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**“Public Governance of Cultural Heritage”. Using the institution of
Trust to recover the degraded cultural assets owned by a Municipality**

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*Graecia capta ferum
victorem cepit*

(*Horace, Epistles 2.1.156*)

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Introduction.

The concept of cultural heritage is rooted in the Latin term *patrimonium*, which means “that belongs to the father”. This term was originally applied to the sphere of family properties which, as such, should have passed on to the heirs. After the French Revolution, the concept of heritage ended up with being applied to the scope of nation, by virtue of the rise of a collective conscience that suggested to conceive the cultural goods as common goods belonging to all the people and, therefore, to take possession of the cultural goods to make them easily accessible and enjoyable by everyone. This would have caused the decision to open the doors of the Louvre palace where the king's artistic collection was kept, thus establishing the first public museum of the history (Vecco, 2007; Macalli, 2015).

In Italy, the cultural heritage care has always been charged primarily to the State or, more generally, to the Public Sector called, especially in the light of its natural aptitude to pursue general interests, to have memory and preserve any legacy resulting from the past that deserves to be transmitted to posterity (Guerzoni, 1997; Koboldt, 1997; Settis, 2002; Council of Europe, 2005; Loulanski, 2006).

However, nowadays the primacy of the public actors (first and foremost the Municipalities, viewed more and more as main actors in charge for the care of cultural heritage), runs the risk of being questioned by increasingly stringent budgetary constraints. The latter have been compromising the capability to guarantee a fair and widespread protection and to make the cultural heritage available to the community, as witnessed by the progressive accumulation of degraded or abandoned cultural heritage over time or the difficulty to provide any cultural asset with a proper endowment of personnel called to ensure its custody and public enjoyment over time.

In recent years, Private Sector has been more and more allowed to give its contribution to the funding and the managerial phase pertaining to the cultural heritage care (Macdonald, 2011; Dubini et al., 2012; Liu et al., 2014; Jelinčić et al., 2017).

Nevertheless, given that cultural heritage management was traditionally considered as chargeable to the Public Sector, in Italy some doubts and cultural resistances have

been arising, particularly as Private Sector has always been blamed of being more prone towards pursuing economic interest rather than preserving the symbolic and experiential value embodied in each cultural good. Likewise, in certain cases some operating hurdles have compromised the yield of few of the commonly-used Public-Private Partnerships forms.

In parallel, it should be taken into account the two macro-trends recorded until now: on the one hand, the end of the monopoly of the public actors in the general interests care (of which the ongoing crisis of the Welfare State is one of the clearest proofs), as a result of ever-increasing budgetary constraints; on the other hand, the emersion at a Municipality-level of bottom-up initiatives mirroring the willingness of “active citizens” to take on the general interests care and to make their efforts to recover and enhance the degraded cultural heritage, in line with the horizontal subsidiarity principle and the conception of cultural heritage as a common good. Such initiatives, as witnessed by the paradigm of collaboration pacts, might be even formalized as widespread cooperative schemes laid down between Municipalities and citizens, with a view to enabling citizens to cater for the general interests care on their own (Ciaffi, 2015; Giglioni, 2016; Marchetti, 2017; Perrone 2017a; 2017 b).

Hence, in compliance with the mainstream of Public Governance, it is required not only to assume a holistic conception to internalize the contribution of the different key actors involved but also to think about further organizational schemes that are likely to blend the features of Public and Private Sectors and, at the same time, to incorporate these macro-trends.

In practical terms, each organizational scheme devised to cater for cultural heritage recovery and enhancement is called to internalize the point of view of a community that wants more and more valuable outcomes arising from the recovery and the usage of cultural heritage, conceived as a “lively community engine”. Moreover, if appropriate, each upcoming organizational scheme is even required to go as far as to enable the community to take part directly or indirectly of unprecedented shared administration forms (Brinkerhoff, 2002; Klamer et al., 2013; UNESCO, 2013; Pestoff,

2013; Loeffler & Bovaird, 2016; Salamon & Sokolowski, 2016; Ferri & Zan, 2017; Venturi & Zandonai, 2018).

