Opening the gate to bathers' rights
Commoning process for the coast as a commons

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The research fits within the complex framework regarding the relation between commons and care practices in the contemporary city, intercepting the theme in a peculiar context: that of the coasts. These latter can be considered a particular form of public good: the beaches are part of the category of maritime property and are identified as a public good of collective belonging. In recent decades, Italy's failure to conform to the Bolkestein directive (2006/123/EC) and the lack of national indications regarding minimum percentages of free beaches, have generated profound social inequalities. Specifically, the contribution explores the

Introduction

The contemporary city seems to be increasingly pervaded by experimentations that allow for a rethinking of urban public space, questioning power relations aimed at profit extraction, traditional ownership structures, and their uses. According to Fraser (2022), to counter the tendency of the neoliberal system to extract value through exploitative processes, a collaborative attitude aimed at experimenting with practices that give space to new forms of spatial and social justice seems to be necessary. Particular reference is made to experiences of spatial commoning emerging in different contexts, sometimes under the radar and latent, sometimes explosively. From this point of view, the commons represent a cultural challenge, even more than a political one, to rethink the relationship between communities and territory.

According to the theories of economist Ostrom, under particular characteristics

Naples coastline: an interesting field of investigation according to its great difficulty in accessing the sea. These dynamics have led to growing community awareness and the denunciation of a management model that has become increasingly exclusionary. Starting from the experience of the appeal process to the Regional Administrative Court presented by Mare Libero APS for the closure of the gate at the Donn'Anna beach, the contribution reflects on the possible spatial impacts of the committees' movements to regain the right to the sea and the possibility of including the coast in the emerging legal category of commons.

and conditions, individual rationality can become cooperative and organised communities can effectively regulate the use of the commons for the benefit of the whole community. Given the observation that, over time, both the market and public intervention have contributed to worsening the condition of natural resources, according to Ostrom's thought, there emerges the need to promote an economy based on sharing and to develop ways for organised communities to manage shared goods democratically (Ostrom, 1990). As also pointed out by Borch & Kornberger (2015), unlike the paradigm (referred to in Hardin and Ostrom's studies) that links commons to natural resources[1], the urban commons paradigm refers to a context characterised by density and proximity, making possible forms of interactions between individuals. Urban commons are thus inherently relational phenomena resulting from the interaction between objects (that make up the city) and individuals (who live in it), the use of which – unlike the first paradigm in which use reduces value – becomes a productive act that can increase the value of urban sites. Looking further into the matter, the concept of the commons extends its ownership by duplicating the demand for a public service of a social nature, which finds its existence exclusively in the context of a qualitative relationship with individuals, who do not hold the good in question, but are participants in it (Mattei, 2011). As Stavrides (2016) underlines, common space is not fixed but is the outcome of commoning practices and an active form of ever-evolving social relations that question the foundations of property and shape – through the work of those who define the "subject of sharing" (Stavrides, 2016, p. 272) – to a society beyond capitalism. Within this complex issue of urban commons, a link is

recognised between certain goods and the exercise of fundamental rights (Capone, 2021; Rodotà 2018). These rights, viewed in an ecological and collective dimension, require us to care for shared space, moving away from proprietary logic (Capone, 2020).

Care practices, understood as collective and shared activities of public responsibility, are configured as forms of re-appropriation of common spaces, calling for empathy, reciprocity, and participation. As an adjective noun, care indicates a quality of action that brings together rationality and involvement on an emotional level, and has transformative potential, especially for accompanying fragile processes (Marinelli A., 2015). Active citizens who experience these practices and interventions tend to develop capabilities, which are realised precisely in the course of action and through active participation (Arena, 2020).

Placed particularly at the centre of the debate at the time of COVID-19 – which during the pandemic-related closures saw bottom-up practices as an alternative proposal to the political management of the health crisis and an interesting field of investigation for urban studies (Fragnito & Tola, 2021; Gabauer et al. 2022) – reflections on care involve a plural repertoire of collective actions for the construction of alternative models from reciprocity relations. Starting from the distinction made by Tronto (2013) between *caring for*, *caring about* and *caring with*, according to the Care Collective (2021) care is not simply an individual practice but a social capacity to build new practices of democracy and new anti-capitalist social relations. Giving particular relevance to the relational dimension (Poli, 2016), care is a practice that creates social bonds and produces attention to places, not as mere maintenance but as keeping them alive. It is a *collective effort* aimed at improvement in an evolving space that increases their usability and adapts them to the needs of the community (Belingardi, 2015). Collective care practices require accessible public spaces and sharing infrastructure to cultivate common actions, mutual support and participation practices.

In particular, the research fits within this complex framework concerning the relationship between common goods and practices of care in the contemporary city, intercepting the theme in a peculiar context: that of the coast. Specifically, in the Italian debate, the coasts are assuming a growing protagonism concerning the issue of beach concessions, the Bolkestein directive implementation, and the "scarcity" of coastal resources (Coppola, 2023; Guizio, 2022; Palliggiano, 2022).

