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TOWARDS A SPATIAL DIMENSION OF SOCIAL RIGHTS. NEW PROSPECTIVES IN ARCHITECTURE AND LAW STUDIES

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ABSTRACT: Aim of this paper is to investigate places in the city - and buildings that shape it - where social rights embed in.

The paper proposes to enhance the value of spatial dimension of rights in an innovative way for both constitutional law and architecture. Architecture in fact is the presupposition thanks to which human needs linked to social rights become tangible forms.

The paper assumes that the full satisfaction of social rights doesn't depend only on the distribution of single state benefits, but on the social life that happens in places, buildings. Therefore social rights require the existence of social links - as family, school, working environment, social and personal life environment - in which and through which every people becomes a person and express his-self as a person.

Acting an overturning of method the paper puts in evidence the link between social rights and space, but also intends to create a connection between the architectural dimension of spaces and the constitutional dimension of social rights until to arrive to tangible aspect of those rights in terms of physical space.

The originality of this theme is the interdisciplinarity between both architecture and constitutional topic, and sociality as key to interpretation of rights theory and space morphology.

KEYWORDS: social rights; architecture; space; sociality

1. Introduction

This paper focuses on social rights in the field of Law and Architecture studies. More in detail the disciplines involved in this study are Constitutional Right and Architecture Technology.

The former is intended as a discipline studying rules that guarantee freedom and fundamental rights of people, establishing principles, which the whole juridical ordinance draws inspiration from. The latter is intended as a collection of theories, methods, and tools to support the architectural-environmental design.

On one hand they don't have many common elements, however on the other hand to some extent they are so much close that they become indispensable to each other.

We have chosen to merge our disciplines because the subject we are dealing with affects both of them. Then, what is our object of examination? It is the social rights. In this paper we are going to show why this subject involves both Architecture and Law matters.

In fact the idea of this research derives from following questions: is it possible to know social rights without considering the places and the space of life, where people can exercise this kind of rights?

During the research we assume that there is a close relationship between social rights and space. The paper is going to develop this assumption relating to the kind of relation and the way in which the morphological space affects the dynamics of the rights protection.

¹ The paper is a result of a common work, nevertheless paragraphs 2, 4, 5 belong to Erik Longo, and paragraphs 3, 5.1, 6, 7 belong to Nicoletta Setola. Paragraphs 1 and 8 belong indifferently to the two authors.

At first we started asking about what the real nature of social rights and space is, then we focused more deeply on the connection between architecture and social rights, in the end we analyzed the specific case of health right, since we are dealing with health matters in both fields. So the paper starts with a background analysis in our discipline, then it introduces a case study observation, and finally it ends with discussions results and with the conclusion about both our assumption and the advantages of an interdisciplinary work.

Some method remarks: interdisciplinary approach is the common thread of the paper. In our research we felt the need to understand the mutual point of view. Just here our perspectives met because of an attitude that does not look at reality with prejudice, but which observes it. As the Nobel Prize Alexis Carrel states: "A few observations and much reasoning lead to error; many observations and a little reasoning to truth" (Giussani 1997, 3). So in this paper we start from the observation of reality, in order to study the space as a pre-condition for the understanding of social rights.

2. What are social rights?

Since the term 'social rights' is used in the legal field with too different - and sometimes vague - meanings, before going forward we have to identify the field of our researches and try to give a short idea of the meaning we opt for.

We can divide the different legal theories about these rights into two main positions. The first tries to reduce social rights to a sort of benefits provided by the public authorities to weak people. Whilst the second tries to link the meaning of these rights to the sociality expressed by people, marking the difference with the position of people who claim these rights.

2.1 Social rights are benefits provided by the public authority

For the first view the only way to define social rights as a category of rights is to refer them to another notion, that of 'positive rights'² (rights which permit or oblige action to the people). For them social rights would be rights realized with benefits provided by state's services, whereas 'negative rights' are those which permit or oblige inaction. In order to achieve the progressive realization of these rights, the State or other public bodies must take reasonable legislative and other measures, quite obviously within its available financial resources (MacPherson 1987).

The roots of this legal thinking about constitutional rights can be traced back mainly to the liberal and socialist anthropological approach of the last two centuries.

J. Locke argues that we possess natural rights as a construct that predates the state. Liberal doctrine considers the state has to abstain from violating the life, liberty and property of its citizens. This is also the concept of rights at the base of the U.S. Constitution.

The major critic of this perspective was by Karl Marx, who made the most powerful argument against the liberal theory, saying that the promotion of liberal (civil) rights doesn't guarantee in fact human emancipation ('economic and social obstacles', using the word of the Italian Constitution)³.

