Legislating ARCHITECTURE

"I would say a political program is more important than new rules or replacing rules with other rules."

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The architect Gaetano Licata, who once taught architecture at the University of Kassel, is now a professor in the Faculty of Architecture at the University of Palermo, where Isabella Fera is also on the academic staff. In 2014, Licata published the collection *Mafinito*, with editorial assistance by Fera. The book featured essays, projects, and a selection of international artistic, social and architectural featured essays, projects, and a selection of with editorial assistance by Fera. The book 2014, Licata published the collection Isabella Fera is also on the academic staff. In December 2015, Arno Brandlhuber met Isabella Fera in Palermo for a wide-ranging discussion. Afterward, he traveled to the south of Sicily to converse with Gaetano Licata in a building he rebuilt, the Santa Barbara Hospital in Gela.

**Confession, Forgiveness, and Healing: “Condono” and “Sanatoria”**

Isabella Fera in Conversation with Arno Brandlhuber

**AB:** What are we supposed to imagine when we hear the word abusivismo?

**IF:** The idea that comes to mind is a huge quantity of unregu- lated buildings, and of people on the very thin line that divides legal from illegal construction. There’s a fair amount of tolerance for abusivismo—large swathes of the population even sympa- theize with the practice—but there’s also a rising feeling that this behavior becomes a burden for the whole of society, and that such illegal activities should be considered a crime.

**AB:** What role does the family play in this?

**IF:** The family plays a key role in the unfinished buildings, considering they often result from a family’s failed attempts at planning for the future. A family might build a couple of extra floors so the whole family can live in a single building. But the children decide to move away, siblings don’t get along. Or chil- dren don’t share their parent’s vision, so they decide to lead their own lives in other places. Expectations go unrealized, and the buildings come to symbolize that.

**AB:** Could this mean that the mafinito is founded in the idea of the traditional family?

**IF:** In traditional families, you see a tendency to keep every- one in close proximity. But today the opposite is happening. Nowadays even a husband and wife sometimes live in different places. The whole notion of the building as a family nest is a thing of the past.

**AB:** Are there any political solutions for the phenomenon? By bringing up the issue of legality, you’re alluding to two differ- ent legislative attempts to deal with the mafinito.

**IF:** In Reggio Calabria, new laws were passed to address the enormous amount of unfinished family houses. They tried to carry out a survey to assess the extent of the phenomenon and take action on the basis of the survey. In Sardinia, a law was drafted in 2010 to grant 25 million euros toward completing unfinished buildings.

**AB:** In your essay you write that planning is, by definition, a political act.

**IF:** Of course planning is strictly linked to politics. But the topic of abusivismo also comes up during every electoral cam- paign. People want to regularize, to legalize their buildings. They want amnesty for their illegal and unfinished buildings. Some people need permissions, others simply want to build more and the current law won’t allow them to. And then there are people who aren’t allowed to build on their property at all. The attention politicians pay to this phenomenon is often tied to specific promises—and you can see, the mafinito themselves come to symbolize broken promises as well.

**AB:** Who is Cetto La Qualunque?

**IF:** He’s a character played by the Italian comedian Antonio Albanese—a very bad politician who combines all the worst aspects of politicians in southern Italy. He gives speeches onstage, while behind him, in the background, you can always see unfinished buildings. This alludes to the fact that abusivismo owners are really seen as a source of votes for this kind of politician—they promise to legalize those abuses, to eventually give new buildings allowed where it’s currently forbidden.

**AB:** So that’s what the sanatoria act were all about?

**IF:** Pretty much. Sanatoria is a word that describes for violations that have been discovered. For many people, it’s one of the main promises they expect from political campaigns, but the real answer is that such illegal activities should be considered a crime.

**AB:** How could you entirely reshuffle, reinvent the social or communal aspects of the problem?

**IF:** You know, people often see the public realm as their enemy. There’s a lack of space for services, and this relates to a particular form of compensating—people grab and take without asking.

**AB:** I’ve noticed that people here simply throw their rubbish out on the streets—but inside people’s houses, it’s usually very proper, very orderly.

