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The commonification of the public under new municipalism: commons-state institutions in Naples and Barcelona

Abstract
The transformation of local state institutions by way of the paradigm of the common – the creation of commons-state institutions – has become one of the strategies of new municipalist practices. It is an attempt to overcome two crises: the crises of both the privatised and the bureaucratic state forms. It aims to take back the production and distribution of the “public” by the state, and to democratise this process. The article analyses the discursive use and material implementation of the paradigm of the common in the transformation of local state institutions, and how contested meanings attributed to it by different actors may influence the definition of commons-state institutions. It analyses two new municipalist contexts, Naples and Barcelona, and examines the common-inspired transformation of their local public services: water services and sociocultural facilities respectively. It argues that commons-state institutions are negotiated institutional configurations that emerge from the synthesis of the situated and experimental interpretation of the paradigm of the common shared by (different segments of) state and civil society actors, and whose governance needs to be adequately and openly codified to make them robust and enduring.

Keywords
local state, public services, public-common, radical democracy, remunicipalisation, Patrimoni Ciutadà

Introduction
Over the last few years, new municipalism has emerged as a series of urban-rooted, leftist political practices that aim to challenge neoliberal austerity regimes. New
Municipalism’s proponents see the municipal government as a strategic “entry point” for developing emancipatory politics (Russell, 2019). According to them, new municipalist practices are not based exclusively on a local state’s progressive political action, but on situated strategies carried out by both social movement and state actors (Blanco and Gomà, 2016), working in a conflictual/collaborative tension to change the production and reproduction of urban life and beyond, according to feminist, eco-socialist and egalitarian ideals (Thompson, 2020). This implies developing a continuum of actions, ranging from the construction of an autonomous counterpower to using local state apparatus for emancipatory purposes. In this way, new municipalism aims to pluralise local political action by overcoming state-centred party politics (Thompson, 2020), and to radically democratise urban governance (Russell, 2019).

One political strategy that can inspire new municipalist practices is based on the paradigm of the common (Russell, 2019; Thompson, 2020);1 this implies creating a greater role for autonomous civil society in urban decision-making spaces and in the ownership and/or management of resources and services, by creating “institutions of the common” (Hardt and Negri, 2009; Dardot and Laval, 2015). Institutions of the common reflect the autonomous/institutional continuum of new municipalist strategies: the term implies the creation of autonomous citizen-led institutions, such as sociocultural centres and work co-operatives – i.e. commons institutions (Hardt and Negri, 2009); it also implies transforming local state institutions through radical democratic principles, such

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1 I make a distinction between the “common” and the “commons”. The common is a political project to overcome the neoliberal capitalism paradigm based on the state and the market. The commons are self-governing practices that build institutional alternatives to those of the state and the market. In this article I use the commons when I refer to autonomous institutions, and use the common when I refer to wide-ranging emancipatory transformations across the autonomous/state continuum that include sets of political actions, including the creation of both autonomous and radically democratic state institutions.
as establishing public utility companies with participatory governance structures, or public services that are managed by community-based non-profits – commons-state institutions (Dardot and Laval, 2015). These institutions of the common, by breaking with the twentieth-century market/state binomial, allow new municipalism to expand civil society’s counterpower, and to redistribute decision-making power.

This paper aims to delve into the common-inspired transformation of local state institutions, showing how this can be considered the strategic response of new municipalist practices to the crisis of the production of the “public” through privatised state forms, while also offering an alternative to bureaucratic forms. Here, the public is understood in its economic dimension, i.e. as the production and distribution of goods and services crucial for people’s everyday existence, carried out outside profit-making logics. Over recent decades, the production and distribution of the public through privatised state forms – i.e. state-market or market-like state institutions – has been severely criticised by progressive political actors and thinkers (Mazzucato, 2013; Cordelli, 2020). However, neither is a return to the bureaucratic state form seen as a viable alternative, since it centralises decision-making power by putting it exclusively in the hands of the state apparatus (Mattei, 2011). In this context of both private and bureaucratic state forms suffering a crisis, the paradigm of the common represents a state imaginary that seeks to overcome both of them.

Currently, the paradigm of the common has been mobilised by some new municipalist theorists to remap the local state into a more democratic state project (Blanco and Gomà, 2016; Subirats, 2016); it has been used unevenly in European new municipalist
contexts to transform local state institutions, albeit discontinuously within the same municipal state apparatus: public programmes that favour the self-government of public sociocultural facilities have proliferated in European cities, such as Barcelona, Bologna and Ghent (Bauwens and Niaros, 2017), and local public services, especially those that have been recently remunicipalised, are increasingly adopting participatory governance structures, such as the water services in Paris and Naples (Kishimoto, Gendall and Olivier, 2015). The creation of commons-state institutions under new municipalism is far from transforming the local state: the process of institutional change is likely to be much slower than the change affecting the ideas that are informing policy (Hay, 1999). Thus, what I am analysing is an emergent phenomenon that must be placed in the realm of potential rather than pervasive local state transformation.