The present research, by leveraging the Dynamic Performance Management approach, resulting from a combination of the traditional Performance Management (PM) systems with the System Dynamics (SD) methodology, aims to explain, in the context of a case study strategy, in what terms the institution of Trust can be an eligible institutional vehicle to recover and enhance the degraded cultural properties owned by any Municipality, by involving community-anchored Third Sector Organizations.

In detail, the following research is meant to answer the following research questions (RQs):

1. to what extent the institution of Trust can improve fundraising capacity for the cultural heritage recovery and it can enable community-anchored Third Sector Organizations to take part in the cultural heritage management system?
2. Which interplays might be detected among Trust, collaboration pacts and Public Governance mainstream?
3. Which influences may the institution of Trust exert on the key aspects of management of cultural heritage, framed as a common good?
4. Which levers can be toggled to enable the community-anchored Third Sector Organizations to cater for recovering and enhancing the cultural sites belonging to the Municipality?
5. Which outcomes are expected to be achieved by recovering and enhancing the currently-degraded cultural heritage thanks to a greater involvement of Third Sector Organizations via Trust?

Concerning its structure, the work is made up of five chapters.

The first chapter focuses on the regulatory framework in the attempt to find out the building blocks that are expected to mark out any form of public-private cooperation geared towards the cultural asset care.

The second chapter aims at outlining the management of publicly-owned cultural heritage, naturally oriented towards public enjoyment purpose, by analysing the contribution of the various key players and all the ongoing thrusts suggesting the adoption of a Public Governance perspective.

The third chapter is meant to throw light: on the one hand, on the most commonly-used Public-Private Partnerships forms applied to the cultural heritage funding and managerial phase, in accordance with the Public Governance mainstream; on the other hand, on the unprecedented shared administration forms such as the collaboration pacts that have been popping up at a Municipality-level as a reflex of the already-explained current macrotrends. Eventually, third chapter will outline the pivotal role played by Third Sector Organizations within Public Governance of cultural heritage, given their aptitude to exploit all the grass-roots efforts, with a view to taking care of the cultural assets for the benefit of a reference community.

The fourth chapter explains which type of research has been carried out, the research methodologies employed to achieve the research objectives and the data sources that have been used.

Instead, in the fifth chapter, DPM approach is applied to the case study, the capital of the Region of Sicily Palermo, to explain how the Trust could be an eligible institutional vehicle to lead to the recovery and enhancement of currently-degraded cultural heritage belonging to any Municipality, by leveraging a higher empowerment of Third Sector Organizations anchored to a community.

Research limitations and conclusions will follow.

The work has sought to bring out the Trust as an eligible institutional vehicle that can close the gap between the Public Governance perspective applied to the cultural heritage and the currently-recorded macrotrends. Moreover, it has shown that the organizational scheme and the related legal scheme are crucial factors to properly regulate the interests at stake and to stabilize a clear allocation of the responsibilities between the contracting parties. Eventually, this work has clarified which key aspects potentially internalized by the Trust can be conducive, in the light of the cultural heritage conception as common good and the ongoing macro-trends, to strengthen a

fruitful cooperation between public actors (first and foremost, the Municipalities) and private actors aimed at recovering and enhancing any publicly-owned degraded cultural heritage.

1.Cultural heritage regulatory framework: building blocks.

1.1. Premise.

Conventionally, cultural heritage is reckoned a widely-accepted and unifying identity factor, the result of a past, which deserves to be preserved from the destructive actions of time and mankind (Guerzoni, 1997; Koboldt, 1997; Settis, 2002; Council of Europe, 2005; Loulanski, 2006). Having memory of cultural heritage and passing it on to posterity, viewed as tasks traditionally chargeable to the Public Sector, to be carried out either directly or indirectly (by counting on the contribution of external actors or by imposing some regulatory constraints to the private holders), are reflected materially into the need to guarantee the stable protection of cultural heritage over time.

Hence, cultural heritage and the related preservation laws ought to be devised as two sides of the same coin, to such an extent that they ought not to be analyzed separately (Guerzoni, 1997; Koboldt, 1997; Settis, 2002; Council of Europe, 2005; Loulanski, 2006).

