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**Autor:** Stagni, Linda / Gianoncelli, Claudio  
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**"Oh mamma ... mi è caduto il cornicione!"**

**Linda Stagni and Claudio Gianoncelli**

Falling cornices have a history of causing fatalities. In one of the most tragic recent accidents, which took place in June 2020, an entire portion of a newly refurbished concrete cornice fell down, killing a mother and two children in northern Italy.

Though rarely so tragic, the recent history of *cornicioni* is peppered with tales of injuries and casualties. At the end of August 2020, a man was injured after several pieces of plaster rubble fell from a cornice in Pavia. In early July 2020, part of the cornice of the Eliseo Cinema in Turin fell off, luckily without causing any bodily harm; also in that same month, in the hinterland of Genoa, a few meters of a cornice detached, demolishing an entire terrace just below. The examples could go on.

With the advent of modernism, the importance of the cornice began to decline. Is this temporal dimension related to the fate of its sudden, sometimes catastrophic, "falling"?

*Caducità* (caducity, transience) bears the radix of falling and refers to a temporal fall, a decline; it evokes the temporality of obsolescence. The cornice, as a topic, has fallen into neglect just as many actual cornices have been physically neglected. We associate the cornice with buildings of historical and urban significance, and so the fall of the cornice refers both to questions of historic periodization — to decay and the patina of prestigious



ruins — and also to questions of criminal neglect and public liability.

## **How does the law address the dangers posed by cornices?**

As the examples above suggest, the possible scenarios in which cornices fail, and fall, are diverse. The causes are varied. The collapse might be triggered by seismic activity, extreme weather, or poor maintenance. Every year, dozens of judicial disputes arise from cornice failure and, in the case of injury or death, may even involve criminal charges.

Although these cases are often quite difficult to disentangle, Italian law — whether town planning documents or legislation concerning the preservation of cultural heritage — does not provide a clear definition of the cornice. Generally, the cornice is not considered as an element in itself but simply as an integral part of a wider system, like the facade or the roof of the building. In practice, a wide variety of architectural elements are sometimes described in legal contexts as cornices, including early twentieth-century concrete canopies, generic roof overhangs, historic decorated cornices, and simple balconies.

## **What happens when a cornice falls? Surely the law is clear on this?**

Falling cornices are the responsibility of those who own them, usually the owner of a building. The Italian penal code prescribes various punishments for the

owner of a building in a dangerous state of ruin. It is not necessary for an accident to occur: the risk to the safety of a person is sufficient grounds for conviction. If the collapse of a cornice causes injury, or, in the worst case, fatalities, more serious criminal consequences may arise. In the extreme case, the charge of culpable homicide comes into play.

### **Hopefully those are rare exceptions. But what is a typical case?**

The most common but also the most complicated disputes concern liability in condominiums. Here identification of the responsible parties is not always easy. If a cornice does not perform any common function, it is considered the exclusive property of the individual resident. Thus, if a cornice falls from a projecting balcony, which the law does not consider common property, the owner of the apartment is responsible for any resulting damage. However, if such cornices are considered decorative elements, they have to be considered common property of the condominium, which changes the rules of culpability. Responsibility can therefore hinge on the historic or artistic value of the architectural decoration and on its aesthetic function in relation to the whole building.

Architecture has no a priori meaning but gains significance through its spatial, social, historical, and political context. This becomes particularly evident in the cultural response to "vandalism." An attack on a

building is an attack on infrastructure, but an attack on architecture can also be interpreted as an attack upon a specific culture or source of authority.

**But in our story of falling cornices, one can hardly see the same intentional violence ...**

Whether we are here speaking of decay, neglect, or vandalism might not matter. Falling cornices belie architecture's will to imperishability, with no need for maintenance or refurbishment – the fantasy that once architecture is complete it should be able to last forever without intervention.

The irony of the situation – one that has ramifications for aesthetics in the broadest sense – is that, should they cause harm, beautiful cornices are a collective responsibility, while ugly cornices are the liability of the individual.

**Linda Stagni** is a doctoral candidate at the Chair of the History and Theory of Architecture at the Institute for the History and Theory of Architecture (gta) at ETH Zurich, researching the architectural magazine *Das Werk* during Joseph Gantner's tenure as editor-in-chief.

**Claudio Gianoncelli** is a lawyer specialized in administrative law and environmental policies.