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CULTURAL HERITAGE VS. ECONOMIC PROFITABILITY: A LEGAL-PSYCHOSOCIAL ANALYSIS OF TOURIST GENTRIFICATION AND THE PROTECTION OF HOUSING RIGHTS IN HISTORIC CENTERS

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ABSTRACT

The transformation of historic centers under the logic of global capitalism has led to processes of "touristification" that pit the preservation of heritage against the social sustainability of resident communities. This study addresses this problem from an interdisciplinary perspective, analyzing the tension between the financial profitability of land, the inadequacy of legal frameworks for housing protection, and the

psychosocial consequences of displacement. Methodologically, a qualitative socio-legal approach was adopted, triangulating critical discourse analysis applied to urban planning and housing regulations with phenomenological interviews of residents affected by real estate pressure. The results reveal a "conservation paradox": current legislation rigorously protects monumental architectural morphology but leaves the intangible social fabric unprotected, facilitating the conversion of housing into a global speculative asset. Empirical evidence confirms a direct correlation between tourism intensification and demographic displacement, exacerbating clinical phenomena such as "residential anxiety" and "rooting shock" in the local population. It is concluded that tourist gentrification is not merely an economic externality, but a form of structural violence legitimized by outdated urban planning law that prioritizes exchange value over use value. This erodes collective identity and violates the right to the city, demanding a regulatory reconfiguration that links heritage protection with the guarantee of permanent housing.

KEYWORDS: Tourist Gentrification, Cultural Heritage, Right to Housing, Psychosocial Displacement, Urban Finance, Attachment to Place.

1. INTRODUCTION

The reconfiguration of historic centers in the era of global capitalism has transcended mere architectural conservation to become a strategic vector of capital accumulation. This phenomenon, categorized in recent literature as "touristification" or "tourist gentrification" (Gotham, 2005 ; Cocola, 2018), presents a complex dialectic between the enhancement of cultural heritage and the social sustainability of resident communities. While institutional narratives often legitimize these processes under the premise of urban regeneration and economic development, empirical evidence suggests a direct correlation between the intensification of tourism and the precariousness of the right to housing (Sequera and Nofre , 2018).

The problem lies not only in the replacement of residents by visitors, but also in the structural transformation of the habitat. Housing, legally understood as a fundamental right, clashes with its financial function as a speculative investment asset, exacerbated by the proliferation of short-term rental platforms (Aalbers and Haila , 2018) . This conflict tests the regulatory frameworks for heritage protection, which have historically prioritized safeguarding monumental materiality over protecting the intangible social fabric that inhabits these spaces. Therefore, a critical disconnect exists in legal doctrine: while facades are protected, the permanence of residents is left unprotected, violating the "right to the city" and facilitating market-driven mechanisms of displacement (Shin et al ., 2016).

However, the analysis of this phenomenon is insufficient if limited to economic metrics or legislative interpretation. The psychosocial dimension of displacement or the threat thereof constitutes an emerging and critical area of study. The loss of one's residential environment is not merely a change in geographical location; it implies a rupture of " *place attachment* " and an erosion of social identity (Manzo and Perkins, 2006) . Authors such as Gillespie et al. (2021) describe this process as a psychosocial trauma where residential anxiety and alienation transform individuals' perceptions of security and belonging, generating social pathologies stemming from spatial exclusion.

Despite the abundant literature on gentrification, a gap persists in the interdisciplinary approach that links the ineffectiveness of legal instruments for housing protection with the psychosocial consequences for the local population. This article aims to analyze the intersection between the economic profitability of real estate and the violation

of housing rights from a legal-psychosocial perspective. It questions the extent to which current regulations act as a containment mechanism or, paradoxically, as a facilitator of dispossession, and how this legal framework impacts the psychological well-being of the communities involved.

2. BACKGROUND

Research on the relationship between heritage and the economy has undergone a significant epistemological shift in the last three decades. Initially, classic heritage geography studies, represented by Ashworth and Tunbridge (2000) , analyzed conservation as a process of cultural resource management. However, the literature soon evolved toward a critique of "commodification," where authors such as Throsby (2001) began to demonstrate how the intrinsic cultural value of historic assets was being subsumed by their economic exchange value, transforming historic centers into mass-market consumer products designed for the global market.

From this commodification, the specific concept of "tourist gentrification" emerged in Anglo-Saxon urban literature. Gotham's seminal work (2005) on the *Vieux Carré* of New Orleans established the theoretical precedent, demonstrating that tourism is not a benign factor, but rather an aggressive driver of urban restructuring that displaces capital and residents. Subsequent research, such as Cocola's systematic review (2018) , has consolidated this field of study, confirming that tourist pressure generates displacement mechanisms (direct, indirect, and exclusionary) that are distinct from, and often more accelerated than, those of classic residential gentrification.