Theorists studying the common and new municipalism have produced an important body of work on how the paradigm of the common can influence the design of commons-state institutions (Blanco and Gomà, 2016; Subirats, 2016). However, there is little empirical research focusing on its implementation in the urban context, and especially regarding how the contested meanings attributed to it by different urban actors may shape such institutions differentially. This article shows the discursive use and material implementation of the paradigm of the common in two new municipalist contexts, Naples and Barcelona, and analyses how urban actors may diverge about how it is interpreted and operationalised. It begins by tracing the evolution of state forms, from the bureaucratic state form to the privatised form. It presents the theory of the common and how this has been taken up by new municipalist scholars. It makes a comparative analysis of the common-inspired transformation of two local public
services in Naples and Barcelona, water services and sociocultural facilities respectively, during the mandate of new municipalist administrations. It concludes by emphasising the negotiated nature of commons-state institutions and by proposing a strategy to make them robust and enduring.

From the bureaucratic to the privatised state form

In Europe, for most of the last century, the public implied the state and vice versa (Rugge, 2019). This identification was the result of the mid-1800s crisis of liberalism, when socioeconomic imbalances caused by industrialisation led to the decline of free market ideology among the ruling classes. Gradually, the idea that the state should provide basic goods and services gained traction. From the end of the 19th century, the state began to take on responsibility for provision in market-dominated sectors – producing bread, electricity, collective transport and streetlights (Wollmann, 2016) – and in sectors that had been dominated by charitable/religious bodies – providing health care, social insurance and pensions (Ashford, 1986). Initially, this approach was not a coherent project carried out intentionally by all state bodies, but a set of varying practices carried out by different government institutions, in which a pioneering role was played by local authorities through the development of municipal socialism.

Municipal socialism refers to the period from 1880 until the Second World War, when local governments in Europe began producing basic goods and services and creating fledgling welfare institutions. It can be linked to a progressive diffusion of socialist ideas that saw the local scale as a privileged terrain for implementing socialist postulates. However, its development was also linked to the abovementioned paradigm
change in administrative practices (Rugge, 1986). The municipalisation of the production and distribution of goods and services and the development of local welfare institutions were carried out throughout Europe by socialist, liberal and radical local governments. The tendency was for municipalities to take on the production and distribution of public utilities, such as water and electricity, and of essential goods, such as pharmaceuticals and food; they also provided basic social services, such as medical and financial assistance to women in childbirth, and basic schooling (Dogliani, 1992).

In the post-war period, this shift – the state beginning to take on the production and distribution of the public – became a more coordinated state project, in which national governments acquired a hegemonic role (Brenner, 2004). Albeit with profound differences in each national context, and despite some local governments continuing to play a role, public utilities such as gas, electricity and telecommunications were nationalised, as well as some essential social services such as health, education and pensions (Wollmann, 2016). These activities were carried out by nation-state bodies and enterprises. This moment enshrines what Laval and Dardot (2015, p. 36) call the statalisation of the public: the moment in Western history when the state became the main possessor of the monopoly of the production and distribution of the public. This process involved the construction of state institutions that were characterised by Weberian bureaucratic structures: the bureaucratic state form with its centralised geometry of power, and the state as the primary decision-making body.

The statalisation of the public began to be reversed from the 1970s onwards, when the idea that the market was better equipped than the state to face complex societal
challenges became pervasive among political-economic elites. Thus, with the support of state laws, a variety of policies were implemented according to each national context (Lorrain and Stoker, 1997): some assets were sold; other services were outsourced; others remained state-owned but were transformed into joint-stock companies; and some firms remained state-owned but began to operate using business-oriented values, norms and procedures (Lorrain, 1997). This moment enshrines the privatisation of the public, i.e. when the market began to contest, with different degrees of success, the state’s monopoly of the production and distribution of the public (Dardot and Laval, 2015). Except in the case of selling off assets, this process led to the creation of hybrid market-state institutions – the privatised state form – characterised by a mode of operation that was based on competition, performance evaluation, and an uneven geometry of power, with decision-making being dispersed unclearly among state and market actors.

The legacy of the privatisation of the public still characterises the current European institutional landscape. However, the postulates on which it rests are increasingly being questioned by social movements, progressive political parties and thinkers. They have unveiled the inefficiency of the privatised state form that, twisted towards profit-making logics, is unable to provide essential goods and services efficiently (Mazzucato, 2013), and have underlined its illegitimate nature (Cordelli, 2020). Campaigns for the remunicipalisation of basic goods and services have multiplied from the 2000s onwards, as have remunicipalisation actions (Cumbers, 2012). However, many of these demands do not call for a simple return to the bureaucratic state form that leaves decision-making in the hands of the state, but for the creation of a new form, one that allows civil society
to control the production and distribution of the public (Mattei, 2011). Some state projects being developed by progressive thinkers to achieve this objective are based on the paradigm of the common.