The result of this theory is much more important than what we know. Not only because the Marxist thought influences the rise of one of the most powerful Totalitarianism of the XX Century, but because this theory affects the anthropological viewpoint at the foundation of the European legal Scholarship (Calamandrei 1968)⁴.

The foundation of a new kind of nation-state based on the welfare leads to consider the social components of citizenship as a crucial aspect of the national sovereignty. Therefore

² Fundamental documents of modern constitutionalism, like the Declaration of the Rights of Man and of the Citizen of 1789 and the American Bill of Rights, regarded only civil liberties.

³ C. Marx point out that all the liberal constitutions have declarations without consideration of social and economical inequalities, his criticism shed light on the connections between human rights and distributive justice and on the lacking of the liberal theory that don't understand the material condition of life. Relating rights only to the civic sphere (the lockean view on limiting the power of the state to violate the individual's rights) is not committed to the material welfare of individuals and cannot guarantee equal enjoyment of the civil rights themselves.

⁴ During the works of the Italian Constitution writing, the Member of the 'Costituente' Assembly Paolo Calamandrei said that the function of social rights in the Constitution is «essentially the guarantee to everyone, integrating political liberties, a basic 'social justice', that is economical welfare, indispensable to relieve the poor from the slavery from need, and put them in a position to make use, substantially, of such political liberties that formally belong to everyone». It's simple to ear in this words the echo of the famous Liberty declared from FD Roosevelt, the 'freedom from want'.

when most of the European's States Constitutions declare the right to work, the right to education, the right to healthcare, the right to social assistance, they are implicitly considered as duties for the State to organize a system of benefits. Moving from this assumption German and Italian scholars refuse to recognize the right to claim these benefits, since supplying the related services requires appropriate laws or other states' measures. Social rights are not 'inviolable liberties' because they imply the positive redistribution of income between social groups. So people can't claim these rights before a court without a law that entails a specific benefit.

These theories lead to consider the social rights as under-forced rights, because they are irreconcilable with the principle of the 'State (which is) subject to the rule of law' as it was created during the Weimar Republic in the second decade of the 20th Century (Forsthoﬀ 1973).

Recently many Scholars have demonstrated the failure of this doctrine arguing that social rights are not more powerless than 'older' rights. But like all prejudices, also this one that decries the value of a particular kind of rights is not easy to 'uproot' (Cox 1998).

The result of a new concept is well stressed by two American scholars, Stephen Holmes and Cass R. Sunstein in an interesting but controversial book published in 1999, *The Cost of Rights*. They claim that "apparently non-welfare rights are welfare rights too", then "all legal rights are, or aspire to be, welfare rights". Behind this viewpoint there is the known definition of rights as 'interests of persons that are sufficiently weighty to generate duties on the part of others' (Raz 1984). Thus, for Holmes and Sunstein, "an interest qualifies as a right when an effective legal system treats it as such by using collective resources to defend it". They proceed to note that the act of choosing to enforce one right, like all choices, has a cost. Combining that with the claim that the only rights that are meaningful are those that are actually enforced, they conclude that since the enforcement of every right has costs, every right itself has costs.

Despite all people, who consider this thesis as a 'last hope' for social rights, we argue that this kind of viewpoint specifically comes to undervaluing the nature of rights and generally causes troubles when it's applied without exceptions.⁵

The theory of liberty which they maintain leads them to strange conclusions, when they mix both the 'moral' and the 'legal' meaning of rights.

Above all every moral and legal approach without reference to the social phenomenon prior to these rights is forced to failure. Many of the arguments we read are oversimplified and fallacious. Categories of rights cannot logically and practically be separated or compartmentalized and they indeed depend on each other. The protection of rights is not a pure economic issue and consequently the problem of rights is not a mere funding scheme.

2.2 Social rights are rights related to specific places

According to the first theory social rights are considered not directly enforceable or justiciable. Our efforts have the aim to demonstrate that social rights are essential rights, necessary for the realization of human dignity as well as of other kind of rights.

In order to show this viewpoint we use what we call the second meaning of social rights.

Although many social rights can be satisfied with benefits provided by the state or other institutions, this feature is not to the origin of this kind of rights. So to find the truth of these rights we need to start considering the social dimension of life, something different from the mere relationship drawn by the theory of social rights as welfare benefits. Defining the nature of social rights only as needs for benefits we are reducing the meaning of 'person' while considering citizens as individuals without social relationships.

This particular view is well known in the European legal context since Georges Gurvitch's works (Gurvitch 1949). The term 'social rights' have no special meaning, it is only the way to explain a part of the juridical experience.

There is some trace of what we try to explain in the 'Universal Declaration of Human Rights'. The art. 22⁶ embodies the last result of the idea that social rights are rights

⁵ For example Holmes and Sunstein argue that I cannot have a right not to be tortured by the police unless the police have an obligation not to torture me, and the police can only have an obligation not to torture me if there are some taxpayer-funded persons (monitors) above the police who can punish them (Holmes and Sunstein 2000), 24).

