth (*agri cultura*) and the defense/promotion of

⁸⁶ FRANCIS, *Audience with the Members of the Association for Subsidiarity and Modernization of Local Authorities (ASMEL)*, 20.01.2024, in <https://press.vatican.va/content/salastampa/it/bollettino/pubblico/2024/01/20/0065/00130.html>. The content was taken up and expanded in a message that the Italian Bishops intended to send to the Italian Churches in the inland areas, and of course to the faithful, in which fragile areas are encouraged not to give up in strengthening ties and becoming communities, despite the difficulties and discrimination with the most developed areas: “The Church does not want to abandon these territories, without becoming rigid in forms, styles and habits that would end up sclerotizing it. In this sense, we are committed to helping our young people who want to stay, trying to offer them concrete solidarity, and we are committed to accompanying those who want to go, with the hope of seeing them return one day enriched with new skills and experiences”, ITALIAN EPISCOPAL CONFERENCE, *Message to the Inland Areas*, 17 July 2024, in <https://www.chiesacattolica.it/incontro-dei-vescovi-delle-aree-interne-messaggio-finale/>.

⁸⁷ *Ibidem*.

⁸⁸ FRANCESCO, Esortazione Apostolica postsinodale *Querida Amazonia*, 2 febbraio 2020, nn. 31 e 42, in https://www.vatican.va/content/francesco/it/apost_exhortations/documents/papa-francesco_esortazione-ap_20200202_querida-amazonia.html

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urbanity (*urbis coltura*), both aspects of a new humanistic culture of which the Catholic Church can become a promoter. Other suggestions that come to us from Bergoglio's speech concern the rethinking of margins and their fruitful reinvention within social dynamism. One of the solutions suggested is, for example, the creation of social innovation laboratories, discovering opportunities where others see only constraints, to feed an alternative paradigm for the benefit of all: the pontiff's concrete invitation is to support “forms of mutuality and reciprocity and that reconfigure the relationship with the environment in the key of care – from new forms of agriculture to community welfare experiences”⁸⁹. This community vision, strengthened by the synodal spirit promoted by the Bergoglian magisterium, inspires the concrete action of the CEI on the territory, effectively summarized by Cardinal Zuppi, on the occasion of the preparation of the celebration of the 50th Social Week of Catholics in Trieste in April 2024, in whose words the desire to build the Church of God and the city of men at the same time resonates strongly, because we must think of ourselves as a we, “as a body in relation”, Zuppi repeats: “The 'I' has no meaning without the 'we'... The body is the Church that is not in another dimension, but always within and for the city of men”⁹⁰. Also from the President of the CEI is a not insignificant invitation to consider cities as a “common home”, which refers to a more complex concept than the mere common thing, that is, of shared property, and cites in this regard the example of the patron saint of Bologna, San Petronio depicted with the city in his hands to understand not possession but care, the protection that every citizen should have, because Zuppi reminds us “We are not islands and the city is our first common home, the first place to live as brothers and sisters”. The constant collaboration between the Church and the city makes them complete realities, places that can be lived in for all, places “of meeting of solidarity, of knowledge that becomes culture”⁹¹, the city must aspire to the achievement of civic harmony, making use of a substantial unity of intentions and ideals, becoming capable of looking at the common good, overcoming rivalries and particularisms⁹². Relations between associates must be considered properly

⁸⁹ ITALIAN EPISCOPAL CONFERENCE, *Message to the Inland Areas*, 17 July 2024, cit. On the subject of community organizations with dual purposes of eco-sustainability and mutual aid between inhabitants of a specific area, see FORTUNATO FRENI, *Ecologia integrale e pluralismo etico-religioso*, in *Stato, Chiesa e pluralismo confessionale*, Rivista telematica (<https://www.statoechiese.it>), fascicolo n. 17 del 2022, pp. 61-110, in particolare pp. 93-96.

⁹⁰ CARDINAL MATTEO ZUPPI, *Lectio magistralis for the Centenary of the University of Trieste*, Gorizia, 30 April 2024, in <https://www.vaticannews.va/it/chiesa/news/2024-05/cardinale-zuppi-gorizia-trieste-preparazione-settimane-sociali.html>.

⁹¹ CARD. MATTEO ZUPPI, *Homily of San Petronio*, 4 October 2022, in <https://www.basilicadisanpetronio.org/omelie-e-interventi/omelia-san-petronio-arcivescovo-matteo-zuppi/>.

⁹² CARD. MATTEO ZUPPI, *Homily of San Petronio*, cit.