Under these circumstances, before thinking about further organizational schemes that might establish a collaboration between the Public and Private sectors to guarantee a broad and effective protection of cultural heritage and its recovery and enhancement, it is essential to look into the reference regulatory framework to identify which tasks have to be fulfilled, the level of responsibility charged to each Government levels and the room for maneuver granted to private actors by Law.

Overall, in the present chapter, the cultural heritage regulatory framework analysis tried:

- to frame the duty of cultural heritage protection as a constitutionally guaranteed principle;
- to figure out the responsibility balance among the different Government levels and the implications due to the subsidiarity principle;
- to point out concretely what are the cultural heritage protection and enhancement tasks according to the regulatory framework in force and what is the expected end-result arising from their joint action;

- to underline to what extent there has been arising an ever-increasing openness to the Private Sector, especially with the view to better achieve the cultural heritage enhancement purpose;
- to clarify the foreground role Municipalities have been assuming nowadays, especially in the light of the recent regulatory developments;
- eventually, to outline briefly the specific Region of Sicily organizational sort-out pertaining to the cultural heritage protection.

1.2. Article n. 9 of Italian Constitution and the duty to protect cultural heritage.

As early as the entry into force of the Republican Constitution in 1948, cultural heritage protection found a prominent place. In particular, by constitutionalising aesthetic conception already exposed by the previous Bottai Laws issued during the Fascism, according to which historical and artistic goods are traditionally conceived as a means for educating people to the beauty (Cassese, 1976; Buccelli, 2004; Degrassi, 2012; Mabellini, 2016), article n. 9 inserts the protection of the historical heritage and the landscape beauties among the fundamental principles of the republican order, as it represents a powerful lever to promote the development of the human being and to consolidate dignity of the Italian Nation (Settis, 2002; Cosi, 2008; Montella, 2009; Montanari, 2013). With this regard, article n. 9 dictates that *«Republic promotes the development of culture and scientific and technical research and it protects the landscape and the historical and artistic heritage of the Nation»*.

Pursuant to the Constitution, underlying idea seems to be that intellectual democracy – which, in turn, might be interpreted as participation and access to culture *lato sensu* – and accessing cultural heritage should be seen as two faces of the same coin (Settis, 2002; Buccelli, 2004).

Assuming that *«National identity of Italians is based on the awareness of being gatekeepers of a unitary cultural heritage that has no equal in the world»*, President of Republic Carlo Azeglio Ciampi in 2003 stated that *«perhaps, the most original article of our Republican Constitution is precisely that article no. 9 which, in fact, finds few analogies in the constitutions of the other countries. [...] Such a principle takes the*

roots in the conscience of every Italian. The same connection between the two paragraphs of article 9 is a peculiar trait: development, research, culture, heritage form an inseparable whole. Protection must be conceived in an active sense, to such an extent that it turns out to be vital accommodating citizen requests by make this cultural heritage accessible by everyone» (Ciampi, 2003).

Once defined cultural heritage preservation as principle constitutionally guaranteed, from that point on, Legislator should have put his effort to ensure the necessary financial cover and the proper administrative structures. After all, as Ciampi said, *«Culture and artistic heritage must be managed well, so that they are effectively available to everyone, both today and tomorrow generations. The proper cultural heritage management and its efficiency are not the objective of culture promotion but a useful means for its conservation and diffusion»*. Such a belief would entail the primacy of aesthetic-cultural values on the economic interests, to such an extent that the latter *«should be respectful of that culture, which is the clearest proof of being Italians»* (Ciampi, 2003).

1.3. Responsibilities balance among different Government levels and the subsidiarity principle.

Fifth Title of the Italian Constitution, as reformulated by Constitutional Law n.3/2001 redefined the balance of power among the State, Regions and Local Authorities so that, according to the article n.117 of Constitution, as a general rule, cultural heritage protection is charged to the State, while the cultural heritage enhancement is entrusted to the joint responsibility of the State and the Regions (Buccelli, 2004, Nacci, 2014).