In particular, the contribution reflects on the possible spatial impacts of care practices and committees' movements to regain the right to the sea and the possibility of including the coast in the commons category. If for some authors the territory is a common (Magnaghi, 2012; Maddalena, 2014), then one can hypothesise that the beach can also be considered common

(Lucarelli, 2019). In this perspective, treating the coastline as a common represents the most effective means to concretize fundamental rights. If the coasts, like commons, are assets of collective belonging, then they are off-market, and their management implies participation. Moreover, moving a portion of the maritime state property away from the purely economic approach, avoiding its concession to the private sector, would allow the State to embrace anew its function as 'administrator-manager'of the asset, acting as a promoter of welfare for the benefit of the entire community. Regarding maritime state property, a close connection emerges between its use and the sphere of fundamental rights, including the right to health and the protection of the landscape and environment (Lucarelli, 2019). The management of these state properties can be efficient even if, remaining outside the concession regime (Salomone, 2013), it is delegated directly to communities, including through the involvement of the communities, be they committees, non-profit associations, cooperatives, etc.

Based on these premises, the article is structured as follows. After defining the research methodology, the overall framework is presented within which the theme of the coast is contextualised as an economic and a public good, highlighting the issue of beach concessions and the Bolkestein directive, and the social, economic and environmental consequences of value extraction practices. Second, the article delves into the case study in the city of Naples, focusing on the Donn'Anna beach, describing its main aspects, the actors involved, and the relationship with the theme of care and commons. The investigation of the case study and the processes is strictly related to the author's positioning: the traditional approach whereby the researcher places a certain distance and a position of otherness concerning the practice to observe has been abandoned, to assume, alongside that of the researcher, the role of reflective practitioner and activist. This dual role allowed for the tension of interaction between doing and observing/studying, reflecting in the course of action and becoming operative in practice (Schön, 1993). This continuous oscillation between practice and reflection transformed the case study into an opportunity to adopt an action-research approach (Saija, 2016), also looking at the field as a space for relational and interactive knowledge production (Cognetti, 2016). The nexus of activism and professional research helped to bridge the gap between the researcher and the research subjects, facilitating a more direct engagement with the events and phenomena under study. The case, investigated at the intersection of research and activism, presents the main issues that have emerged, proposing an outlook that goes beyond beach concessions, and opens up alternative management perspectives related to the right of access to the sea. Finally, the concluding reflections of the work and possible future research will be interwoven.

Methodology

In answering the research question, the methodology was structured to combine theory, social research and qualitative-quantitative investigation of the case study with the possibility of directly accessing the empirical field. The first phase identified the point of observation and theoretical assumptions. Specifically, having the coast as its object, the research refers to an interdisciplinary theoretical framework by invoking fertilisation between different disciplines[2] (Cognetti & Fava, 2019) and what Hirsman (1981) calls *trespassing*. Based on the theoretical framework and the research question, the second phase identifies the coast of Naples as a case study investigated through direct phenomenon exploration, integrating the qualitative and quantitative perspectives. The research used walking along a transect as an exploratory device to observe the land-sea relationship. The direct experience from the sites (for long periods at different times of the year and of the day) made it possible to intercept the transition processes and measure how deep the coast is in terms of different gradients of wetness (da Cunha, 2018). In particular, the dual perspective from the land and the sea, aimed at highlighting all the relationships that the sea establishes with the coast and vice versa, was made possible with a boat or kayak.

Based on this initial investigation, the context of Donn'Anna beach was explored due to its strong connection to the themes of care and commons. The micro-history of Donn'Anna prompts reflection on the role of citizens in reclaiming denied stretches of coastline and the spatial impact of community work. In recalling participant observation (Ronzon, 2008; Semi, 2010), various investigation tools were used to reconstruct the processes of Donn'Anna, taking advantage of various qualitative data: semi-structured interviews, field notes during participant observation, collection and analysis of press reviews, analysis of the planning tools and legal documents. The case, in a condition at the nexus between research and activism, between involvement and detachment (Elias, 1988), raises reflections on the essential role of communities, movements, committees and associations for coastal management and the restitution of the beach with a view to spatial justice.

During the survey, a revealing step was the meeting with the Comitato Mare Libero, Gratuito e Pulito Napoli and the continuous interaction with some of the committee's referents. This connection also provided the opportunity to participate in various activities, including ordinary moments, meetings, City Councils, gatherings, awareness-raising initiatives, and mobilisations, which greatly enriched the research. This passage is crucial in defining the author's positionality. Initially assuming the role of an external researcher, the author became later actively involved as an activist, allowing one to go beyond the dominant narratives and to learn more deeply about some dynamics, bringing to

the surface conflicts, needs and problems that otherwise could not have been detected.

A common never realised

The beaches are part of the maritime property and, as such, are identified as a public good of collective belonging with high social relevance (Lucarelli et al., 2021). As an asset belonging to the state, they should be directly and freely usable by the community (Girardi, 2021; Ranelletti, 1897). Very often, however, equity of access to the maritime domain is not guaranteed, and concessions to private entities are imposed compared to the available coastal area.