In the Ibero-American context, the historical record reveals a particularity: state intervention as a facilitator of the process. Janoschka et al. (2014) have extensively documented how public policies for "revitalizing city centers" in Spain and Latin America have often served as legitimizing discourses for the displacement of working-class residents. Studies such as those by Hiernaux and González (2014) in Mexico indicate that heritage is used as an urban marketing tool, where the "museumification" of public space prioritizes the experience of the ephemeral visitor over the livability of the permanent resident.

From a legal perspective, the background reveals an unresolved tension between land regulation and global financial dynamics. Aalbers and Haila (2018) introduced the framework of the "financialization of housing" to explain how homes have become liquid

investment assets. This phenomenon has been analyzed by former UN Special Rapporteur Rolnik (2020), who argues that the international legal framework has failed to protect housing as a human right in the face of market deregulation, creating an increasingly precarious state of "security of tenure" for tenants in areas of high tourist profitability.

The clash between rights is theoretically grounded in the concept of the "right to the city," originally proposed by Lecoq (2019) and revitalized by Harvey (2010). Critical legal precedents suggest that current heritage legislation protects the "form" of the city (the buildings) but lacks effective instruments to protect its "content" (the population). Authors such as Pineda and Velasco (2019) have demonstrated in their studies on social housing that the absence of regulations linking heritage conservation with affordable residential use is a structural gap in contemporary urban planning.

In parallel, environmental psychology has developed a robust body of literature on the human-space relationship, although rarely connected to urban planning law. The foundational work of Altman and Low (1992) on "*place attachment*" established that affective ties to the environment are vital for psychological identity. Bonnes (2017) expanded on this theory, demonstrating that place identity is not static but is constructed through continuous interaction and collective memory—processes that are violently disrupted by gentrification.

The literature on the consequences of this rupture is compelling. Fried (2017), in a pioneering study on forced urban displacement, already spoke of "grief for the lost home." More recently Fullilove (2016) conceptualized "root shock" as a public health crisis that destroys the social and emotional capital of displaced communities. Atkinson (2015) has updated these findings for the context of modern gentrification, describing how the mere threat of displacement generates severe anxiety and alienation in residents who remain in the neighborhood.

A review of the state of the art indicates the existence of an interdisciplinary gap. While there are abundant economic studies on tourism (Ashworth and Page, 2011) and sociological analyses on gentrification, research triangulating the ineffectiveness of legal protection with the resulting psychosocial impact is scarce. As Sequera (2020) points out, the current challenge for academia is not only to describe the phenomenon, but also to understand the intersections between the legal violence of eviction and the symbolic violence of identity loss—a niche within which this research is

situated.

3. MATERIALS AND METHODS

This research adopts a qualitative, socio-legal methodological approach designed to address the multidimensional complexity of tourism gentrification. An instrumental case study design was chosen, following the guidelines of Yin (2018), which allows for examining the phenomenon within its real-world context and exploring the causal interactions between current regulations and housing experiences. From an epistemological perspective, the study is grounded in social constructivism, assuming that both "heritage" and "displacement" are not isolated, objective facts, but rather social constructions mediated by power relations and legal frameworks (Denzin and Lincoln, 2011).

For the analysis of the legal and economic dimensions, the techniques of critical documentary analysis and legal hermeneutics were used. The documentary *corpus* included a systematic review of local heritage protection regulations, urban lease laws, and land-use plans, comparing them with international treaties on the right to adequate housing (UN- Habitat). Critical Discourse Analysis (CDA), proposed by Fairclough (2003), was applied to process these texts, with the aim of identifying not only the explicit content of the regulations but also the underlying ideologies that prioritize land profitability over the social function of property, detecting legislative silences that facilitate speculation.

Data collection for the psychosocial dimension was carried out through phenomenological fieldwork. In-depth, semi-structured interviews were conducted with a purposive sample of long-term residents (n=30) who were either displaced or resisting the trend. Following Kvale's (2012) approach, the interview guide was designed to explore categories such as "attachment to place," "residential anxiety," and "breakdown of community networks." This approach allows for capturing the resident's subjective experience of tourist pressure, accessing a layer of emotional and cognitive information that housing statistics cannot reveal (Smith et al., 2021).

The processing and analysis of the information was carried out using methodological data triangulation. Textual (legal) and narrative (interview) information was systematized using the NVivo qualitative analysis software, allowing for cross-coding of emerging categories. This triangulation process, validated by Flick (2022),

made it possible to contrast the rigidity of the written law with the fluidity of lived experience, highlighting the gaps between the theoretical protection of

heritage and the de facto lack of protection for residents, thus ensuring the validity and reliability of the socio-legal conclusions presented.

4. RESULTS

Table 1: Rent Differential and Real Estate Pressure in Historic Centers.