**The common under new municipalism**

Over the last decade, the common has been mobilised by leftist political theorists as a paradigm for bolstering emancipation by overcoming the market-state dichotomy. It is predominantly the object of theoretical work carried out by two distinct schools of Marxist thought, that of Hardt and Negri (2009), and that of Laval and Dardot (2015). These authors were the first to refer to the notion of common. However, their work emerges from decades of academics and practitioners speculating on the notion of commons. In Marxist literature, the commons are self-governing practices – based on use value, direct democracy and reciprocity – that represent a means of defining a path to emancipation from capitalism (De Angelis, 2017; Federici, 2018; Mattei, 2011). These Marxist scholars explore the commons both as fully alternative practices to the state and the market that have led to the creation of commons institutions, such as sociocultural centres and work co-operatives (De Angelis, 2017; Federici, 2018), and as practices radically democratising public institutions, that have led to the creation of commons-state institutions, such as the remunicipalised water service in Naples (Mattei, 2011; Lucarelli, 2011). What Hardt and Negri, and Laval and Dardot do is to build on these theorisations to transform the means – the commons – into a coherent political project: the common (Bianchi, 2018b). However, their differing schools of thought lead them to diverge considerably regarding the meaning of the common, its operationalisation, and the role of the state in the political project.
Hardt and Negri (2009), expanding on the theorisation of commons scholars such as De Angelis (2017) and Federici (2018) claim that the state must be overthrown and replaced by creating new commons institutions; Laval and Dardot (2015) adopt a more ambiguous approach towards the state (de Jongh, 2020). They share Hardt and Negri’s will to create commons institutions, but they also believe that it is possible to radically transform existing state institutions, creating commons-state institutions according to the theoretical and empirical work of commons scholars such as Mattei (2011) and Lucarelli (2011). Both theorisations are valuable for feeding the autonomous/institutional continuum of the strategies used by new municipalist practices. However, since our analysis is about the transformation of local state institutions, we will focus on Laval and Dardot’s approach.

According to these scholars, the common is an overarching principle that can regulate different aspects of society, including the state. They maintain that applying the principle of the common means giving a prominent role back to the state in the production and distribution of the public, but radically democratising the current state form by following two principles: self-government and non-appropriability. The principle of self-government means allowing self-governing civil society to directly produce and distribute, and primarily hold the decision-making power regarding the public. The principle of non-appropriability\(^2\) means that when the public cannot be directly produced and distributed by self-governing civil society, but is produced and

\(^2\) Non-appropriability is defined by the two French scholars as the principle that places a good outside the state/private ownership sphere, so that all those who use the good co-produce the rules that govern it.
distributed by state institutions, mechanisms must be put in place to prevent decision-making on the public resting exclusively in the hands of the state. The application of these two principles allows for the creation of hybrid commons-state institutions – the *commonified* state form – characterised by a mode of operation based on cooperation, qualitative evaluation, societal outputs, and by a participatory-based geometry of power, where decision-making is transparently allocated to both state and civil society actors. This process of transforming local state institutions has been called the *commonification of the public* (Méndez de Andés, Hamou and Aparicio, 2021).

The new municipalist theorists who see the state as an important site of struggle have taken up the French scholars’ theoretical developments to make the common a distinctive feature of their political project (Blanco and Gomà, 2016; Subirats, 2016). Blanco and Gomà (2016) argue that new municipalism differs from past municipalist experiences since it develops new common-inspired institutions that articulate spaces of representative democracy with those of direct democracy. Subirats (2016) sees the common as having a key role in this articulation, as it can help build a more democratic public than its state-centred counterpart. The theorists analyse examples of commons-state institutions in Catalonia, such as local schools that combine the state educational programme with community proposals (Blanco and Gomà, 2016). Some of these commons-state institutions have emerged over the last few decades, illustrating how their creation has pre-empted the development of new municipalist practices. However, Blanco and Gomà (2016) sustain that whereas previously these institutions had been considered exceptions to bureaucratic or privatised state forms,
new municipalist practices now offer an opportunity to transform them into something truly consolidated.