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relational goods, not public or private. They are, if anything, common goods to the extent that they do not make themselves divisible and divisible, but a sort of middle ground between constrained and voluntary sharing, constrictive or chosen sharing. In a society that professes the cult of social relationships, most of the time in truth narcissistic-individualistic shields for abysmal loneliness, relational goods, such as considering oneself as citizens and taking care of the city space, can become the real glue of the social fabric, generating real integration and solidarity. The very personal and social identity of individuals also depends on the awareness of sharing relational goods, rectifying the current narrative according to which people's identity is built only on the basis of individual choices. This necessity was well understood by medieval jurists, who had intuited that all men desire a life in this way, fully self-sufficient – “*naturaliter sufficienter vitam appetere*” – which, however, is achievable only within a community, the *civitas*, “*sine qua vivere hoc sufficiens obtineri non potest*”⁹³, The link between freedom and self-sufficiency of the individual thus traces the perimeter of the *civitas*, which, therefore, does not include those who cannot live *civiliter*, such as animals or servants, because they have time to devote themselves to the activities proper to free men, both practical and theoretical⁹⁴. In the current “*Urban Age*” we are witnessing the gradual but unstoppable transformation of cities as *cosmopolis*, a city open to the world and to transformations, into a dark *claustrópolis*, a city closed in identity circuits, founded on segregation, exclusion and isolation, between ghettos and *gated communities*, urban centers first depopulated and then frequented by the winners of globalization and digital communication⁹⁵, in which the community bond between the inhabitants, and between them and the city as a common good, is lost, in which the sense of common traditions is lost, of the practice that has allowed the *civitates* to exist for centuries , the city

⁹³ MARSILIO DA PADOVA, *Il difensore della pace*, MARIO CONETTI (ed.) et al., Milan 2001 (which reproduces the edition by R. Scholtz, Hahnsche Buchhandlung, Hannover-Leipzig 1932-1933), I, IV, § 2 and 3, pp. 32-34.

⁹⁴ *Ibid.*, I, IV, § 1, p. 32: “[...] *viventes civiliter non solum vivunt quomodo faciunt bestie aut servi, sed bene vivunt, vacantes scilicet operibus liberalibus, qualia sunt virtutum tam practice, quam speculative anime*”.

⁹⁵ GIUSEPPE ALLEGRI, *La città come istituzione e oltre lo Stato. Una prefazione tra tradizioni costituzionali e innovazioni tecno-sociali*, in *La città come istituzione e oltre lo Stato*, GIUSEPPE ALLEGRI, LAURA FROSINA, ALESSANDRO GUERRA, ANDREA LONGO (eds.), Sapienza Editrice, Rome, 2023, p. 11.

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communities to be thought of as *populus*⁹⁶ as a perennial and *free*⁹⁷ entity, regardless of the changing composition of citizens⁹⁸, even as *a corpus mysticum*⁹⁹, an expression that was born alongside the idea of representation¹⁰⁰, “*sicut omne animal regitur a suo spiritu et anima*”¹⁰¹, to resist with its own norms the centripetal action of the emerging absolute State¹⁰².

6) From the common goods to the common good in the Social Doctrine of the Church: thoughts at the tail end

The common good is the good of a people. In an era of nationalistic resurgences, in which the idea of the people, as a hypostatic union of traditions, values, ethnicity, language and culture, can become a justification for anti-democratic drifts, this concept must be redefined in pluralistic terms, and from a political point of view it can be reasoned whether it is perhaps appropriate to consider it as a legal fiction, “an ethical-political postulate necessary to justify the subjection of a certain number of subjects to the same order”¹⁰³. The common good is the good of that we-all, made up of individuals, families and intermediate groups that come together in a social community, this is how *Caritas in Veritate* explains it to us¹⁰⁴. The Catholic magisterium, with the principles of the SDC, does not remain immobile and

⁹⁶ “*Civitates tamen que principem non recognoscunt in dominum et sic earum populus liber est [...] possent hoc forte statuere, quia ipsamet civitas sibi princeps est*”, BARTOLO DA SASSOFERRATO, *In primam Digesti veteris partem commentaria*, Basileae 1579, p. 430, comm. a D. 4.4.3 (Denique) and a. Dig. 1.1 9, l. *De iustitia et iure, l. omnes populi*, nn. 3-10.