**IF:** Exactly—you’ll see houses that don’t have any plaster on the outside, every window is entirely mismatched, and there’s garbage strewn all across the front yard. But when you walk inside, everything’s very clean, sometimes incredibly ornate. I would say that comes from a sick relationship with the public life, with a state that feels as if it’s foreign, as if it only wants to take from you. Meanwhile, we all just want to live a happy life and do what we want, on our own plot of land.

**BRINGING THE PATIENT BACK TO LIFE: “REANIMATION” AND “AGENCY” IN CONVERSATION WITH ARNO BRANDLHUBER**

Gaetano Licata: When talking about the mafinito phenomenon, Isabella Fera spoke about the need for a new dialogue—like we’re sitting together in a hospital that you’ve rebuilt. Gaetano Licata: That’s just a coincidence. When we first began grappling with this whole phenomenon, I challenged my students to think of the mafinito automatically, to conceive of them as dead people in the Sicilian landscape. Like those students in the medical department, they could perform experi- ments directly on the inanimate bodies: everything is open, visible and measured. But when you are per- forming an autopsy on a mafinito, you have a chance to think about how to overcome death, and bring the patient back to life.

**AB:** Do you look at the sanatoria as a state-sponsored resur- rection technology?

**IF:** Yes, I would say this is the mafinito’s opportunity. It wants to transform illegal buildings into a hospital that you’ve rebuilt. You know, people often see the public realm as their enemy. There’s a lack of space for services, and this relates to a particular form of compensating—people grab and take without asking.

**GL:** You’re right. It’s a cure or a resurrection, or is it more like the selling of an indulgence?

**AB:** In other words, while the state is doling out top-down indulgences, the mafinito phenomenon is underpinned by a false understanding of the public realm: ‘The public realm belongs to everyone, what belongs to everyone belongs to nobody. That means I can take it for myself.’

**IF:** It’s very strategic, and undoubtedly it necessitates a certain degree of advanced planning skills. Unfortunately, it’s a talent mostly being applied toward the wrong goals. Of course, it’s not just a local phenomenon that everyone is trying to achieve the best outcome for themselves—to build the most possible, and earn the most money. In most countries there still a cultural system, and a system of law, that prevents you from circumventing certain boundaries. In Italy, boundaries are sometimes very loose. So there are certain spaces you can go very wrong.

**AB:** How could you entirely reshape, reinvent the social or communal aspects of the problem?

**IF:** You know, people often see the public realm as their enemy. There’s a lack of space for services, and this relates to a particular form of compensating—people grab and take without asking.

**AB:** I’ve noticed that people here simply throw their rubbish out on the streets—but inside people’s houses, it’s usually very proper, very orderly.

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GL: Exactly. People say to themselves: ‘If the state won’t build for us, we’ll build for ourselves.’ A lot of what then results is illegal. And because of the failed building policy, there’s also not enough models of contemporary construction. So not only are the building typologies reduced to a bare minimum—they’re also entirely antiquated. Another realm where the state has failed is spatial planning. When you have municipalities without a land-use plan, you open up gray zones which become fertile soil for maifiniti. A lot of people have no idea who they’re supposed to contact in the bureaucracy when it comes to construction questions. So a lack of planning and a lack of control results in tolerance, which amounts to something like freedom. But to use this latitude, this freedom, productively, we need to distance ourselves from the discussion about the legal and moral status of the maifiniti, and instead start thinking in precise terms about the positive outcomes we can extract from the phenomenon.

AB: I would say there’s a certain creative potential. For example, the light-frame roof canopies in Gela.

GL: Well, it’s true, the residents of Gela have invented an entirely new building type to get around the rules. The new rules that regulate public buildings but not residential ones. These buildings his citizens were constructing, so he decided to take satellite photos of his municipality on a regular basis. Using these, he could spot new construction sites. But the people of Gela were quicker on the uptake—they started building these rooftop canopies to obscure their mayor’s satellite view, in order to set legal aid for their projects.

GL: In a way, you can say the mayor has awakened his community’s inventive spirit.