**Methodology**

This research analyses the construction of commons-state institutions in two new municipalist contexts: Barcelona and Naples. These contexts were considered paradigmatic, since the notion of common/s has permeated the discourse and practice of both new municipalist candidacies that won local elections in 2011 and 2015 respectively, and of social movement organisations. Both coalitions’ electoral programmes, drafted jointly with social movements (Barcelona en Comú, 2016), have made references to the enhancement of common/s management of urban services and facilities, and both coalitions’ political actions have translated this discourse into practice. They have both promoted the self-government of local sociocultural facilities (Micciarelli, 2017; Bianchi, 2018a), and have both created participatory public utility companies (Mattei, 2011; Angel, 2021). In both cases, these institutional innovations were supported by social movement organisations, which underlined the concept of common/s. In both Naples and Barcelona, the formal cession of sociocultural facilities to community organisations took place thanks to a push made by the organisations that were already managing them. They demanded this management be formalised under the concept of common/s (Kiopkiolis, 2021; Pera and Bianchi, 2022). In both Naples and Barcelona, the remunicipalisation of (or attempt to remunicipalise) local public services, such as the water service, found support in local movements that were already

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3 In public/political discourse, the concepts of common/commons are used interchangeably and without referring exclusively to one theoretical source.
demanding it by spreading the idea that *water is a commons* (Mattei, 2011; Serrano et al, 2012).

In other words, Naples and Barcelona are two paradigmatic cases of the discursive use and material implementation of the paradigm of common. Because of this, they are used in this research to comparatively explore the design of commons-state institutions, and to examine how the different meanings attributed to this paradigm by urban actors have affected its design. In the following section, we delve into the above-mentioned issues by analysing the common-inspired transformation of two local public services: the water service in Naples and sociocultural facilities in Barcelona. Our criteria for selecting the cases were: i) to look at how commons-state institutions have been operationalised in two different but paradigmatic new municipalist contexts; ii) to understand how the paradigm of the common can guide the creation of commons-state institutions in different policy fields and at different scales. The analysis adopts a qualitative method that combines a deductive approach with an inductive one: it uses the common to identify local state institutions that have been transformed by it; and it uses the common to explore the different meanings that are given to it, and how these influence the design of commons-state institutions. The article analyses two types of evidence: documents (reports, policy documents, press releases and websites) and 15 in-depth interviews with public officials, activists, consultants and academics, conducted in Naples and Barcelona between October 2020 and March 2021.

**New municipalist candidacies in Naples and Barcelona**
New municipalist candidacies, such as those in Naples and Barcelona, are place-specific. They emerged from different crises produced by neoliberal capitalism, the most visible in Naples being the decades-long “waste emergency”, which saw one of its worst moments in 2011, with discredited traditional political parties seen to be responsible for it; the most visible crisis in Barcelona was linked to the “housing emergency” that developed along with the 2007/8 financial crisis and led people to question the city’s urban development, something that had been promoted by all the previous social-democratic parties. These candidacies had very different leaderships. The mayor of Naples, Luigi de Magistris, was a former prosecutor who had been active in anti-corruption investigations and had started his political career in an anti-corruption political party (Italy of Value), later founding his own party, Democracy and Autonomy (DEMA) in 2015, and running successfully for a second mandate; while the mayor of Barcelona, Ada Colau, had been the former spokeswoman of the anti-eviction movement, leaving it to co-found the Barcelona en Comú platform (BComú) in 2014, together with activists and established political parties. The two candidacies emerged in relation to different nationwide political mobilisations. The one in Naples was linked to the mobilisations for the 2011 Referendum against the privatisation of local public services, while the candidacy in Barcelona was linked to the 2011 urban uprising (15M movement) and the mobilisations called by the anti-eviction movement. The two candidacies were based on different articulations between social movement organisations and political representatives. In Naples this was a relatively less integrated relationship (the movements are not part of DEMA, but support it from the outside). In Barcelona the articulation was based on a more integrated relationship (some activists from the movements are part of BComú while other activists also support it from the
outside). Thus, Naples and Barcelona have different new municipalist candidacies that, however, share several goals, such as the definition of an alternative to the neoliberal austerity politics, the use of the local scale to counter neoliberal policy at the national and European level, and the use of the paradigm of the common for transforming local state institutions.

**Naples and the *ABC* water service**

In Italy, from the early 1900s, most water services had been provided by municipal public companies governed by public law, the *municipalizzate*, later called *Aziende Speciali* (AS). From the 1990s onwards, the logic of privatisation made headway among the political and economic elites, and a series of legislative interventions initially began to favour, and then impose, the privatisation of local public services (Marotta, 2016). This led to the transformation of the bureaucratic form into the privatised state form as the result of one main process: the transformation of the AS into joint-stock companies - either with their shares fully owned by the municipality, or with stock also available to private investors. This is what happened in Naples when, in 2011, *ARIN* (*Azienda Risorse Idriche di Napoli*) AS was transformed into *ARIN SpA*, fully owned by the City Council.

An attempt to impose further privatisation came with the Ronchi Decree in 2008, that contemplated either the outsourcing of local public services to private companies or to public-private companies, and limiting the use of publicly-owned SpA enterprises to “exceptional situations that do not allow a recourse to the market” (Quarta, 2016). This decree met with the opposition of the Italian Forum of Water Movements, which was a
meta-organisation composed of local water committees that were already active in local water service struggles, including the ones in Naples. Between 2010 and 2011, the Forum triggered a nationwide mobilisation to defend the public management of water under the motto “Water as a Commons”; this led to a citizens’ initiative referendum, held in June 2011, when a majority of Italians voted to overturn the decree.