⁹⁷ On the freedom of the *civitates* two *ex multis* references: TOMMASO D’AQUINO, *Sententia libri Politicorum*, lib. 3 l. 5 n. 7. But also, shortly before (lib. 1 l. 5 n. 1): “*politica enim est principatus eorum qui sunt liberi secundum naturam, despotia autem est principatus servorum*”; BARTOLO DA SASSOFERRATO, *In tres Codicis libros*, Venetiis, 1590, f. 25, comm. a Cod. 10.64.1 (*De mulieribus*). PIETRO COSTA, *Civitas. Storia della cittadinanza in Europa*, vol. 1, *Dalla civiltà comunale al Settecento*, Rome-Bari 1999, p. 29.

⁹⁸ On this passage, which arises from a reading of Baldo degli Ubaldi, see GIANCARLO ANELLO, *Persone capitali. Storia delle persone giuridiche*, Marietti 1820, Bologna, 2024, p. 151 note no. 120.

⁹⁹ BALDO DEGLI UBALDI, *Super VII, VIII et IX codicis commentaria*, Lugduni, 1539, typis Melchioris & Gasparis Trechsel fratrum, f. 80r-v and *Ad libri VII Codicis, De executione rei indicatae*, lex V, editio Venetiis, Apus Iuntas, 1586, p. 73.

¹⁰⁰ WALTER ULLMANN, *De Bartoli sententia: “Concilium repraesentat mentem populi”*, in *Bartolo da Sassoferrato. Studi e documenti per il VI centenario*, Milano, Giuffrè, 1962, vol.II, pp. 708-733;

¹⁰¹ BALDO DEGLI UBALDI, *Commentaria in primam Digesti veteris partem*, a. Dig.1.1 9, l. *De iustitia et iure, l. omnes pupuli*, n. 4, Venetiis, Apud Iuntas, 1586, p. 12.

¹⁰² FRANCESCO CALASSO, *Medioevo del diritto*, Lefebvre Giuffrè, Milan, 1954, pp. 499-501; ANTONIO IVAN PINI, *Dal comune città-stato al comune ente amministrativo*, in *Storia d’Italia*, diretta da GIUSEPPE GALASSO, IV, Torino 1981; MANLIO BELLOMO, *Società e istituzioni in Italia dal Medioevo agli inizi dell’età moderna*, Catania 1982.

¹⁰³ NICOLA COLAJANNI, *Populism, religions, law*, in *Questioni giustizia*, n. 1, 2019, pp. 151-161, in particular p. 151.

¹⁰⁴ BENEDICT XVI, Encyclical Letter *Caritas in Veritate*, 29 June 2009, n. 7, in https://www.vatican.va/content/benedict-xvi/it/encyclicals/documents/hf_ben-xvi_enc_20090629_caritas-in-veritate.html.

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indifferent in this context of rethinking the essential socio-juridical and ethical categories. In particular, as we have had the opportunity to mention earlier, the recent one of Pope Bergoglio stands out, largely centered on the themes of integral human ecology, and sustained by the immutable conviction that we are all part of a divine plan oriented to the common good, a good that is realized in the harmonious coexistence of the plurality of protagonists¹⁰⁵. Starting from such an assumption can also contribute to a reinterpretation of the idea of collective property and collective uses, remembering, with Francis, that it is everyone's right to inhabit the earth and use it, on the contrary a use reserved for a few, an *exclusive and excluding dominium*, would divert it from its natural purpose, depriving it also of the benefanciful presence of God¹⁰⁶. The intimate functional essence of property, which is its natural social purpose, in Christian thought finds its foundation in the original divine ownership of the right to property and in the subsequent entrustment of the mandate of care to every human being for every human being. The time we live in instead seems to be going in the direction of temporary possession without responsibility or planning, on the one hand, and on the other hand towards the predatory concentration of property - in the case of arable land there is a question about the ethics of *land grabbing*¹⁰⁷ for example - in the hands of *holding companies* performing only in a capitalist sense, and with the consequence that cities lose the sense of being a plastic and shared space of a community, to be transformed into a sort of hive of individual non-communicating cells, with the connivance of state institutions involved in the neoliberal spiral¹⁰⁸. The State, forced to repay the growing public debt, finds no other way than to resort to the privatization

¹⁰⁵ For a panoramic view, see GIANFRANCO POMA, WALTER MINELLA, *L'ecologia integrale di Papa Francesco. Radici spirituali di una prospettiva di salvezza per l'umanità*, Prefazione by GIANNINO PIANA, Morcelliana, Brescia, 2024.