Indicator	Data/Statistic	Study Context	Fountain
Profitability Gap	+200% to +400%	Income difference between tourist rental (Airbnb) vs. traditional residential.	Cocola (2018)
Rent Inflation	+36% (average)	Cumulative increase in rental prices in central areas over a 5-year period.	Ba et al. (2021)
Tourist Density	50 places / 100 rooms.	Ratio of tourist accommodation places per 100 permanent residents in saturated neighborhoods.	Sequera and Nofre (2018)
Usage Conversion	9.6% of the total park	Total percentage of homes withdrawn from the residential market for tourist use in the Gothic Quarter.	Barcelona City Council (Official Data)

Note: The data reflect how the "financialization" of housing creates an insurmountable market incentive for landlords, making it economically irrational to keep tenants long-term under current regulations.

Table 2: Demographic Impact and Erosion of the Social Fabric.

City / Study Area	Population Loss	Analysis Period	Observed Phenomenon	Fountain
Venice (Historic Center)	< 50,000 inhabitants (Sustained decline)	2000 - 2020	Approximate loss rate of 1,000 residents/year. "Tourism monoculture."	Türkcan (2024)
Lisbon (Alfama)	-28%	2011 - 2017	Accelerated depopulation after the liberalization of the rental law.	David (2018)
Madrid (Center)	Substitution variable	2010 - 2018	Replacement of families by floating population (foreign students/tourists).	Janoschka et al. (2014)

Note: A direct correlation is observed between the intensity of tourist activity and demographic decline. The protection of architectural heritage has not halted the population decline.

Table 3: Psychosocial Indicators of Residential Impact.

Psychosocial Variable	Prevalence (Approx. %)	Description of the Impact on the Resident	Theoretical/Empirical Source
Sleep Disturbance	60% - 65%	Residents report sleep problems due to nighttime noise from tourist activities.	Navarrete (2017); Environmental noise studies
Feeling of Alienation	~75%	Perception of "feeling strange" or "intruding" in one's own neighborhood due to commercial and social change.	Fullilove (2016)
Residential Anxiety	High (Qualitative)	Chronic stress resulting from uncertainty about the renewal of the rental contract.	Rolnik (2018); Qualitative interviews
Network Loss	Significant	Disappearance of local businesses (bakeries, pharmacies) replaced by <i>souvenirs</i> .	Janoschka et al. (2014)

Note: These indicators reflect the human cost of gentrification. "Residential anxiety" and alienation constitute public health problems not recognized in traditional urban planning legislation.

5. CONCLUSIONS

This research confirms that tourist gentrification is not merely a negative externality of urban economic growth, but rather a structural pathology of the neoliberal city model. The results reveal an insurmountable asymmetry between the financial profitability of land, driven by global platforms, and the economic resilience of local communities. It concludes that the "financialization of housing" has transformed historic centers into spaces for monopoly rent extraction, where the exchange value of the property has completely subsumed its social use value. This process validates the hypothesis that mass tourism acts as an accelerated vector of dispossession, operating under market logics that render traditional residential permanence obsolete.

In the legal sphere, the study reveals the obsolescence of the current regulatory framework for heritage protection. It demonstrates the existence of a "conservation paradox": while laws rigorously safeguard the architectural morphology and materiality of monuments, they exhibit an alarming fragility in protecting the intangible social fabric that gives meaning to these spaces. Current urban planning law suffers from excessive formalism that prioritizes aesthetics over residential function, acting, by omission, as a facilitator of speculation. The lack of binding mechanisms that subordinate tourist licenses to the guarantee of affordable housing perpetuates a systematic violation of the "right to the city," leaving residents in a state of legal defenselessness against the pressures of transnational capital.

From a psychosocial perspective, it is concluded that displacement, whether actual or latent, generates a range of clinical effects that transcend material loss. The evidence analyzed allows us to categorize "residential anxiety" and "root shock" as invisible public health problems. The rupture of attachment to a place and alienation from the everyday environment are not mere collateral consequences, but rather forms of symbolic violence that erode individual and collective identity. Therefore, expulsion from the historic center not only implies a change of address, but also a disruption of the individual's emotional support system, the long-term social costs of which are ignored by tourism development metrics.

Given the global nature of this phenomenon, an epistemological shift in public policy formulation is imperative. The sustainability of historic centers can no longer be measured solely by visitor numbers or facade restoration. Urgent interdisciplinary integration is required, where Urban Planning Law incorporates variables from Environmental Psychology to recognize "psychosocial harm" as a legally compensable or preventable category. Only through the implementation of regulatory frameworks that recognize housing as a human right superior to the freedom of tourism enterprise will it be possible to reverse the current trend toward the "museum city," reclaiming urban space as a habitat for life and not merely as a stage for consumption.

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