Scuola Superiore Meridionale

“Federico II” University of Naples

PhD in Law and Organizational Studies for People with Disability

2nd semester – Academic year: 2023/2024

Course for ordinary and
PhD students

Urban regeneration.
Between management of the commons, public art and inclusiveness.

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Lesson schedule:

6, 13, 20 and 27 March

3, 10, 17 and 24 April

8 and 15 May

Timetable:

05:00pm to 07:00pm

Aims

The course is addressed to doctoral students and second year undergraduate students coming from any research area of the School. The final evaluation will take into account the students’ different educational level.

At the end of the course, the students will be able to:
• Understand issues related to the concepts of public and private property.
• Reading, understanding and interpreting a legal norm.
• Identify, starting from the general legal framework, the rule to be applied to a specific issue.
• Understand the social origin of law and the importance of approaching legal issues from a factual perspective.

Learning methods

• Students should read the mandatory study material before class.
• The lectures will be based on discussions between the lecturer and the students on the main issues arising from the background readings.
• All students are expected to actively participate in the debate, providing comments and raising questions on the issues discussed in class.
• PhD students will hand in a research project on the topics covered during the course. The work will be presented during the final lecture.

Course material

The course material consists of books selected for each lesson.

Reading the texts before the lesson is highly recommended.

About the course

The course proposes to investigate the phenomenon of urban regeneration, a multiform process based on the need to recover, transform and in general innovate in an ameliorative sense the assets or common spaces of a city, implementing initiatives that start from the involvement of the community that inhabits the territories to be regenerated. Despite the absence of a clear legislative framework at the state level, regional codification and the large-scale concrete application of the process have prompted part of the doctrine to hypothesize the birth of a new administrative function: that of regenerating urban common spaces and assets.

The lectures will focus on the analysis of three aspects: the object of the phenomenon, i.e. urban commons, by framing its legal framework and analyzing the different legal models and institutions involved in the shared management of assets between the public administration and the community; the subjects involved, given that the regenerative process is innovative only if it is aimed at contributing to social inclusion through changes in the actions of both subjects and institutions; art and
culture as means of activating the phenomenon. The methodological and technical-legal analysis will be accompanied by an in-depth study of case studies of concrete regeneration experiences, as well as of Italian and international projects that constitute, to date, new models of artistic intervention addressed to the landscape, public space, and heritage in a regenerative and inclusive perspective. Urban regeneration must be examined as a process made up of multiple sectors and experiences that, although very different from each other, must all be approached starting from the involvement of the active community that inhabits the territories to be regenerated. In this framework, the different methods of self-management, as well as public art, draw a plurality of tools that, to build a common space.

Lessons programme:

- Lecture 1. Urban regeneration: regulatory framework and overview

Urban regeneration is a very broad phenomenon, able to embrace very different sectors and experiences, a circumstance that makes not only its definition but also its very scope uncertain. In regulatory terms, there is no general framing of this conceptual category at the level of state legislation, but in response to the administrations’ need to govern the phenomenon, in recent years there has been a growing and constant development in regional and municipal regulations of provisions on the ‘regeneration’, ‘redevelopment’ and ‘reuse’ of public spaces and assets. In spite of uncertain boundaries, in fact, this context finds its common denominator in the need to recover, transform and in general innovate in an ameliorative sense a city’s assets or common spaces.

Teaching materials:

- CARTEI G., Rigenerazione urbana e governo del territorio, in Istituzioni del Federalismo, n. 3, 2017, pp. 603 ss.

- Lesson 2. The object of urban regeneration: urban commons and regulatory discipline.

The topic of common goods has been the subject of a wide-ranging debate for years, the core of which concerns the question of whether this category can be included in the notion of ‘good’ elaborated by the Civil Code. In reality, they should be framed as utilities whose widespread ownership identifies them as the object of interests and benefits on the part of a given community at a given historical moment. Their regime is independent of ownership precisely because they are assets intended for
collective, shared use. At the legislative level, common goods understood in this way make their appearance only in the Bologna Regulation on Urban Common Goods as the object of regeneration activity and in recent years have found space within municipal regulations, known as participation or common goods regulations.

Teaching materials:
- BOSCOLO E., Beni comuni e consumo di suolo. Alla ricerca di una disciplina legislativa, in URBANI P. (a cura di), Politiche urbanistiche e gestione del territorio, Giappichelli, Torino, 2013, pp. 69 ss.

Lesson 3. Institutions and rules for a shared governance of urban commons: cooperation pacts and civic uses.