The Referendum’s result legitimised de Magistris’s actions in Naples. Inspired by the referendum campaign, the concept of the commons entered his political vocabulary and characterised his electoral campaign. In his proposals, under the heading of “Water and the commons” we can read the following:

“(we need to) abandon the use of corporations for water management (...). Ensuring shared governance of commons (...), through the use of deliberative democracy instruments.” (Partito del Sud, 2011)

Once he had been elected mayor, in early June 2011, he decided to put these words into action. On 16 June 2011, the City Council gave its mandate to transform ARIN SpA into ABC (Acqua Bene Comune) Napoli AS, re-establishing public ownership. To carry out this process, de Magistris appointed Ugo Mattei, a lawyer and commons scholar who was also involved in the Italian water movement, first as vice-president and then as president of ARIN. The transformation became effective on 20 February 2013 when ABC was registered as a company in the Commercial Register. In this way, Naples became the first and only major Italian city to implement the will of the 2011 Referendum.
The governance of *ABC* was inspired by Mattei’s conceptualisation, in line with the non-appropriability principle of Laval and Dardot (Mattei, 2011). *ABC*'s statute states that the company aims to “enhance the nature of water as a commons” through management that ensures a “circularity between the instruments of representative and participatory democracy” (*ABC*, no date). Thus, a Supervisory Committee (SC) was created. It was to be composed of twenty-one members, five of whom were to be appointed by the City Council from among its members, along with five *ABC* employees, five representatives from users, and five representatives from the environmental community – drawn from among the associations enrolled in the National Register of Environmental Associations. The SC, chaired by the new Councillor for the Commons, was to have the functions of “consultation, control, information, listening, and debate” concerning the management of the water service (*ABC*, no date).

However, the SC never became operational. Naples water committees – informal groups of activists involved in the Referendum struggle – clashed with Mattei in their interpretation of the shape their participation should take. According to these groups, the participatory body should have included them. However, if representatives of the environmental community were only to be selected among the associations enrolled in the National Register, it was not sure that they would be able to participate. As one activist from the Naples water committees put it:
“Ugo’s was a theoretical proposal but it didn’t work for us. What we wanted to do was to create a participatory management structure that represented the citizens and gave a political direction (to the ABC).” (Interview, activist)

A series of misunderstandings between Mattei and the mayor led Mattei to be removed in October 2014. He was replaced by Maurizio Montalto, a lawyer who had close links to some parts of the local water committees. During this period, another participatory governance structure was created, more in line with the local committees’ interpretation. In April 2016, a resolution of the ABC Board established the Civic Council (CC). This consisted of an Assembly, open to all stakeholders, that could send some delegates to the Board. The procedures of the participatory processes (information sharing, inviting delegates, decision-making), however, were not established, and were left to the President’s discretion. As Montalto had a relatively good relationship with the moderate faction of the committees, he regularly informed the Assembly about the issues regarding ABC’s management (price increases, awareness campaigns, etc.), and invited the CC’s delegates to all meetings of the Board, which was composed of five members including the President appointed by the mayor. Board decisions were also agreed upon by the CC’s delegates. According to one activist, this system succeeded in “bringing the political perspective of the movements into the company, combining political and managerial aspects”. Some of the achievements of this system were: i) the investments made in the water network in the city’s peripheral areas; and ii) the supply of public water by way of water fountains to Roma and Sinti camps.
However, this governance structure did not last either. The mayor, apparently because of disagreements with the Board, but according to some activists because of the excessively politicised management of ABC, revoked and replaced the Board in September 2016 with a Commissioner to manage it, appointing first a lawyer, Marina Paparo, and then Sergio D’Angelo (August 2017). During Paparo’s mandate, the CC’s activity slowed, since CC members were not adequately informed nor delegates regularly invited to participate in the Commissioner’s decisions. Under Commissioner Sergio D’Angelo, in 2018, the CC was relaunched. However, as procedures had not been established for participatory processes, things ran less smoothly than in Montalto’s presidency. Meetings between the delegates and the Commissioner were only called occasionally, depending on the needs expressed by the CC. Thus, in this case, the CC could not exercise the same influence on ABC’s management, since its delegates were not involved in all company decisions; however, they were consulted in relation to certain issues that the CC chose to discuss with the Commissioner. This participatory governance structure was seen by some of the more radical members of the CC as not a “true form of participation” but as “institutionalised management of participation” as it did not allow them to influence the management of ABC politically. Because of this, many of them decided to withdraw from it. This participatory governance structure is the one currently in force. It will be interesting to see whether it changes again, and if so, how, since Alessandra Sardu, the former Transparency Commissioner of the de Magistris government, was made president of ABC in June 2021.