⁶ 'Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of

immediately related to the person, who lives in the society or, as the French doctrine says, 'l'homme situé' (real man defined not because he belongs to an abstract type but because he belongs to a particular community). Despite every reduction, this theory could have now a new season. The failure of universalistic and individualistic considerations of social rights lead to re-think the welfare as a problem of local governments and 'third sector' associations (Vittadini 1997), what it's called 'subsidiarity principle (Simoncini 2003).⁷

Nevertheless it is not a problem of 'choice' between models, but a re-consideration that emerges looking at the legal experience. That is, we need to begin from the experience we have of social rights and then to approach the problem of the declaration of this in a legal document (Constitution or International Charts).

As a matter of fact, when we talk about social rights we are pointing out a group of social actions that contain the response to different basic human needs. Before the coming out of the State as political and juridical entity there were a lot of free organizations who have regard for orphans, widows, mentally ill people, etc. Free organizations created by lay people or religious orders established places where to hold or welcome people in order to satisfy their primary needs.

Hence, before the State appearing there were free organizations who responded to the needs expressed by people in an institutional - not only occasional - way.

Therefore, rights to specific benefits provided by the State must be more properly labeled 'welfare rights'. Using the name 'social rights' for this kind of State's obligations we can easily be ambiguous⁸. Social rights are not related by the hierarchical relationship between man and State, because moving from the legal experience we identify social rights as the particular positions of people who enjoy specific fundamental human goods in public places⁹. Then social rights are based not on benefit's claim but on a process of participation (Gurvitch 1949) to the life expressed in a place. Therefore legal rules that embody such rights must recognize the particular connection of the human's life with those places or, specifically, with the spaces where life takes place.

3. Social power of architecture

The social dimension of life is the pivot to discover a new dimension of social rights and it is at the same time the connection between Architecture Discipline and Law Discipline.

In fact, the relationship between space and society is an unexploited truth, like a dogma in defining the nature of architecture, from the functionalism of the Modern Movement to the works by C. Alexander. For this reason now we frequently hear talking about 'social space' and 'social power of architecture'.

Buildings shape the city. Consequently they create spaces having necessarily a social nature. Those spaces have a first different characteristic depending on the fact, whether they are born as interior or exterior spaces. So the social nature of space has two relapses that affect each other. Simplifying the matter, the former is internal to building and mainly concerning the designing, whilst the latter consists in spaces networks formed among buildings and it concerns the urban planning. At the moment we focus on the first kind of social nature and we propose to study the second-one and its relationship with the first in the future.

According to Madanipour we define 'social space' the space where we inhabit, formed by a public sphere and a private sphere. In the urban space we can identify the boundary and the relation between these two spheres and discover how a society organizes itself (Madanipour 2003). On the other hand we consider constructing buildings as social practice since 'a building is a developing story, traces of which are always present' (Markus 1993, 5). But there is something more interesting: how does space affect the human behaviors? Does space really have this kind of power?

Researches that prove and investigate this relationship are various in the architectural field as space is a physic component of reality which is in strong contact with the human

each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality'.

⁷ Since the Encyclical Letter 'Quadragesimo Anno' wrote by pope Pius XI, one of the key principles of Catholic social thought is known as the principle of subsidiarity. This tenet holds that nothing should be done by a larger and more complex organization which can be done as well by the free organization of people.

⁸ This view suggest a more discursive sense of this rights related to the old latin brocard 'ubi societas, ibi jus'.

⁹ It's important to underline that using this words we don't want to exclude the universality of such rights.

being. They go from the single component to the design process. As a matter of fact not only space, but also environmental components affect human behaviors: we may think, for example, to the use of colors in buildings and their impact to the cognitive components of our mind, and in this case other specialized disciplines come in. In the design process too, we can find a way to consider the relationship between spatial and social factors as we can see in the Open Building approach¹⁰: the main tool used by those working in an open building way is the organization of designing process on 'environmental levels'. That organization starts from the question about how we can "design the built environment to support both stability - in respect to long term community interests - and change - in respect to individual preferences" (Open Building).

Thus a big part of the problem, and also of this fascinating question, is to define what really space is and how we can know it.

4. Architecture and social rights

If social rights are the legal position of those who enjoy specific fundamental human goods in public places, it's clear that a fundamental function of these rights is to allow to share live in public places.

Then it is simple to recognize the relationship between the architecture as science of studying spaces and the above-mentioned rights. We can see the core of this relationship even in the rules of the Italian Constitution about social rights. In the articles from 29 to 39 it is clear that the starting point to identify the importance of such rights is represented by those specific places and the related social binds – like family, hospitals, schools, workplaces, etc. - in which people live in or, using a phrase by A. Baldassarre (Baldassarre 1988), where "the individual becomes a person and then a citizen"¹¹. The writers of the Italian Constitution had the strong idea that liberties are entrusted to the 'social person', rather than to the 'abstract individual'; so they put in connection freedoms and the specific position of people in a group.