In Italy, the regulatory discipline concerning state concessions is particularly complex due, on the one hand, to the numerous legislative interventions that have followed both at a state and regional level and, on the other hand, to the multiple infringement procedures initiated by the European Commission against Italy. Over the last 20 years, the management of beach concessions has generated an intricate and complex affair, yet unfinished, where everyone seems to have emerged as the loser: the state, the citizens and the owners of the establishments.

Since 2006, Italy has never formally transposed the Bolkestein Directive (2006/123/EC), which regulates competition and provides for systems to assign the management of maritime state property through transparent and impartial selection procedures, to protect the depletion of a scarce resource (such as the beach). This Directive would make it possible to promote the assignment of these concessions through a competitive principle, preventing the entrenchment of private monopoly positions – typical in Italian coasts – on assets that are highly sensitive from both the environmental and social points of view (Lucarelli, 2019).

In many Italian coastal contexts, the generalised system of extensions of concessions for tourist-recreational use has *de facto* privatised the beach, subtracting it from the free enjoyment of the community, and prevented a rotation of concessionaires (Abbruzzese, 2021). The monopoly regime created by the continuous extensions of beach concessions and their management has generated evident repercussions in terms of accessibility (both material and immaterial), spatial and social justice, depriving communities of their right of access to the sea on the one hand, and creating gaps and inequalities on the other.

There are more and more contexts in which citizens see their right to free enjoyment of the coastline compromised, making evident the conflicts between the economic use of the asset and its collective enjoyment. Even though the coast can be considered a public good (Lucarelli, 2021), in Italy it is mainly managed by private individuals because of the economic function it performs in the seaside tourism sector.

If, on the one hand, the Bolkestein Directive stands as a reference for a correct regulation of competition to protect a scarce resource that

“Nuje chistu ce’ putimme permettere”[30]
(EN:This is all we can afford)

During the summer season in San Giovanni a Teduccio (a district on the eastern periphery of Naples), citizens can enjoy the free beach included in the SIN (Site of National Interest) area ‘Napoli Orientale’, whose sea is polluted by untreated sewage discharges
Source: photo by Klarissa Pica (Naples, August 2023)
Fig. 1

risks being depleted, on the other, it brings out the numerous conflicts between the various stakeholders (Lucarelli, 2019). Specifically, reference is made to the conflicts between the economic use and its collective enjoyment, between the protection of the interests of private concession holders and the protection of the general interest, and between collective use and the individual use of the coast.

Considering that “by the law of nature, these things are common to mankind - the air, running water, the sea, and consequently the shores of the sea” (quoted in Takacs 2008, p. 713), one must recognize the difficult compatibility between collective use and individual and exclusive use of the coastline, which highlights an unresolved tension as well as the lack of instruments capable of managing the different interests insisting on it.

In particular, with the advent of mass seaside tourism, there has been a general change in the value of beaches: from territorial areas of little interest to assets of value extraction, with a gradual loss of the destination for ‘public uses’ that has marked a transition to a new phase characterised by a more evident economic use of the asset itself (Lucchetti, 2022).

In Italy today, the beach has practically become a market good. The coast appears to be a mere commodity for consumption and an asset for value extraction (Formato, 2021). The usability of beaches by all citizens has been compromised over the years by a failure to balance these interests, which has led over time to the reversal of the ‘rule-exception’ relationship. Moreover, the system of automatic extensions, that has characterised Italian coastal management for decades, has created a monopoly regime that, in seeking to preserve the interests of a few, seems to have sacrificed the interests of many, generating profound social inequalities.

The surge in the number of concessions for tourist-recreational use together with the lack of national indications regarding minimum percentages of beaches to be dedicated to free use, has led along the Italian coasts to paradoxical situations in terms of spatial occupation of beaches. According to recent data[3], concessions for tourist-recreational use have increased by 12.5% in three years and cover about 43% of the surface area of Italy’s sandy coasts, reaching in some regions[4] (such as Campania) percentages of 70% (Legambiente, 2022). In some contexts, there are processes of marginalisation, which tend to move the free access beaches to more peripheral areas far from the places where demand is most concentrated (Fig. 1). In Italy, a complex scenario is now opening up as the Bolkestein directive envisages a radical reversal, posing a fundamental question: how can coastal management respond to the social demand for free use?

While on the one hand, it is necessary to ensure that an appropriate percentage of beaches remains outside the logic of the market for free use by citizens, on the other hand, there is

a need to protect the coastal heritage and its communities. This requires reorganising the procedures for managing state property and assigning concessions, paying attention to the criteria of transparency, free competition, accessibility, and environmental and social sustainability. Consequently, it is appropriate to ask ourselves how we can imagine the planning of a change given the adaptation to the logic of competition that takes on other views. The Bolkestein directive can be seen as a pretext to imagine a new policy for the Italian coasts that can enhance public heritage, placing it at the service of fundamental and social rights. In this context, public policies should focus on re-establishing a balance between the public demand for accessible spaces and the limited resource availability. This step becomes crucial, especially in those cities where, due to a dynamic similar to Hardin's "tragedy of the commons" (1968), free access to beaches is extremely limited.