In the exercise of the regeneration function, traditional discretionary methods typical of the authoritarian administration model alternate and coexist with shared administration models that see citizens in the position of co-administrators. Entrusting its exercise exclusively to private individuals would not be allowed, since one is confronted with an administrative function and the general interest purpose pursued by regeneration must necessarily be balanced with other public interests. From this perspective, cooperation pacts and civic uses offer a compromise solution.

Teaching materials:


Private law provides, like public law, useful institutions for the management of urban commons, particularly in all those cases where there is a need to identify instruments and models suitable to last
over time. Paradigmatic, in this sense, is the institution of the foundation, a flexible instrument that makes it possible to legally construct a shared co-management of the asset by the administration and the community of reference.

Similar results can also be obtained by resorting to other private institutions capable of tying an asset to a purpose, such as trusts and community land trusts.

Teaching materials:


- **Lesson 5. The subjects: the need for inclusive community participation in the regenerative process.**

The key that binds the multiple elements that come into play in the regenerative process is to be found in the concepts of inclusion and participation. The inclusion of people with disabilities in their communities - with consequent involvement in regenerative processes - as well as being a sign of civilization, is a factor that makes society a safer and more respectful place for everyone's personality and as such more livable and state-of-the-art.

Teaching materials:


- **Lesson 6. Effective accessibility to cultural heritage: the rights of people with disabilities.**

Within the many contexts of accessibility, culture is undoubtedly one of the most crucial. This is both because of the development that the subject has reached in this area and because of the centrality that culture and art play in the growth of the individual and society. According to Article 27 of the 1948 Declaration of Human Rights, the individual must be enabled by society to enjoy art and culture independently. Well, focusing on the relevance of the social aspect of accessibility transforms the way we understand the phenomenon.

Teaching materials:
Lesson 7. The means of activating the process: the role of urban art.

Within the tools used to initiate redevelopment preparatory to regeneration, urban art is a candidate as a fundamental means on which numerous contemporary methods, experiments and case studies are based. In an integrated and interconnected vision, however, it is evident how the exclusively artistic operational orientation cannot act alone as an activator of change. On the contrary, it may be capable of triggering negative impacts on different aspects of the settlement and human fabric, fuelling differences, fostering relational fragmentation, worsening socio-economic dynamics, and rendering a vision of street art as a random or simplistic response to complex and multi-layered issues and problems.

Teaching materials:

- COMUNIAN R., SCHIAVON C., Reti creative: rigenerazione urbana e cultura del territorio nel contesto europeo, in Annali del Dipartimento di Metodi e Modelli per l’economia, il territorio e la finanza, 2012-2013, pp. 171 ss.

Lesson 8. The relationship between art and the public sphere. From site-specific aesthetics to participatory projects.

To be public art, the role of art must be considered in harmony with the evolutionary processes of the urban and social fabric. It is fundamental to create a relationship with local people in order to insert works into the urban fabric, without proposing them as dogmatic readings of local realities, but integrating artistic interventions with them, accepting their characteristics. Only by following this approach can creativity become the engine of a new vision for territorial planning and the redevelopment of a space.

Teaching materials:

- MELI G. C., Fare città. Arte pubblica e laboratorio, in GALDINI R., MARATA A. (a cura di), La città


Art is a fundamental tool to initiate regeneration preparatory to regeneration. The creative instinct is born as a means of expression, but it only takes on meaning when it enters into a relationship with the observer. It can generate an explosion of different sensations, all equally important. And this is the meaning of art, this is the universal value of beauty: to release emotions. Access and dissemination should be the watchwords to enable everyone to exercise their right to the emotions that art and beauty arouse. Just as all individuals and social groups should be recognized as having the right to live in a place they recognize as pleasant, attractive, stimulating. In other words, the right to beauty should be recognized for all.

Teaching materials:


The empirical investigation of urban regeneration experiences, in addition to investigating situations in which institutional frameworks and movements collaborate according to novel architectures in order to identify the advantages and disadvantages of the institutions in question, is aimed at highlighting how such bottom-up experiments are socially innovative only if they are aimed at contributing to social inclusion through changes in the actions of both subjects and institutions.

Teaching materials:
- RECINTO G., Editoriale. La “funzione sociale” della ricerca, in Rivista di diritto delle arti e dello spettacolo, 1/2020, 5-6.
- CARLONI E., Città intelligenti e agenda urbana: le città del futuro il futuro delle città, in Munus, n. 2, 2016, pp. 235 ss.

About the final exam

The final exam will consist of the oral discussion of a paper prepared by the student on a topic previously agreed with the professor. Students will have to attend the lessons included in the course, especially the debate with scheduled and unscheduled interventions.