As a result we state the impossibility of understanding social rights' function without taking into account features of places where these rights are claimed.

Now we come to the crucial point of our reconstruction. We suggest a more discursive view of rights, where it is possible to bring back the social dimension of every human being in order to recognize his peculiarity in creating relationships with other people within a spatial context. Moving from this assumption we want to prove that buildings and rights have a non-relative – rather absolute and identifiable - relationship.

Therefore spatial features of buildings where people exercise social rights strengthen or undermine directly this kind of right much more than the financial decision can do with respect to the welfare benefits.

Then, to understand the protection of social rights it's necessary to ask how the space, where people share their social life - essential to exercise these rights - is patterned since places and buildings must be tailored to serve the rights to the extent we can consider the places designed 'as social rights'.

¹⁰ "Open Building approach concerns 'to formulate theories about the built environment seen in this dynamic way and to develop methods of design and building construction that are compatible with it. Open Building is an approach to the design of buildings that (...) recognize (...) both stability and change are realities in contemporary built environment. Buildings - and the neighborhoods they occupy - are not static artifacts even during the most stable times, and during times of social and technical upheaval need adjustment in some measure to remain attractive, safe and useful'. The big question that OB seeks to answer is 'How do we design the built environment to support both stability - in respect to long term community interests - and change - in respect to individual preferences?'"

"Those advocating an open building approach also recognize that designing and constructing buildings involves many people, who, when reaching agreements, make distribution of responsibility a normal characteristic of the culture of building. (...) And, since no one party makes all decisions when a building is first constructed nor over the course of time as the building adjusts to new needs and technical requirements, we understand the importance of organizing decision making and construction in such a way as to reduce excessive dependencies or entanglements among the parties involved.

This helps in the avoidance of conflict between people and the parts of the whole they each control, and improves the chances of balancing common interests and the more individual interests of those who inhabit space." (Open Building). Passages extract from Open Building Concept by Prof. Stephen Kendall, Joint Coordinator, CIB W104.

¹¹ Despite every attempt to reduce the meaning of this of rights in a kind of political declarations necessary for the purpose of Welfare State, the Italian Constitution have inside not only civil and political rights.

5. A complex social right: 'right to health'

In this paper we insist on the issue that constitutional social rights are defined as the legal position of participation to the life expressed in a place. Now we go more deeply to analyze the consequences of this feature.

We start from the consideration that legal rules are largely epiphenomenal, reflecting the underlying social conditions to which they relate. Then constitution rules on social rights are sources of many legal pretenses and obligations. At same time constitutionalization entails synthesis of a large number of legal pretenses expressed in a simple language. According to this view social rights consist in a network of protection subsets (complexity) related to a place where the protection of persons is supplied (social life). More simply constitutional social rights are qualified by what legal scholars call 'complexity of legal norms'.

Paradigm of complexity is the constitutional protection of health. Health is traditionally seen as a social right. As a matter of fact the obligation of the State to provide any benefits for healthcare has been ever regarded as the core of such liberty (Simoncini and Longo 2006); but health represents also features of a classic civil right, the right to refuse cares and the complain against the violation of both physical and psychological integrity of person. Then it is impossible to use traditional classifications in order to bring one single meaning for health. Thus, what is the core meaning of this right?

We find the answer into some considerations made by A. Baldassarre in a famous essay on 'social rights' (Baldassarre 1988, 6); he stress the reason underlying the article 32 (protection of health) of the Italian Constitution saying that the proclamation of health as a basic right covers the protection of human life conditions into specific places (healthcare facilities and generally spaces of cares). Duties for solidarity and care in connection with the protection of health are only possible into places created for a community of people.

Furthermore the complexity of the right to health reflects itself on architecture too. The healthcare facilities are numbered among complex buildings with others typologies like airports, commercial malls, stations, and museums. But an important feature makes the healthcare facilities more complex: the particular program they fill, that is treating people (take care of).

5.1 Hospitals

Among healthcare facilities hospitals are yet more complex than any sanitary buildings. Although a full-blown definition of what a complex building means does not exist, the huge complexity characterizing hospitals as building type and the functional program that spaces have to perform, make us accept that those buildings fit perfectly in this category (Felli 2004).

In the discussion about hospital designing we can detect the following aspects: the typological choice problem strictly related to models use, the role of hospital in city and landscape, the flexibility required to architectural organism, the binomial function-humanization, the public spaces and connection spaces, and finally the interface among designer and medical users.