This change of perspective places at its focal point the social demand, the public nature of the asset, and the possibility of free enjoyment. From this point of view, the Directive can become an opportunity to rationalise the use of this resource in a responsible manner, capable of combining the interests of the community, and finally envisaging a more socially aware approach. Guaranteeing free access to these goods contributes to reducing inequalities and constitutes – quoting Secchi (2005) – part of the 'spatial capital' of the individuals.

The Sea of Parthenope

Within this framework, the city of Naples is an interesting field of investigation because of its difficult access to the coast. Over the years, the shoreline has undergone several transformations linked to the recurring presence of large brownfields, the morphological condition, the extreme privatisation of some of its parts, and the upgrading of some infrastructure strips. That has led to increasing fragmentation, hindering in most of its segments its direct fruition and sometimes even its mere perception, and taking the coastline away from equal enjoyment by citizens.

In particular, Naples presents itself as a "denied-sea city"[5], not only because of the presence of numerous anthropic and morphological impediments but also because of the constellation of beach concessions that make the only existing tracts of beach and not yet banned from bathing for reasons of pollution, practically private and inaccessible. The combination of the dynamics has made accessible parts highly restricted by accustoming citizens to experience the sea through alternative practices.

As will be explored in the following section, the issue of sea usability has been particularly central since June 2022. Primarily, the resolution's approval on "the open and safe management of public beaches" brought attention to the issue. The deliberation, in fact, for some of those few free stretches of the beach, in particular for Donn'Anna and Monache beach in Posillipo, provided for closed numbers and entrance control by the owners of neighbouring lidos[6]. This solicited a great deal of tension among the citizens,

Cement beach
Santa Lucia, on the most exclusive waterfront of the city, among historic functions, luxury hotels and yacht clubs, many people take advantage of the seaward pavement and breakwaters, improvising a beach in the centre of town.
Source: photo by Klarissa Pica (Naples, August 2023)
Fig. 2

which saw the public character of the coastline impaired and triggered numerous mobilizations supported by citizen committees. This context also includes the activities of various associations, which take on the latent demands and needs of the population to make them manifest, consequently revealing the spatial conflict that the use of the beach implies.

In particular, the various events gave rise to numerous mobilisations supported by the Comitato Mare Libero, Gratuito e Pulito Napoli (EN: Free, Costless, Clean Sea Committee Naples), giving rise to a pervasive phenomenon for the right to the sea. The committee, with the support of hundreds of activists, started a path of actions and mobilisations, both claiming and raising awareness, continuously seeking a dialogue with the administration, but, above all, creating recurring meetings to discuss, update, and democratically define the actions to be taken.

A peculiarity of the Comitato Mare Libero, Gratuito e Pulito Napoli is the possibility of being able to count on several realities already rooted in the territory, some of which are linked to the archipelago of Commons addressing Civic and Collective Use in the city[7]. It seems appropriate to remember that the experience of the Commons in Naples matured on the terrain of the social and political demands posed by the ecological protest movement and for public water. Starting from these, a process of claiming those assets (tangible or immaterial) recognized as functional to exercise fundamental rights or socially relevant needs was initiated (Capone, 2019). These dynamics have led to the reutilization of numerous abandoned spaces through the recognition of spontaneous bottom-up initiatives. Starting from an act of civil disobedience, portions of the self-organising community have (autonomously and from below) created forms of urban regeneration to enhance and bring some disused public spaces back to public use. The Municipality of Naples, acknowledging that the space in which these communities moved was of common interest, recognised their worthy action with the sole aim of protecting these assets. This acknowledgement led to the Municipal Statute modification and the establishment of the Department of Commons (the first case in Italy), introducing the legal category of commons among the founding municipal values. A network of Neapolitan Commons has thus been built[8], a network of exchange and solidarity of liberated spaces in which forms of self-government and *civic* and collective uses are experimented[9] (Marinelli F., 2015).

It was precisely under this proactive drive and this spirit of activism – which explicitly refers to those social movements that contributed to the recognition of commons in Naples – that the theme of the 'right to the sea' was brought to light, highlighting how its denial generates evident consequences in terms of accessibility and spatial and social justice.

An enriching heterogeneity, which made it pos-

Community mapping
Source: Author's re-elaboration of the mapping carried out with My Maps during site visits by the committee activists
Fig.3

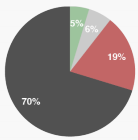
sible to go beyond the usual, realising actions that were as creative as they were effective, both from a political and communicative point of view and in the modes of action and practices implemented: community mapping, canoe raids in concessionary lidos, simulations of beaches in the square with umbrellas and deckchairs, demonstrations, awareness-raising actions, and targeted legal actions. Different modalities aimed at creating communities that look at the coast as a place of collective relations, transforming it from an object into a construct resulting from complex processes, including social ones.

The direct observation of the entire coast allowed intercept: the formal and informal practices through which citizens reclaim the right to the sea (Fig. 2); the actual percentages and portions of accessible and non-accessible coast (Fig. 3).