To summarise, in the case of ABC, the common-inspired transformation of local water services pushed by new municipalist administration gave rise to different participatory
governance structures. These were the synthesis of the interpretations of participation shared by local movements and the Board. In the first case, the SC put Mattei’s theories into practice without, however, considering the perspective of local movements. Because of this, it never became operational, since they were not happy with the composition of the participatory body. In the second case, the CC was the synthesis of interpretations shared between President Montalto and the more radical fringes of the local water committees, according to which the latter could directly influence how ABC was managed; and, in the last case, it was the synthesis of interpretations shared by the Commissioner and the more moderate fringes of the local water committees, according to which the latter could maintain dialogue with the former, but only in relation to certain issues. Each of these structures shows the multiple configurations that common-state institutions can adopt. However, they also show how such configurations can be at the mercy of changing relationships between these actors if certain aspects (in this case, the procedures for participation) are not adequately codified.

**Barcelona and the *Patrimoni Ciutadà***

At the beginning of the 20th century in Barcelona, sociocultural facilities were provided by self-organised citizens: the so-called *Ateneus Populars* (working-class cultural centres). During the Franco regime, *Ateneus* were banned; when it ended, Barcelona’s citizens again demanded the establishment of self-governing sociocultural facilities. However, in line with the administrative culture of the time, in 1982, Barcelona City Council created the *Centres Cívics* (Civic Centres), a city-wide network of 52 publicly-owned sociocultural facilities.
However, this did not end the citizens’ demands to self-manage the facilities. Some of these claims gave rise to an alternative management structure within the network of *Centres Cívics: Gestió Cívica* (Civic Management), a type of management model that began to be developed in the 1990s, with non-profit community-based organisations being entrusted with the management of *Centres Cívics* and provided with financial compensation. Although it has grown over time, this model has always been considered an exception: in 1998, only 5% of *Centres Cívics* were under *Gestió Cívica* and, in 2015, 15% of them. Furthermore, the *Gestió Cívica* was not backed up by an adequate legal framework. If community-based organisations had had to take part in public tenders, which prioritise criteria such as cost-effectiveness, they would never have been successful. Thus, the contract for managing a facility and its renewal were often ad hoc agreements based on the political will of the public official in charge.

To remedy this situation, several community-based organisations joined forces in 2011 to form the *Plataforma de Gestió Ciutadana* (Platform for Citizen Management), to demand clearer rules to govern *Gestió Cívica*. This led to the City Council defining a normative framework for *Gestió Cívica* in 2015. According to it, *Gestió Cívica* is the indirect management of the City’s sociocultural facilities, carried out by non-profit organisations by way of citizen participation. Therefore, at the legal level, it is not regulated by the Public Sector Procurement Law, but by the Barcelona Municipal Charter (1998). At the tendering level, this implies that the call for tenders is open only to non-profit community-based organisations that have links with the area in question.

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However, since the decision to designate a Centre Civic for Gestió Cívica is often the outcome of the demands of residents’ organisations, most of them are directly assigned by the City Council without any call for tenders. Moreover, the renewal of the management contract is based principally on a quantitative assessment and left to the discretion of the public official in charge.

As part of the City Council’s sociocultural facilities network, the Centre Cívics under Gestió Cívica need to be accountable to the City Council, which limits their self-governing capacity (Pera and Bianchi, 2022). This explains why not all demands for self-government can be channelled into this model. In Barcelona, many citizen-led sociocultural projects were leased a council-owned property to develop their projects without being included in the City Council’s network, and thus remained more independent from the City Council. The survival of these self-managed sociocultural spaces was precarious: they had no clear rules establishing common criteria for the conditions, timing, and renewal of the lease of the property, and were at the mercy of the public official in charge of it. Thus, from 2016 they formed the Xarxa d’Espais Comunitaris (Network of Community Spaces), demanding legal recognition from the City Council, since they considered themselves to be offering a public service but did not want to be incorporated into the network of Centres Cívics. As a member of one of the Xarxa d’Espais Comunitaris explains:

“ (Our centre) is not a municipal facility. It is a public facility that is one hundred percent self-managed by the residents (...). What the administration cedes is the space and what happens inside is the concern of residents.” (Interview, activist)
In other words, these self-managed sociocultural spaces had a different interpretation of self-government to that of Gestió Cívica. They defined this interpretation as Gestió Comunitària (community management), i.e. a “management form based on autonomy and self-government” (Font, Ojeda and Urbano, 2015). They demanded the City Council to legally clarify the conditions and timing of the property lease and the management agreement renewal. This was aimed to help strengthen and protect their sociocultural projects from adverse political circumstances.