A further factor of complexity is the hospital organism trend towards a continuous evolution because of both fast medicine developments and existence of older building heritage.

If we take into account the Italian Hospital context, we can observe as the old heritage is characterized by big pavilions complexes, often requiring functional fitting.

Operating on these existing hospitals, built during the first mid of XX century, is a priority that many Health Trust are tackling with. In fact within the last years several restructuring and functional fitting projects plans have been put in place. Particularly with reference to the case of high complexity facilities where the refurbishment operations are themselves subject to transformations due to progress in biomedical research.

Besides, hospitals are really part of the city. They contain both public and private spaces; spheres of different nature cohabit in and user passes easy through spaces with dissimilar features. Such diversity is mainly due to the variety of users making use of spaces composing the hospital as place. We might imagine a visitor arriving at hospital and how he or she is welcome in a hall similar to a shopping mall, then he or she passes through the ward door where patients and medical staff cohabit, and finally he or she gets to a room where his/her own relative rests.

Assuming 'Madanipour scales' to investigate the organization of space and society (Madanipour 2003), hospital is an example of the three scales acting at the same time: from

the physic scale (ward, building, park, city) to the exclusivity levels (from public to private: bedroom, corridors, ambulatories, hall, outside paths) to the potential sociality that spaces offer.

6. Architecture as tool for social expectation

Here we would like to focus on how Architecture can be used as tool to know sociality. Passing through some of the main methods of Architecture. Technology discipline we are arriving to evidence some specific tools as possible answers to issues about the relationship among design, space, sociality, and rights.

In his book *Space is the Machine* Hillier highlights the difference between an 'analytic theory', which describes the world as it is, and 'normative theory' which describes the world as it should be (Hillier 2007). These ideas can be assimilated respectively to evidence-based outputs and guide lines or best practices. In fact we can consider these two different approaches as possible attitudes of an architect who is going to design a new building: 'evidence based approach' and 'normative approach'.

The latter is defined as a system of rules designed to draw up the project or guide instructions for designing. It is the most diffused among Italian architectural practices, however it is not lacking in weakness. For instance Penn criticizes the way that architects usually tackle with designing buildings that will be taken and appropriated by users and organizations. Individuals, structures and tasks that building will be supported in long time are not in his concept act (Penn 2005).

This 'system approach'¹² was born to overcome the usual 'model approach' and in some way it has done it. Hence we can say the functional approach has been surpassed because the system approach introduced the 'user's needs'. Thus it became interesting looking at how defining those needs. Notwithstanding this, such attitude, which starts from user's needs, could be necessary condition but not sufficient. In fact a good setting in defining needs is fundamental to ensure the success of the methodology.

For this purpose we may say that the *evidence based* approach – it will be discussed later on – rises as possible answer to such problem.

The 'evidence based' is a theory based on evidences found in scientific practice. It takes its origins from medical field – Evidence Based Medicine (EBM) – and only afterward it has been transposed to the architecture sphere. EBM is a scientific deductive experimental method recognizing a behavior in patient care based on an aware usage of best scientific evidence available nowadays. The logic of practice based on evidence identifies a cyclic relationship among evaluation, evidence, practice, and further evaluation. These evaluations reports are an important resource of evidence to exploit the benefits, reduce risks in public health practices, and provide bases for further researches.

Similarly, this method has been transposed to architectural subject. Although less rigorous on scientific level than EBM, the Evidence Based Design (EBD) consists in the use by the designers of the best evidences offered from researches and designs evaluation in order to improve results and keep on monitoring project success (Ulrich and Zimring 2004).

Let's take into consideration as example of normative approach, the document called 'Decalogue Piano-Veronesi' drew up by the Italian Department of Health¹³ and whose guidelines originated hospital designing. We can find criteria for the establishment of new hospitals arising from the necessity of standardizing and guiding the construction of new hospitals. The new hospitals have to be a "place people oriented, person and its needs centered (especially if she/he is sick then weak), place of hope, healing, care, welcome, and serenity of rely on" (ASSR 2003, 25).

¹² We consider 'system approach': defining a system with its components, requirements and standard solutions. From these getting diagram information useful to basis layout (relationships between functional areas from the point of view of accessibility, flexibility, aggregation, and allocation). To this end the question whether 'architecture as system' manage to give a whole vision to design, but this is not the proper place to discuss this issue.

¹³ The idea to start a study about 'standardization' of criteria for realization of new hoapitals, rises by suggestion of a proper Ministerial Committe in March 2001, presided over then-Minister of Health Umberto Veronesi and coordinated by the architect Renzo Piano.

Concepts like person centrality, affiliation (or membership) and solidarity are often restated¹⁴. In brief, everything should be done to satisfy the needs of single citizen and community he belongs to. Therefore the question about what are the real needs of citizen and community comes over.