The repeated immersion along the city's coast has made it possible to intercept the multiplicity of practices of use that different people make outside of merely functional logic. Travelling from east to west along the coast, without any municipal regulations or services, citizens informally reappropriate the breakwater reefs and possible alternative accesses in response to their own needs (Fig. 2). The construction of precarious DIY accesses with waste materials,

SANDY SHORELINE

BAGNOLI				POSILLIPO				CHIAIA - SAN FERDINANDO				SAN GIOVANNI			
Place	Sqm	A	F	Place	Sqm	A	F	Place	Sqm	A	F	Place	Sqm	A	F
dazio	2.500	a		montericotta	500	n		sermoneta	1.100	a		vigliena	600	s	
villa comunale bagnoli	2.300	a		trentaremi	1.700	n		sant'antonio	3.500	n		san giovanni barra	7.300	a	
lido fortuna	7.700	s		gajola san basilio	500	n		mappatella	5.800	a		industrie	16.500	a	
lido comunale bagnoli	7.500	n		colonia san francesco	150	n		colonna spezzata	150	a		depuratore	11.500	a	
l'arenile	13.500	a		marechiaro	100	s						boccaperti	1.200	a	
circolo ilva	1.600	n		rocce verdi	200	n						pietrarsa	300	a	
coroglio	45.000	s		villa rosebery	200	n									
cala badessa	3.200	s		riva fiorita	500	n									
				cantiere riva fiorita	200	n									
				rocca matilde	400	s									
				villa lauro	1.300	s									
				villa martinelli	300	n									
				baia san pietro	500	n									
				ai due frati	50	n									
				grotta romana	400	n									
				monache	3.800	s									
				sirena	1.000	n									
				baia donn'anna	4.500	s									
				via sermoneta	150	n									
				circolo relax	150	n									
Tot.	83.300			Tot.	16.600			Tot.	10.550			Tot.	37.400		



Free	7.000
Residential	8.650
For a fee	28.450
Forbidden	104.350
Tot.	44.100

Legend

A: Accessibility a accesible s semi-accesible n non-accesible

F: Fruition Free Residential For a fee Forbidden

A seized sea

The table shows a reworked version of data and percentages related to the community mapping on the sandy shoreline category. For each location, the surface area in square metres and the degree of accessibility and usability are indicated.
Source: elaboration of the author
Fig.4

the provision of baskets, purchased personally by bathers, the plastic chair rental service for €1, an improvised volleyball net with wire, and boat transfer services to the tuff cliffs, are just some examples of these spatial practices. These are acts of care and maintenance that respond to the need to regain the sea and allow access to the beach that have resisted the dynamics of logistical transformation or privatisation.

In other words, the use of the coast and the latent needs that determine it, are the subject of collective negotiation and, in this sense, become a political process. In this context, the coast becomes the result of the different forms of social interactions and political dynamics that shape the coastal environment in a way that reflects the aspirations of local populations. In some ways, these actions play an important role because they are a symptom of latent needs that should be formalised in some way – within plans and policies – or they can be the starting point for defining new projects.

Secondly, through the activity of the Comitato Mare Libero, Gratuito e Pulito Napoli, community mapping[10] (Fig. 3) was carried out, to highlight denied access, not only focusing on the issue of beach concessions that occupy, and sometimes monopolise[11], almost all portions of the beach, but on all types of impediments to public enjoyment of the sea.

The mapping calculated the available square metres for each type of land-sea interaction (e.g. sandy shores, tuffaceous reefs, cemented docks, wooden pilings). For each sampling, it was also indicated whether it was a free, residential, paid, or prohibited area. The data[12] associated with the mapping shows, for example, that only 4.71% of the beaches are freely accessible (Fig. 4).

La Danse

As mentioned in the previous paragraph, the

coast of Naples is presented as a succession of gates, barriers, gratings and walls. That of the Donn'Anna beach is the story of access to the sea denied for over twenty years, of a (re)conquest by an active community, and of a silent immobility of the municipal administration of Naples.

The beach is located in Posillipo. The stretch of coast where the district overlooks is one of the city's most prized resources but one of the least usable, both in terms of orographic features and functional regime. Except for a few cases, the connecting routes between the main district road and the sea (roads, paths, and steps) are mostly private. From 1999 to 10 November 2022, an ordinance of the Port Authority of Naples[13] was in force that established, on an 'experimental basis', the regulation of access to Donn'Anna beach through the placement of a gate, which allowed citizens, during the autumn and winter seasons, to access it and whose opening/closing was entrusted to the concessionaire of the neighbouring bathing lido (Bagno Elena). The manager of Bagno Elena is a private concessionaire which, however, seems to have brought the portion of the free beach back into the logic of private enjoyment, for whose free access by bathers, indeed, it was necessary for some time to ring an intercom and pass under a jetty of the same lido.

Subsequently, starting from COVID-19 to quota attendance and maintaining social distancing, the municipal administration introduced a closed number system to access the beach. In particular, after booking and passing entry control by a security guard employed by the neighbouring bathing lido, citizens can access the beach. Of the entire sandy stretch, corresponding to approximately 4490 square metres, the one corresponding to the beach, and therefore free of bathing concessions, is approximately 290 square metres.