GL: I don’t think he had that in mind. Since then, this mayor, Rosario Cuccia, has become the president of Sicily and a member of the European Parliament. But he’s never been able to attend a session, because they can’t guarantee the security measures necessary for an openly gay communist who’s declared war on the Mafia. For him, it has always been about catching people red-handed. “If you keep your boat on land, you’ll get money in compensation.” But subsidies also encourage cutting corners, land takings, and in many cases people ultimately manage to build even more, quantitatively speaking. So these specific approaches need to be communicated, but first and foremost, we need to keep the number of new maifiniti low. To provoke people to negotiate, you first have to exert some pressure. Otherwise it all remains blocked.

AB: In a way, though, the maifiniti are the opposite of blocked. They’re perpetually unfinished—a circumstance we know well from our own lives. In this respect, the maifiniti are a perfect reflection of our present-day culture.

GL: It would be exciting to think of buildings for an entire lifetime. Today, the code says ‘Your building permit is valid for three years. If you’re not finished by then, you need a new application.’ But we should have rules that allow buildings to be rethought, to be expanded over longer periods. People often ask me, ‘How many of these Dom-ino houses do you have in Sicily?’ I don’t think the Dom-inos concept is so old-fashioned. It evokes something rather like a block of flats for a single family, featuring a shared entrance and a communal staircase leading up to individual flats on different floors. A symmetrical block of flats was built onto the structure later, its floors at the same height as their adjacent block, thus serving to double the number of people using the same entrance and staircase. But when public stairs were built along the side of the building at a tangent, linking its upper and lower parts, the inhabitants of the second block were given an opportunity to construct their own entryway. Even the owners of their own entrance didn’t want to give way. The project, at the behest of the local government, had to be extended to include the neighbouring flat on the same floor, which was undertaken because a member of the family who had emigrated to Germany was due to return home to Licata. In the end no one came.

GL: So a modern building evolves in Licata, a family’s domestic life works together with a complex vertical arrangement to pay witness to plans that never come to fruition, the emergence of unforeseen circumstances, and continual transformation. The construction of urban spaces, the phenomenon, the whole lot.

AB: You’ve written that the current condition of the buildings is far more important than drawing up new laws.

GL: Look. Entire neighborhoods have been built according to right rules, respecting the蕾. But experiments like this become model behaviors. You can try to see it in a positive light, and get excited to bring these processes back into a regulated sphere, and he declared war on the Mafia. For him, it has always been about catching people red-handed. “If you keep your boat on land, you’ll get money in compensation.” But subsidies also encourage cutting corners, land takings, and in many cases people ultimately manage to build even more, quantitatively speaking. So these specific approaches need to be communicated, but first and foremost, we need to keep the number of new maifiniti low. To provoke people to negotiate, you first have to exert some pressure. Otherwise it all remains blocked.

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Skeleton Garden
AGI CASTELLO, PROVINCE OF CATANIA

On one of Aci Castello’s main streets, there is a maifinito building that, over the years, has been entirely covered by ivy growing in the neighboring garden. As a result, the maifinito’s most unobtrusive aspect, namely its structure, has vanished, transforming into an overhead support for the vegetation while simultaneously giving rise to a vertical garden over several levels. Not only does this structure result in vertical facades, a feature very much in vogue today, but also functions to truly multiply the ground over all the building’s different floors. The fortuitous growth, in addition to softening the stark visual impression typically left by these buildings (especially in dense built environments), also demonstrates how maifinito can undergo a variety of different stages, taking on several different appearances over time with little or no investment needed, thanks to an event as spontaneous as a shoot of ivy. The vegetation can serve to camouflage the nudity of these buildings, which might otherwise be destined to remain bare for years on end. It enables them to change with the seasons, with the different flowers and vegetation, while also remaining temporary—at least until the next transformation arrives sooner or later, or never, part of the reversible condition that is part and parcel of being a maifinito.