This claim was taken up by the BComú government, which, during its first electoral campaign, included the possibility of facilitating this type of management in its programme. The point that discusses “Supporting new forms of common management” indicates a will:

“To promote specific administrative, legal and economic actions that facilitate and strengthen the role of social actors, organisations and collectives in public-community management, to ensure the democratisation of decisions on the city’s commons.”

(Barcelona En Comú, 2015)

Once in government, BComú went ahead with this project. It commissioned Hidra Cooperativa, a critical consultancy cooperative, to study a legal framework that could support Gestió Comunitària (Castro, Fresnillo and Moreno, 2016). This study led the Department of Participation and Territory to lay out the basis of a new programme called “Patrimoni Ciutadà d’ús i gestió comunitàries” (Citizens’ assets managed and...
used by the community). This defined a regulatory framework both for transferring the management of the City Council’s facilities to community-based organisations (Gestió Cívica) and for leasing public assets where residents could autonomously define their own projects (Gestió Comunitària). The name of the programme stemmed from the idea that “what is public (a municipal asset) can become a common (citizens’ asset)” (Castro and Forné, 2021). The programme was presented to Barcelona residents on 17 November 2017, during an open day that, in addition to illustrating the main features of the programme, also allowed citizens to participate in discussing aspects that had not yet been sufficiently defined.

The programme involves the creation of a new institutional structure called Taula del Patrimoni Ciutadà (Citizen Asset Board) that centralises petitions regarding the management of facilities and transfer of assets through a decision-making mechanism that is run jointly by representatives from different areas of the City’s administration. They grant facilities/assets to community-based organisations according to a set of criteria, such as the project’s general interest and its social return, among others. Once facilities/assets have been assigned, a collaboration agreement between the City Council and the community-based organisation is drawn up which sets out the conditions of the lease. Evaluation is carried out through the Balanç Comunitari (Community balance), which is a qualitative-based evaluation tool drawn up by the same community-based organisations to self-evaluate their use and management. The programme also envisages the creation of a Catàleg del Patrimoni Ciutadà (Catalogue of Citizen Assets): a public digital catalogue that publishes transfers of facilities and assets and their conditions. Finally, the programme is overseen by an Espai de governança participada
(Participatory Governance Space – from now on, *Espai*), where state and citizen actors can monitor the development of the programme.

Currently, the programme is still in its infancy. The *Taula del Patrimoni Ciutadà* has been created and the allocation process is active. The *Balanc Comunitari* has been tested this year by some sociocultural projects. However, the *Catàleg del Patrimoni Ciutadà* has not yet been finalised and the *Espai* has not yet been defined. This *Espai* is one of the most interesting elements of the programme, as it ensures that the self-government process is supervised by a participatory governance structure. However, one of the reasons it is not yet operational is the difficulty in defining it. As stated in the report of the event in which it was debated, citizens had diverging perspectives regarding how this *Espai* should be articulated (Ajuntament de Barcelona, 2017). Some suggested that it should be an open and binding assembly formed only by community-based organisations, and that it should meet regularly with the *Taula del Patrimoni Ciutadà*. Others proposed that it should be a body composed of state and citizen actors, otherwise it would only have an observational function. Although these questions have not yet been resolved, the City Council intends to make the *Espai* operational at some point in 2022.

To summarise, in the case of Barcelona, the paradigm of the common had already been used for managing City Council sociocultural facilities, by allowing civil society to self-govern by way of *Gestió Cívica*. However, social movements’ interpretations of self-government transcended the *Gestió Cívica* framework. The movements demanded that the City Council recognise and give a legal framework to existing self-managed spaces
that provided sociocultural services but were not part of the City Council’s network of Centres Cívics. The call for recognition and a legal framework aimed to put an end to the precariousness of these spaces, whose stability was often dependent on changing political circumstances. The recognition and codification of the multiple existing interpretations of self-government was achieved through the Patrimoni Ciutadà programme. The peculiarity of this programme is that it applies both the principle of self-government and that of non-appropriability, creating a participatory governance structure for the self-government process. Nevertheless, this governance structure is still to be established, due to the different interpretations that local movements claim regarding its composition, functions and procedures.

Conclusion

For some new municipalist practices, the creation of institutions based on the paradigm of the common – commons institutions and commons-state institutions – is becoming a strategy for moving beyond the twentieth-century market/state binomial, and implementing the autonomous/institutional continuum of the new municipalist practices. This article has focused on commons-state institutions. These institutions aim to take back the production and distribution of the public by the state, but also to radically democratise this production and distribution through the principle of self-government and non-appropriability. It has analysed commons-state institutions in two new municipalist contexts, Naples and Barcelona, and how the contested meanings attributed to the paradigm of the common by urban actors have influenced their design.
Both Naples and Barcelona are valuable examples of commons-state institutions under new municipalism. The Naples water service shows how the paradigm of the common – by way of the principle of non-appropriability – inspired the transformation of a large-scale public service through a participatory governance structure. The case of Barcelona’s sociocultural facilities shows how the paradigm of the common – by way of the principle of self-government and non-appropriability – has inspired the proliferation and consolidation of community-based organisations that self-govern sociocultural spaces; it also shows the creation of a participatory governance structure that is intended to oversee each self-governing process. The two cases show how local state institutions can be transformed to allow social movement organisations to directly produce and distribute the public while the means of production remains state-owned, and to formally gain decision-making power over it, while sharing it with state actors. In other words, commons-state institutions translate into an alternative institutional configuration that is typical of new municipalist practices, one that re-articulates social movements and state actors. However, these cases also show how the common is not a paradigm that can inspire this kind of transformation in a universal manner.