¹⁰⁶ FABRIZIO MARINELLI, *La terra è di Dio. I beni collettivi tra storia e diritto*, cit., p. 5.

¹⁰⁷ According to the Oxford Dictionary, a land grabber is “a person who seizes and possesses land in an unfair and unlawful manner”. Definition available on www.oxforddictionaries.com/definition/english/land-grabber; GIULIA FRANCHI-LUCA MANES, *Land grabbers. Italy's involvement in the Great Land Grab*, Re-common, June 2012, online in <https://www.recommon.org/land-grabbers-italys-involvement-in-the-great-land-grab/f/>; ANDREA PERSICILLO, *Land grabbing: an overview of international law*, in *Ius in itinere*, 19 July 2019, online in https://iusinitinere.it/land-grabbing-una-panoramica-sul-diritto-internazionale/#_ftn3; INTERNATIONAL CONFERENCE ON GLOBAL LAND GRABBING, *Land Deal Politics Initiative (LPDI)*, 19-21 March 2024, online in <https://drive.google.com/file/d/1kC9O5-slMuUX-17faqtByQhreiBfmFzU/view?pli=1>.

¹⁰⁸ Preterossi's reconstruction is interesting, as he tries to explain the state's subservience to the rules of neoliberalism: “In this perspective, public institutions must themselves be subjected to the regime of competition that they are called upon to guarantee, in order to achieve a society entirely governed by private law, which does not allow exceptions to the primacy of the market, not even in the name of political objectives of a collective nature, such as those defined by the constitutional State, if still *taken seriously*”, GEMINELLO PRETEROSSO, *Ciò che resta della democrazia*, Rome-Bari, Laterza, 2015, p. 18.

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of essential services and of the historical and natural heritage, definitively detached from its functional value and reduced only to economic value. But the dark and uncertain times in which we live, witnessing the nationalistic resurgences that feed the winds of war, do not speak in favor of an uncritical and unconditional trust in the legislator who must be constantly reminded that only through sharing of goods The citizen flourishes as a person, and through the repetition of uses creates ethical and cultural ties that simultaneously enrich people and territory for the benefit of all, creating what can be defined as the subsidiarity of daily choices, the social norms¹⁰⁹. Social norms for which we can find inspiration in the Social Doctrine of the Church.

We are reminded of the words of a young Giovan Battista Montini who in 1921, foreshadowing, perhaps, the future tragedies that would mark the short century¹¹⁰, describes what attitude one should take in accepting progress: “knowing how to discern not the merits of the past, but the needs of the future and boldly prepare oneself according to a program of good. He who lacks the intuition of the good will possess only with difficulty and without effectiveness, the exercise of it”¹¹¹. Unsurpassed masters of *sapientia civilis* warned that “*non omnia in corpore iuris inveniuntur*”,¹¹² inviting the study of theology, or in fact resorting to it to broaden knowledge and find solutions. An impassioned and optimistic La Pira concluded a letter to Paul VI, back in 1967, writing that: “faith is an ineliminable principle of interpretation of history and politics: when it is lacking, it is a light that fails to read the facts of peoples, the signs of the times”¹¹³. In this sense, the Social Doctrine of the Church sheds light on the issues of

¹⁰⁹ CHRISTIAN IAIONE, *Città e beni comuni*, in CHRISTIAN IAIONE-GREGORIO ARENA, *L'Italia dei beni comuni*, Carocci, 2012, pp. 121-122 e pp. 131 e 136.

¹¹⁰ ERIC HOBBSWAN, *The Age of Extremes: The Short Twentieth Century, 1914-1991*, Pathom Books, New York, 1994. BRUNELLO LOTTI (ed.), *Il secolo breve, 1914-1991, l'era dei grandi cataclismi*, Rizzoli Editore, Milan, 1995.

¹¹¹ GIAN BATTISTA MONTINI, “*La Madre Cattolica*”, Brescia, February 1921, p. 26.