Legalizing Reality

Built from Within
RAGUSA, PROVINCE OF RAGUSA

This remarkable maifinito building, practically invisible from the outside, is an unusual example of how these unfinished buildings can fully express one of architecture’s most recurrent themes: the relationship between inside and outside, between contents and shell, between what we see and what we can’t see. After years of abandonment and neglect, an attempt was made to bring this building back to life—an attempt that was made to extend upwards. The original structure dates back to around 1960, when it was built as a production factory for cement flooring in an industrial area of Ragusa that never really got off the ground. After the initial factory shut down and the site was abandoned, a team, apparently working in secret, built another structure over four levels tall inside the old shell, which was otherwise left in its original state. The building was envisionned as a commercial space to store, display, and sell electric appliances. Both stages of the building’s life could be seen at the same time, suspended halfway between initiation and realization—a large ramp was built to provide access for trucks that had to crawl like moles down into the existing building. Did the builders plan, later, to demolish the volume above? Beyond not attracting attention, the construction method also took advantage of the fact that, as a general rule, planning regulations set no limits on underground volume, as long as it doesn’t even exist. Continuing or completing this building today would be a highly complicated process, if anyone actually deemed it worthy of their time. Irrespective of what might or might not be authorized, where would the real value of this building lie? Where does it derive its essential quality—from the new work carved out inside, or the original building on the exterior? Or perhaps, from the space created by the two of them in concert? Are its true elevations those of the old warehouse, or the new hidden interiors which—sooner or later—had the shell ever opened up and exposed them to the world, like a sort of magic trick—would suddenly have become external?

Under the Canopies
GELA, PROVINCE OF CALDANSETTA

The city of Gela, famous for the large number of illegal buildings constructed during its industrial heyday in the 1970s and 1980s, has also been at the forefront of the fight against illegal building practices in recent years. Across this large sphere of southern Sicily, illegal construction would begin on weekends or at night, and once a building began to look even marginally complete (sometimes only the basement building volume sufficed), it became impossible to stop. From that moment on, it was seen as a “violation” that had been committed, and therefore, in accordance with the regularization procedure, it was remediable. To put a stop to the practice, regulators had to intervene immediately, while construction was still underway—to catch violators in the act, so to speak. A factor that obviously served to aggravate the situation was the degree to which authorities tolerated the violations, as well as the total lack of effort they put into filing charges, resulting in the emergence of entire districts where nearly everyone had either committed, or was planning to commit, a violation of their own. Eventually, a system involving satellite photos and image-recognition software was introduced; at regular intervals, the software compared superimposed images of the buildings, automatically signaling any “aberrations” corresponding to an increase in volume or shape. Armed with this evidence, authorities could initiate an inspection; if the work was unauthorized, it could be halted immediately. To get around the system, violators resorted to building a canopy over the flat roof of a building they planned to extend upwards. These canopies would be the same size and shape as the building below, so that when seen from above didn’t change at all—the light-weight structures were temporary in nature and usually made of sheetmetal and galvanized iron rods. Having successfully outrun the system of control, you were then free to close in the space under the canopy as you desired, until you managed to complete an entire extra floor—precisely what the planning office would never have permitted and what the control system was designed to prevent. Although in many cases nothing was ever built beneath the canopies, the landscape today is nevertheless dotted with houses covered in lightweight canopies, which are useless for all intents and purposes, yet nonetheless lie there in wait, ready someday to be activated.
Legalizing Reality

Bridge House
RANDAZZO, PROVINCE OF CATANIA

This special instance of a maifinito, an incomplete viaduct left suspended over a river, has given rise to a very unusual transformation. The owners of the adjacent house decided to take possession of the bridge, in order “to stop cars falling off by mistake.” With considerable inventiveness and flair, they determined that their segment of the viaduct was not only strong enough to hold a vegetable garden—which they created by importing new soil—but also strong enough to extend an incomplete section of their own house. Adopting the attitude often seen in cases of unfinished buildings, namely opting not to submit detailed plans or apply for a building permit, they dealt with the inconvenience of an incomplete piece of infrastructure on their doorstep through a utilitarian and appropriative approach. By the same token, their action has served to rehabilitate an incomplete, useless, and forgotten piece of infrastructure, which otherwise would have fallen into non-use, in actual point of fact, what they’ve occupied is a public road. And as if that weren’t enough, the owners decided to appropriate another small piece of land under the bridge, adding a small extension to the existing house, creating a structure adjacent to the lowest doorway with additional uses.5

An unfinished bridge has illegally been converted into a house with a hanging garden.