In the Principle of Sociality it is mentioned that the building must be open, host other different functions rather than just the one of care, have services for the city and spaces suitable for cultural activities as well as give hospitality to voluntary and social assistance associations. Is this enough to create sociality? How can we quantify such sociality? It is right to quantify it? Which is the aim for? Then: are spaces conceived according to sociality that rights require?

We can flash out some answers. To be present with other people in the same place not only increase the face-to-face communication, but it also makes possible to share experiences of the world with previous generations that have experienced that place (Madanipour 2003, 235-108). Thus we are questioning whether that level of cohabitation and communication, both eventually measured, are sufficient to indicate a sociality level.

To this end we can state that some tools are required in order to:

-Knowing the real nature of spaces considering their power in creating sociality, and therefore social rights. We are facing a knowledge problem rather than an ethic problem.

-Verifying whether new built spaces are able to fulfill the mission of modern hospitals, that is to be places of healthcare culture.

Where to look for these tools?

Among the two research approaches previously named the premise seems to lead us to find them among the evidence based methods. One of those we run into because of earlier studies¹⁵, is very interesting. It is Space Syntax approach, dealing with relationship between both space and society¹⁶.

Space Syntax method and techniques not only analyze the communitarian and collective dimension of urban structures and spaces using social evaluation tools, but also allows correlations with space configurational characteristics. Space Syntax combines two dimensions that usually are separated: physical space and society as co-presence and interface among different user categories. Through social observations and spatial layout analysis, this method allows obtaining the relationship between social and physical context investigating how architecture affects social relationships.

7. Case study: Margherita Center

To test and clarify the questions reported on the previous paragraph we opted for change scale and start from occasions creating sociality inside building spaces. Therefore we have chosen to consider a building of particular interest because anomalous case in Italian healthcare context: the Margherita Center.

Margherita is a Birth Centre with integrated activities for low-risk pregnancy linked to a third level Obstetric Centre (high-risk). It is a public facility inside the Careggi Hospital area in Florence (fig. 1) and for this reason it is different from traditional Maternity Houses.

Building shape remembers the daisy flower, from which the name ‘Margherita’ – translating ‘daisy’ in Italian. The building is circular shaped, 30 diameter meters, 2 levels, and only a corridor links it to the Maternity Department. On the ground floor there are out-patients activities before and after birth, while on the first level there are five labor rooms, living spaces for the stay of mothers and her family, midwives station, kitchen, and control room. A

¹⁴ In the third Principle we read: “Sociality - Belonging and Solidarity: A truly inserted in the social community hospital means recovering the sense of belonging, very strong in the past, both for the local community, and who supported it with forward-looking philanthropy. Integration with the socio-cultural context and then as rediscovery of the interdependence and solidarity value; permeability and availability to the entertainment and cultural activities, and instances of civil society expressed by citizens associations and organizations of volunteering”. (ASSR 2003, 27-30).

The others Principles are: Humanization; Urbanity; Organization; Interactivity; Pertinence; Reliability; Innovation; Research; Training.

¹⁵ Here we refer to the PhD dissertation of Nicoletta Setola (Setola 2009).

¹⁶ The founders of Space Syntax theory and methods are B. Hillier e J. Hanson, both professors at The Bartlett School, University College of London. The research group launched on 80s is keeping today to develop its activity. It is supported by Space Syntax Limited, a spin-off company that delivers consultancy services to a wide range of client (architects, urban planners, public administrators).

big corridor with seats and ribbon windows rounds petals (rooms) and core (operative midwife station) of the daisy. (fig. 2)

This is a place where everything favors the awareness of gesture that a mother is going to accomplish, that is *the birth event*.

Normally mothers stay there for 48 hours, and their husbands could stay there with them all the time. They can understand together what will be the life time (rhythm) as they come back home. Midwives are always present and teach the husbands how change the baby or how to choose the herb tea with more therapeutic functions. Everything is thought to make less hard the step from hospital to home. Also the spaces have a domestic touch. The ward, if so we may call it, is subject to a strange phenomenon: either whoever pass through it often or who is working there, brings gifts (pictures, decoupage objects, small hand-knitting objects, ...) that make so familiar the environment. In this case we might talk not about 'hotel comfort', but 'domestic comfort'. Both patients and staff feel at home as an interesting imagine suggests: they are at home in Hospital (Kellett and Collins 2009).

The kitchen looks like a homemade kitchen: hot pad on the wall, herb tea next to the kettle, tablecloth on the table, and a bookshelf. A father gets in to do some tea and he starts to talk about his little son to midwife, while she is washing up. Moms, dads and midwives in the same place: this co-presence phenomenon promotes dialogues about healthcare subjects. Here midwives changed many isolated square tables with only one long table and, alongside that, the care activity occurs during lunchtime too. We can see it as an index of high sociality in this place. In Margherita spaces of sociality (kitchen, corridor, and core) are felt positives by midwives while they are working, because this kind of space supports the 'work capacity'.