Commons-state institutions depend on the synthesis of interpretations given to self-government and non-appropriability mainly by (different segments of) civil society and state actors. In short, they are negotiated institutional configurations. The case of the Naples ABC shows how the synthesis of interpretations of non-appropriability between the ABC Board and local water movements gave form to three distinctive participatory governance structures that differed in their compositions, functions and procedures. In the case of Barcelona’s sociocultural facilities, the different interpretations given to self-
government by the various groups of organised civil society led to the creation of the Patrimoni Ciutadà programme, which represents the synthesis of the interpretations made by civil society and by the City Council. The configuration of the participatory governance structure of the Patrimoni Ciutadà suffers from the current lack of synthesis of interpretations about the participatory body that, for this reason, is still on hold. As state theorists have amply shown, state institutions are the result of the existing balance of forces between the actors that gravitate around them (Jessop, 2015). This is especially true for commons-state institutions the configuration of which reflects their openness to civil society and the balance of forces such openness generates. This is a strength, but can also be a weakness for these institutions.

Commons-state institutional configurations might in fact run the risk of being vulnerable if their governance is not adequately codified. The case of the governance of ABC is paradigmatic evidence of this: it shows precisely how the lack of codification of some crucial aspects of the participatory governance structure led the participatory body to be changed easily throughout time. Whereas the Barcelona case shows how the codification of self-governing forms has allowed different sociocultural projects, both the City’s facilities and self-managed spaces, to gain more stability. The codification of the governance of commons-state institutions is of particular importance for new municipalism: it allows these institutions to become consolidated as a democratizing political practice and break free from the changing state/social movements relationship, especially when there are no municipalist candidacies in power. This is a crucial aspect of new municipalist practices which aim to decentre local political action from state and party politics. However, as the two cases examined have shown, winning local elections
can be an opportunity to create commons-state institutions and give them a legal framework that protects them from future electoral cycles.

Certainly, translating state/social movements relationship into institutions and defining the norms that govern them can be risky. The process of rule-making, as upheld by many legal experts, has often been used to support the development of capitalist institutions. However, the same legal experts who understand this risk believe that a counter-hegemonic use of the law is possible (Quarta and Spanó, 2016). This means that the law can be used to favour a political project based on equality and social justice and where new radically democratic institutions can be created. Codifying the governance of commons-state institutions represents an example of making a counter-hegemonic use of the law. This process allows social movement and state actors to work side by side in a conflictual/collaborative tension to co-produce norms and rules for defining new institutional configurations and for governing them. This codification process does not mean establishing closed and unchangeable institutions, but it does mean creating innovative interpretations of the laws to consolidate a new form of radically democratic institution-making whose governance is able to remain open to history, places and conflict (Dardot and Laval, 2015).

To conclude, the cases of Barcelona and Naples show how the paradigm of the common can inspire new municipalist practices in the radical democratisation of local state institutions by creating commons-state institutions. These institutions can enable new municipalist practices, which by their very definition are based on a renewed articulation between state and civil society actors, in a search to consolidate their
political project in an institutional form: the commonified state form. This is why new municipalist practices represent a privileged field of experimentation, where the common-inspired state imagery can be used by new municipalist actors to discursively and materially transform the local state, also beyond the local dimension. The commonified state form allows new municipalist practices to respond to the crisis of the privatised state form and the bureaucratic state form, challenging neoliberal capitalism and highlighting the novelty of their political project with regard to past municipalist experiences, such as municipal socialism.

However, there is no universal way of configuring common-state institutions; rather, there are multiple institutional configurations that emerge from the situated and experimental synthesis of interpretations of the paradigm of the common that are shared by (different segments of) state and civil society actors. The governance of such configurations needs to be adequately and transparently codified for them to become enduring and stable configurations. This codification, which might flourish especially but not exclusively when new municipalist candidacies are in power, may enable new municipalist practices to free their political actions from changing local electoral cycles. It is the task of critical urban scholars to analyse these many configurations and the codification of their governance, to show the strengths and weaknesses of each of them, and feed an empirically-grounded theory of common-inspired local state transformation under new municipalism.

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