For many years, ignorance of the ordinance has seen the gate close with the end of the bathing season[14]. In September 2022, through the work of the Comitato Mare Libero, Gratuito e Pulito Napoli, the ordinance became public knowledge allowing citizens to demand that the concessionaire open the gate and recover a de facto right denied for more than two decades. Within days of the opening, another ordinance was passed by the Port Authority[15] ordering the gate to be closed due to hydrological hazards during off-season opening hours. The main consequence of this closure is the appeal to the Regional Administrative Tribunal (TAR) by the Comitato Mare Libero, Gratuito e Pulito Napoli, which was made possible thanks to hundreds of donations and a crowdfunding campaign[16] that made it possible to reach the sum needed to cover legal costs.

On 14 July 2023, the Campania Tar issued a ruling[17] upholding the appeal presented by Mare Libero[18] with Legambiente, annulling the order of the Port Authority president that had ordered the closure of the access gate to Donn'An-

un ventennio, l'Autorità portuale il 10 novembre, ovvero pochi giorni dopo la riapertura, emanava una nuova ordinanza, disponendo la definitiva chiusura del cancello evocando generici motivi di rischio idrogeologico. Una sorta di rischio idrogeologico stagionale, per poi scomparire nella stagione balneare.
I cittadini hanno riconquistato nella prima settimana di novembre la spiaggia, il meraviglioso mare d'inverno, per poi vederselo, di lì a poco, negare. La negazione del diritto di accesso è scattata soltanto nel momento in cui i cittadir erano divenuti pienamente consapevoli dei propri diritti.
In somm[illegible] comportamento a dir poco incoerente da [illegible] portuale. Io credo che sia arrivato il [illegible] che ciascuno si assuma le

La Danse of Matisse

On Sunday 1 October 2023, the Comitato Mare Libero, Gratuito e Pulito celebrated the entry into force of the ruling of the Regional Administrative Court on the Donn'Anna beach. Source: photo by Riccardo Esposito, Naples October 2023. Text from the article by Alberto Lucarelli entitled "Posillipo, la spiaggia vietata di Donn'Anna" (EN: Posillipo, Donn'Anna's forbidden beach) published in La Repubblica Napoli on 5 December 2022. Source: reworked by the author
Fig.5

na beach. In accepting the appeal, the Campania Regional Administrative Court underlined that the Port Authority's decision was based on incorrect assumptions and that the high hydrogeological risk was never supported by evidence during the trial.

After the victory of the appeal was celebrated on the beach (Fig. 5), the Committee of activists continuously monitored the actual opening of the gate, but on 30 October 2023, a new ordinance from the Port Authority established that the gate had to remain closed due to a lack of municipal coastal defence planning[19]. A plan that should be drawn up by the Municipality, a 'silent accomplice' of this succession of events. This led the Committee to undertake a second appeal to the TAR and to launch a new crowdfunding campaign[20] to cover the legal costs.

On 1 February 2024 – through a new ordinance[21] – the Campania TAR annulled the provision of the Port Authority (of 30 October 2023) which delegated the management of the gate to the lido for reasons of public safety, believing that the appeal was supported by sufficient ele-

The liberated beach.
Following the victory of the appeal to the TAR and the opening of the access gate to the Donn'Anna beach, the citizens have finally regained the sea even in winter.
Sources: on the left photo by K.Pica (Naples, May 2022), on the right photo by Ugo Rossi (Naples, April 2024)
Fig. 6

ments of possible validity. Specifically, the TAR did not limit itself to suspending the effects of the ordinance, but also to affirm the principle of guaranteeing the accessibility and usability of the coastline to citizens by making the public property-goods relationship prevail, the public goods-rights one[22]. In addition, the TAR has required the competent institutions to find ways, within 20 days, to guarantee free access to the sea and safe use of the beach.

On August 22, 2024, the judges of the seventh section of the Campania TAR issued their ruling on appeal no. 45/2024, filed by Mare Libero against the Port Authority and the Municipality. The ruling[23] restored Donn'Anna beach to the citizens and mandated that the gate be kept open year-round. The Regional Administrative Court not only annulled and declared the measures issued by the Port Authority unlawful but also ordered it to reimburse court costs as compensation for its unlawful conduct.

Learning from Donn'Anna

Donn'Anna's experience shows how in the Neapolitan context (but also at a national level) a collective consciousness has now emerged to exercise its rights over public property, intending to recognize the social function of the maritime domain.

This sensitivity has found shape above all in the activities of various associations and committees, also supported by important sentenc-

es, carried out to recognize the social function of maritime state property and of initiating a change of perspective on how beaches are seen today, guaranteeing their access, free use, and minimum public services. What the French sociologist Rosanvallon (2012) calls 'counter-democracy' seems to be emerging, that is, the demand for democratic participation and a radical criticism of the reduction of rights.

While, on the local level, this mobilisation had the merit of reopening the city's debate[24] on the abuse of the sea resource, becoming increasingly exclusionary and functional to private interests, on the other the ruling represents a victory for the principles of legal civilisation that regain their legitimate space[25]. The case also makes the point that establishing a permanent civic observatory on the sea could be a helpful tool for the bottom-up enhancement of the sea resource from a social-ecological, collaborative and participatory perspective.