Activity of Margherita Center covers only a few part of the population: birth with low risk. Despite that the relapse on the population is remarkable. For example mothers that learn to breastfeed their children during the stay, use to exchange their knowledge with other 'colleagues' mothers when they come back home. This is only one example of the power expressed by a place where people gather asking to exercise rights related to social life.

An inconvenience due to the morphology of the building is the lack of natural light in the rooms; in fact there are narrow windows just underneath the ceiling. This should be an inconvenience, but it is not through and through. Midwives invites moms to get up after the birth, get out of their rooms and go around because they are special patients - not sick persons. Meanwhile they can bring the baby on the corridor facing outside where sun cross windows and there is an improvised solarium (small mats and plants) set by midwives.

The external corridor is very useful because it allows not only to separate visitors flows from the core space where there is the staff station, but also to be adapted to other uses, for instance a play space for children. Rooms have a double access connecting the core with the public external space.

Space starts in a way and then it is modified by users that appropriate of it.

In such place people take personal initiative and that is favored by spaces morphology (dimensions and layout) allowing several uses. "A building is an environment within which complex and unforeseen structures will emerge. Our job then, is to make these appropriable by organizations and users over lifetime of the building" (Penn 2005, 7). This is what we would like to point out. Whereas in a next research we would investigate how "it is the *potential* use of space and its relations of accessibility and visibility that gives meaning to its appropriation" (Penn 2005, 4).

8. Results

This paper represents a novel view for understanding social rights. Space is essential for the meaning of social rights: it is more properly the place where these rights are exercised, and not the practical result of politics. We have found a structural relationship between these rights and the places where people ask together social benefits.

The first evidence about this relationship we noticed is that both rights and places are defined as 'complex'. This correspondence is not by chance, but it confirms us the strong structural relation between rights and architecture.

Moreover, during the research we discover the 'sociality' as the key element creating a connection between constitutional studies on rights and architectural studies.

In the Margherita case we reached two results. Spaces for social life are an important factor in the exercise of social rights. The reason why you can act in a hospital facility as you can act in your own home is that the building layout can either favor or undermine behaviors that allow the satisfaction of needs at the social rights ground. The case analysis reveals the

importance of a new way to read facilities looking at the social indicators that this new approach of “social rights” put in evidence.

The results, both on architectural side and law side, prove the essential need of an interdisciplinary prospective not only when public authorities set up policies but in the moment of hospitals designing. First, we argue that it is impossible to draw and shape spaces of care without considering them as the material part of social rights. Second we have a significant advantage for the two disciplines involved in this study. Not only for the object of study knowledge but also for the approach we had to our research topics. This method gave us a newer prospective of both designing and analyzing spaces accordingly to the social rights and both studying and understanding the meaning of social rights considering the places where they are exercised. Third, we discovered the need to develop interdisciplinarity by opening this subject to other researchers, both in the field of Sociology and in the field of Medicine.

What possible follow up for this method? The new theory of social rights developed until now is leading us to identify more properly ‘social indicators’. These indicators will allow us to measure and know deeply the space using an appropriate scientific tool like Space Syntax able to extrapolate properties of space not directly visible ‘naked eye’.