Vertical Farm
ALTOFONTE, COMUNE OF PALERMO

In combination, the construction of a high-speed overhead highway (running between Palermo and Sciacca) near the town center and the area’s inaccessible topography have generated an extraordinary example of a hybrid building that combines elements of the town and country. Set behind a conventional three-story building located near the access road, another building towers over five stories plus a basement, clinging to the ridge of Altofonte. The structure is a farm building: it shelters equipment on the ground floor, has space for animals on a lower terrace level, and features a warehouse and storage area in the basement. Yet the upper floors are taken up by apartments, some unfinished, in anticipation of the family’s grown-up members returning someday to live—something that never actually took place. A public road forks down from the access road leading to the town and passes below the building, so that, after the construction of new highway infrastructure and the hybrid apartment-building/farm, it now stands at the center of the original property. The property itself stretches from beyond the access road to under and beyond the Palermo–Sciacca overpass. If we compare the structure to the neighboring buildings that can be seen from the ridge, we see a static arrangement of long “stilts,” supporting what appear to be normal buildings from the road. We can also see how the slope gradient has been put to good use, being gradually plugged in at intervals to produce living spaces and other structures. The building is currently in various stages of completion, ready to receive any alterations the future may have in store. For example, private access could be created for each of the different sub-units, serving to separate the public spaces and the surrounding private structures. One of the building’s strongest features might possibly be its exceptional position within the landscape stretching out before it, with its view across to the Conca d’Oro, Monte Pellegrino, the city of Palermo in the distance, and right down to the sea. All these elements stand ready to hand for designs that aim to complete or transform the site. This building, which may at first sight appear extremely poor and structurally complicated, is actually full of possibilities, idiosyncrasies, and new potential.6

2. Ibid., 54–55, 139.
3. Ibid., 44–45, 137.
4. Ibid., 52–53, 138–139.
5. Ibid., 46–47, 138.
6. Ibid., 42–43, 137.

An empty concrete hillside structure was converted into a vertical farm.
For the 2016 Architecture Biennale, two issues of ARCH+ take different perspectives on the autonomy and agency of architecture:

LEGISLATING ARCHITECTURE, a collaboration with Arno Brandlhuber, investigates how law creates design, as well as the inverse: can design be applied to the pre-architectural realm? A report from architecture’s legislative front.

RELEASE ARCHITECTURE, a collaboration with Christian Kerez, takes off from the spatial intervention in the Swiss Pavilion. How far can we push the boundaries of architectural space? A report from architecture's speculative front.

www.archplus.net
ACKNOWLEDGEMENTS
ARCH+ extends its sincere gratitude to Arno Brandlhuber, Tobias Höning, and their team for collaborating on this publication. We also thank all the authors who responded to our open call. Our heartfelt gratitude also goes out to Peter Strobelt of Siedle for supporting the English translations, as well as to Fredi Fischl and Niels Olsen for organizing the preview of the publication in the exhibition Legislating Architecture Schweiz at GTA/ETH Zurich. We would also like to thank Armen Avanessian, Christian Kerez, Sandra Oehy, Erica Overmeer, Christopher Roth, and Stephan Treby, whose support was crucial in the making of this publication. Finally, we especially thank Alejandro Aravena, curator of La Biennale di Venezia 2016, for inviting Brandlhuber and Christopher Roth to take part at the presentation in the Central Pavilion in the Giardini.

COLLABORATIONS
We would like to thank the Sto Foundation, the Hans Sauer Stiftung, and the ARCH+ Association for their collaboration in the grants program for the advancement of discourse in architecture and urbanism.

ARCH+ features is made possible through the generous support of Siedle (initiative partner), Dornbracht, and Euroboden.

SSS SIEDLE
DORN BRACHT
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ARCHITEKTURKULTEUR

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