The reconquest of Donn'Anna beach presents itself as an emblematic case of the affirmation of democracy, defining a new season for the use of maritime state property. Moreover, the recognition of Mare Libero's procedural legitimacy is of fundamental importance, both concerning the statutory objectives it pursues, but also by its territorial rootedness[26]. This recognition could have significant implications, opening up important prospects for other battles at the local level[27].

In addition, through the TAR order linked to the second appeal[28], the principle seems to pass according to which the obligations of the institutions cannot burden or fall on citizens, limiting their protection of some fundamental rights. A constitutionally oriented reading of the current legislation is confirmed, reversing the current trend and making the rights of the person prevail over a mercantile approach to public goods. The second sentence of the TAR has in some way established the attribution of maritime state property to the category of public goods whose free enjoyment pertains to the protection of human personality and its correct development within the context of the welfare state, and the interpretative need to look at the theme of public goods beyond a purely "patrimonial-proprietary vision to arrive at a personal-collectivist perspective"[29]. In particular, concerning the need to allow the community to use the sea, the assumption that the public administration must be responsible for identifying how the use of the sea can be accessible to the community takes on further regulatory importance. The Donn'Anna beach also proved to be an 'infrastructure of care', through which it was possible to build and strengthen social ties and experiment with practices of resistance and re-appropriation. It has become an opportunity to take care of that stretch of coastline for the citizens who enjoy it or would like to enjoy it, as well as a place where social bonds have been built and, over time, strengthened. The reopening of the access gate to the beach is the symbol of many

other closed gates that should be opened and of private management of resources that should be overcome with a rebalancing of the percentages of free or concession beaches.

The Donn'Anna experience could be identified as an example of support for everyday policies aimed at reconstructing rights and deconstructing some of the inequalities and social gaps when faced with the right of access to the sea. The powerful reverberating effect that the reconquest of the beach has had must be recognised: both from the point of view of raising awareness on the issue of free use of the coast, intercepting, informing, and involving an increasingly large portion of citizens; and from that of the spatial repercussions of a legal-administrative 'burden' through material restitution of stretches of coast to the community.

Conclusion

In the national context, there emerges the need to 'restore dignity' to the assets of collective belonging, ensuring that a fair percentage remains outside the economic logic, experimenting with other forms of management through the involvement of associations or non-profit organisations; management which, inspired by the Neapolitan formula of Urban and Collective and Civic Use, guarantees free use and access to the coast, overcoming the mechanism of concession and entrustment to a single entity as the exclusive contact person. After all, it was precisely the experience of the Commons in the city of Naples that led to the rediscovery of civic and collective uses, and to have allowed, thanks to activism and spontaneous financing mechanisms, to reopen and make usable again and free of charge a large real estate asset and some unused spaces, through inclusive and mutualistic practices (Capone, 2019; Caputi & Fava, 2023). Just as Naples has become an example at a national level about commons, why not make it a laboratory in which the coast also becomes common? A laboratory in which some of its features, through management that goes beyond the logic of the market, ensure that the collective good truly responds to social demand?

Returning to the themes raised initially, the paper reflects on the spatial impacts of the committees' movements on these processes and on the possibility of recognizing the coast, because of its usefulness for the benefit of the community, as a common, allowing it to fulfil its social function in terms of usability, that is, restoring to it the nature of an asset of collective belonging. But what does it mean that the coast is a common? In the specific case of the Donn'Anna beach, for example, what could it mean to include that portion of the coastline in the Commons Network?

It was highlighted that an extremely favourable condition for the success of the actions undertaken by the Comitato Mare Libero, Gratuito e Pulito Napoli, is to be found in the possibility of counting on some realities already rooted in the territory, some of which are linked to the ar-

chipelago of Commons for Civic Use of the city. Comitato Mare Libero, Gratuito e Pulito Napoli has proven to be an active catalyst in the process of reclaiming the beach as a common. The regained space can give rise to prefigurations of a different future and different social relationships, highlighting how such actions can simultaneously give shape to habits and acts of sharing, as well as bonds of solidarity (Stavrides, 2016).

While the research underscores that the coast is defined by its use, resulting from both formal and informal practices aimed at reclaiming access to the sea where denied, it also conceptualises the coast as a multi-scalar system of public spaces and a potential catalyst for the endogenous development of local communities. The case study demonstrates the spatial impacts of committee movements in reclaiming the coast as a public space. The committee's work – establishing a broad and resilient social network with growing public consensus – successfully reignited the city debate on these issues and heightened citizen awareness. The work of the Comitato Mare Libero, Gratuito e Pulito Napoli has given rise to spontaneous citizen actions in the form of mobilizations, appeals, data creation and the preparation of open access and shareable information layers and frameworks. The community work has attracted extremely high media response, finding particular interest in national and international newspapers, with interviews with some of the activists and dedicated reports. In the case of Donn'Anna beach, the community's work led to the reopening of the gate and the return, in socio-spatial terms, of the free portion of the beach to the community as a whole, even during the winter season.