¹¹² ACCURSIO, *Glossa notitia* a D.1.1.10, Lugduni, apud Hugonem a Porta, 1560: “[...] Sed nunquid secundum hoc oportet quod quicumque vult iuris prudens vel iurisconsultus esse, debet theologiam legere? R(espondeo): non, nam omnia in corpore iuris inveniuntur, ut C. de summa trinitate et fide catholica et de sacrosanctis ecclesiis et de episcopis et clericis et in authenticis in multis titulis, ubi de divinis tractatur [...]”, quoted by ORAZIO CONDORELLI, “(Non) tutto si trova nel corpo della legge”. *Voluntas, consensus, fides: la prima scienza civile di fronte ai problemi del matrimonio (circa una sequenza di frasi teologiche copiate in un ms. Codex, Vat. lat. 1427)**, in *La volontà. Italie-France allers-retours*, MARIE BASSANO – LUISA BRUNORI – CRISTINA CIANCIO – FLORENT GARNIER (eds.) (Centre Toulousain d'Histoire du Droit et des Idées Politiques: Études d'Histoire du Droit et des Idées Politiques 30; Toulouse, Presses de l'Université Toulouse 1 Capitole, 2022, pp. 127-165, in particular p. 127 note 1.

¹¹³ GIORGIO LA PIRA, *Il segno di Israele in Palestina*, Letter to Paul VI, 21 June 1967, in GIORGIO LA PIRA, *Abbatere muri e costruire ponti. Lettere a Paolo VI*, ANDREA RICCARDI AND AUGUSTO D'ANGELO (eds.), Ed. San Paolo, Cinisello Balsamo, 2015, p. 465

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property, which also teaches man “the demands of justice and peace, in conformity with divine wisdom”¹¹⁴. It re-proposes the immutable, although continuously adaptable to historical reality, principles of natural law, according to which creation, willed by God as a gift of a perfect order made to man, as an inheritance reserved to him and entrusted to him¹¹⁵, imposes a concrete ethical claim, by virtue of which, since the goods of the earth are destined for all, they must, consequently, to be “shared with all” equally, according to the needs of each one, as the Evangelist reminds us (Acts 2:45), on pain of harming both justice and charity, which cannot be homogenized, re-proposing the golden rule of solidarity that Christ himself was the first to apply, making human beings share in his divine essence and borrowing from them the human essence. Let us recall Bergoglio's appeal in the year of the Jubilee of Mercy who showed us how *to inhabit* the earth with a *responsible habitus* of communion: “The human community needs sharing, solidarity, just as 'wealth' needs men and women, and not only stock exchanges and markets, which, precisely by sharing it, make it circulate in all dimensions of life”¹¹⁶. In an attempt to redesign a new economic order oriented towards the realization of the supreme principle of charity,¹¹⁷ Bergoglio insists in his catechesis on the theme of communion, as the sharing of goods and the realization of the spirit of solidarity by which Christians recognize themselves, called to flee the temptation of “a negotiated, partial and opportunistic ecclesial membership”¹¹⁸, also in the context of the secular and political social dimension, because it is an essential dimension, “one of the most precious forms of charity, because it seeks the common good”,¹¹⁹ understood as a rational and responsible presence in the construction of

¹¹⁴ CATECHISM OF THE CATHOLIC CHURCH, no. 299 and 2419.

¹¹⁵ *Ibid.*, nn. 2402-2405.

¹¹⁶ FRANCIS, *Misericordiae vultus*, Bull of Indiction of the Extraordinary Jubilee of Mercy, 11 April 2015, n. 15, in https://www.vatican.va/content/francesco/it/bulls/documents/papa-francesco_bolla_20150411_misericordiae-vultus.html.

¹¹⁷ Allow me to refer you to CRISTIANA MARIA PETTINATO, *Il paradosso dell'abbondanza: il nuovo ordine etico-economico nel magistero di papa Francesco*, in *Vergentis*, 2, n. XIX, 2024, pp. 47-76.

¹¹⁸ FRANCIS, Audience 21 August 2019, in https://www.vatican.va/content/francesco/it/audiences/2019/documents/papa-francesco_20190821_udienza-generale.html.

¹¹⁹ Pius XI, Encyclical Letter *Quadragesimo anno*, 15 May 1931, n. 88, in https://www.vatican.va/content/pius-xi/it/encyclicals/documents/hf_p-xi_enc_19310515_quadragesimo-anno.html; BENEDICT XVI, Encyclical Letter *Caritas in Veritate*, cit., n. 2; FRANCIS, Encyclical Letter *Laudato si'*, 24 May 2015, n. 231 in https://www.vatican.va/content/francesco/it/encyclicals/documents/papa-francesco_20150524_enciclica-laudato-si.html#191.

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history, since the Christian is also called to realize in it the salvific plan of God¹²⁰, who is the origin and ultimate goal of history.

¹²⁰ SECOND VATICAN COUNCIL, Pastoral Constitution *Gaudium et Spes*: “Human history is a dynamic process in which man, through his work and his intelligence, develops himself and society”, nn. 34-39.