Figures

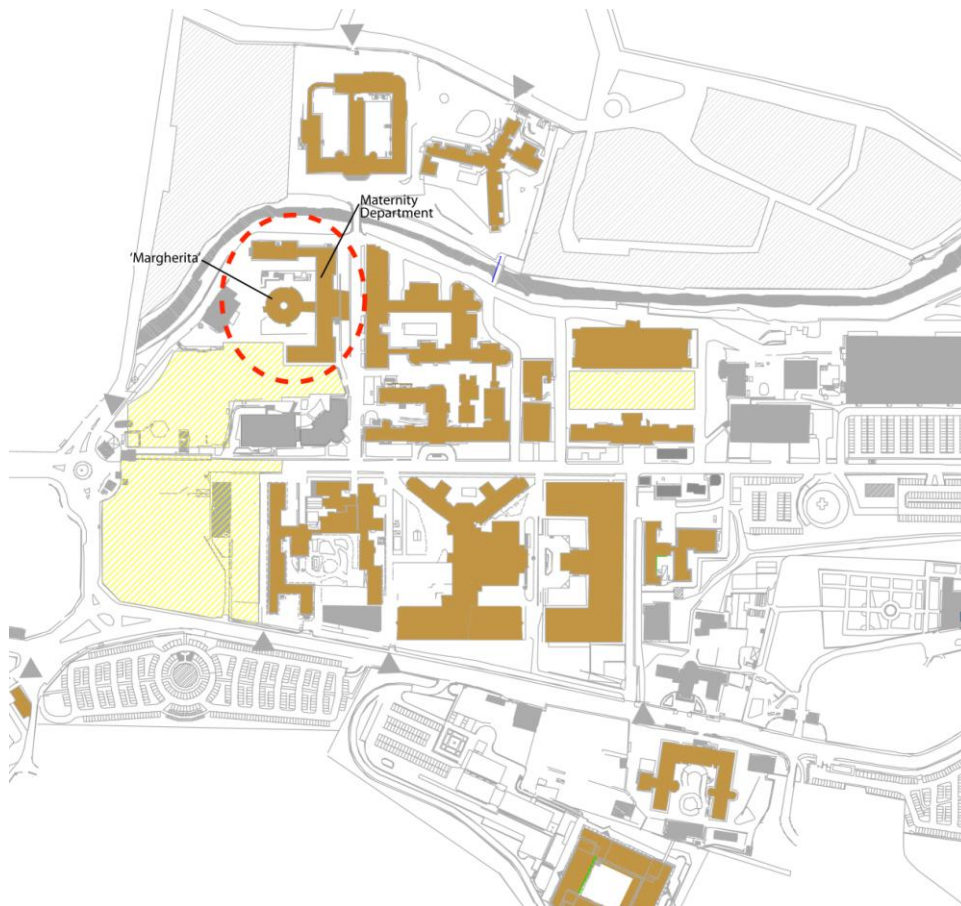


Fig 1. Careggi Hospital area. Careggi is one of the bigger Italian Polyclinics. It counts 18 buildings, 1650 beds, 54000 inpatient admissions. (Source: ‘Laboratorio di Monitoraggio’ of Careggi Hospital).

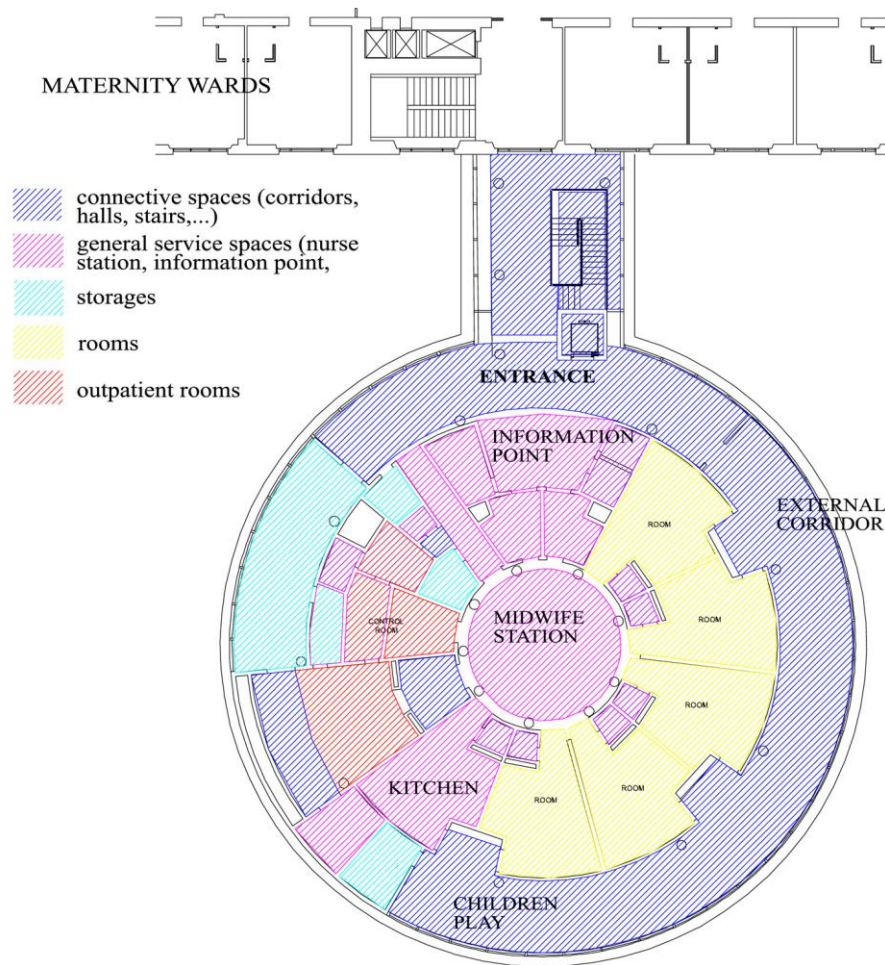


Fig 2. First floor map of 'Margherita' building. (Source: 'Laboratorio di Monitoraggio' of Careggi Hospital).

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