The coast could be a laboratory to experiment with new forms of management, as happened with the civic uses of common. Through mutualism and care practices in which a plurality of subjects, in the form of committees, associations, and free citizens, in a condition of horizontality, forms of contamination could be found to take care of the coast, through another way to govern themselves (Micciarelli, 2014). Looking at the coast as a common presupposes adhering to a new model of participation and active citizenship, entrusting the care of the beach to citizens; the common would therefore be further enhanced also in intangible terms, through the conservation of the cultural fabric and history of the places. Therefore, rethinking the coast as a public space and a common that starts from its community can create a network, and opportunities for socialisation, collaboration, and regeneration.

Note

[1] Indispensable elements characterised by non-excludability (difficulty in excluding potential beneficiaries) and rivalry (use by one person decreases availability to others).
[2] Such as urbanism, urban planning, jurisprudence, and environmental and social sciences
[3] Made available by Sea Portal of the Sistema Informativo del Demanio Marittimo: https://www.sid.mit.gov.it/login.
[4] However, an extremely heterogeneous condition exists between the different Italian coastal regions, creating a varied geography also in relation to the available stretches of coastline.
[5] From the title of the author's master's thesis: "The denied-sea city. Towards a climate proof redevelopment of Naples waterfront".
[6] It seems appropriate to point out that this mode was experimented with during the health emergency caused by COVID-19 to ensure beach enjoyment in full compliance with hygienic measures, but it was prolonged even at the end of the pandemic.
[7] For more details see the following site: https://commonsnapoli.org/.
[8] Beginning with the case of the Ex Asilo Filangieri (recognized as a common in 2012), the Municipality identified seven other spaces (Giardino Liberato, Lido Pola, Villa Medusa, Scugnizzo Liberato, Ex conservatorio di Santa Fede Liberata, ex Scuola Schipa e ex OPG) managed by citizens and perceived as environments of civic development to promote active citizenship.
[9] Various cultural, artistic and sporting activities are carried out within the spaces: social events, workshops, help desks, self-build workshops, study rooms, concerts, shows and many others.
[10] Please refer to the following link for more information about the interactive map: https://www.google.com/maps/d/viewer?mid=1wkxfM5HWaUMh8e9ZW7YmuX4v3tA0Wk&ll=40.82264860623122%2C14.222726600000012&z=11
[11] In most cases, the establishments set up gates, barriers, or even 'barbed wires', which prevent citizens from accessing large portions of beaches.
[12] Please refer to the following link for more information about the mapping data and percentages. The table details for each type of land-sea interaction the relative square metres, based on four zones (Bagnoli, Posillipo, Chiaia-San Ferdinando, San Giovanni), highlighting the degree of usability: https://acrobat.adobe.com/id/urn:aaid:sc:EU:c84a-7d9b-2994-4982-adc7-393eb-4d6abc2
[13] n. 6 of 30 July 1999.
[14] The gate was in fact closed with chains and padlocks at the end of September and reopened in May with the start of the bathing season.
[15] n. 83, 10 November 2022.
[16] Please refer to the following link for more information https://buonacausa.org/cause/mareliberonapoli?fbclid=IwAR0vo8G8jj7i999gunrrcR1L07Myvco3DKX3lluwbA72Ua5i6yJiyVwfQLE#.Y5DP4Hrxd-E.facebook. Last access: 28/11/2023.
[17] VII Sez., n. 4282/2023.
[18] Please refer to the following link for more information: https://www.marelibero.eu/
[19] Almost twenty years ago the coastline recovery plan was prepared by the Urban Planning Department of the Municipality of Naples, prescribed by the current landscape plan, an obligation implemented by the general master plan of Naples.
[20] Please refer to the following link for more information: https://buonacausa.org/cause/donnanna. Last access 10 March 2024.
[21] 242/2024 of n. 45/2024 appeal.
[22] The TAR particularly underlined how the Administration cannot justify the adoption of a provision which precludes citizens from enjoying a good connected to an interest of constitutional importance.

[23] Which refers to the measure regarding the closure of Donn'Anna Bay during the winter period and the opening of the access gate exclusively during the establishment's period of activity.
[24] Suffice it to say that on 20 March 2024 – during a monothematic session organised by the City Council – a bottom-up motion was presented by the Comitato Mare Libero, Gratuito e Pulito Napoli with the aim of having the administration make serious commitments to return the sea and the beaches of the entire coast to the citizens, in view of the new bathing season.
[25] For more details see the articles by Alberto Lucarelli in La Repubblica, Naples "Posillipo, la spiaggia vietata di Donn'Anna" 5 December 2022 or "Bagno Elena quel cancello chiuso" 11 November 2023.
[26] This is also proven by the presence of the Neapolitan collective in the Mare Libero National Coordination.
[27] Reference is made for example to Gaiola and the Monache beach which present similar situations.
[28] no. 242/2024 of appeal no. 45/2024.
[29] From the article by Alberto Lucarelli in La Repubblica, Naples "Mare pubblico è caduto il cancello sui diritti", 18 July 2023.
[30] Interview extract with Pino, an 82-year-old pensioner living in San Giovanni a Teduccio.

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