This default responsibility balance scheme is bound to be affected by the functioning of the subsidiarity principle, introduced in the Constitution since 2001 and housed by the article n. 118. As time, in compliance with the vertical way- subsidiarity principle, in order to improve the effectiveness of cultural heritage protection policy, it has come out the idea to transfer certain State cultural assets to the Regions, Provinces or Municipalities, thus entrusting the managerial tasks to a Government level, which is closer to the administered territories (Nacci, 2014). In parallel, actors outside the

Public-Sector boundaries have been allowed to give their contributions to cultural heritage management system, as early as the entry into force of article n. 10 of Legislative Decree n. 368 of 1998. As a matter of fact, beyond making agreements with Public Administrations, from that point on, to better exert its powers – especially with reference to cultural heritage enhancement – Ministry in charge for cultural heritage protection and enhancement¹ would have been entitled to resort to either foundations or associations as institutional vehicles for involving Private Sector, allowing these associations, foundations and companies also to use the cultural assets delivered (De Götzen, 2011). Likewise, Law n. 4 of 1993 (the so-called Ronchey Law) had already envisaged the possibility to entrust Private Sector to manage all those additional services with fee generally named as «*cultural assistance and hospitality services*»², as well as Legislative Decree n. 167/2000 (also renowned as “Consolidated Text of Local Authorities”) established the chance for Local Authorities to entrust the cultural service to third parties selected through public procedure. Substantially, all these legislative choices aimed at opening up to a higher and higher engagement of Private Sector, are consistent with the horizontal way-subsidiarity principle, viewed as a constitutionally guaranteed principle (article n. 118 of the Constitution, 2nd subparagraph) according to which citizens, either individually or through intermediate bodies, may contribute to meeting the public needs (Buccelli, 2004; Nacci, 2014).

1.4. Cultural heritage protection and enhancement according to the Code of Cultural Assets and the Landscape: echoing back the article n.9 of the Constitution.

At present, Code of Cultural Assets and the Landscape³ constitutes the overhead regulatory framework disciplining the cultural sector. Code has been issued by

¹ Its role will be treated in detail in the following chapter.

² With this regard, Consolidated Text of regulatory measures about Cultural and Environmental Heritage selected the financial viability as a leading criterion for deciding whether empowering or not Private players to manage these additional services with fee. Obviously, such a choice would be mandatory whenever Public Administration did not have the necessary human and financial resources to sort out such services.

³ Also, renowned as “Urban Code”, from the name of the then Minister of Cultural Heritage and Activities.

Legislative Decree n. 42 of 2004, replacing the previous Consolidated Text of regulatory measures about Cultural and Environmental Heritage. Technically, Parliament entrusted the Government to discipline the whole matter in an organic and unitary manner, by posing certain fundamental objectives to be pursued: the improvement of the effectiveness of administrative action; definition of tools for identifying and protecting cultural assets; openness to the Private Sector, in terms of both management logic and possible synergies; the enforcement of European Landscape Convention (Carletti & Bucci, 2004).

Broadly, current Italian Legislation has been the result of first a progressive layering of strictly connected regulatory measures, which have been following each other; then of a progressive streamlining of such regulatory measures, with a view to making them logically coherent each other. With this regard, it should be kept in mind that the birth of Legislation on cultural heritage – as a complex of provisions intertwined each other, designed to discipline the matter – dates back to even before both the republican age or the monarchical one (Carta, 1999; Buccelli, 2004; Degrassi, 2012; Mabellini, 2016).

Throughout its history, Italian Legislation has been more and more endorsing the enlargement of the scope, up to include any asset of valuable cultural interest, regardless of being tangible or intangible, publicly-owned or private. Code, as a reflex of the European Landscape Convention, goes so far as to indicate analytically those cultural assets (article n.10 and 11) and those landscape beauties (article n.134) that can flow into the concept of cultural heritage *tout court*, complying with a normative and unitary conception.

According to the Code, it is necessary both going further a simplistic view of cultural assets as valuable objects per se and overlooking their possibility to be translated in monetary terms. Rather, by recalling article n. 9 of Italian Constitution, Code stresses that cultural heritage, regardless of its ownership, deserves to be protected and to be enjoyed, especially in the light of the contribution given to the development of any human being (Chiti, 1998; Sciullo, 2003; Montella, 2009; Macalli, 2015).

Echoing back to the article n.9 of Italian Constitution might be framed as a reply to the view of cultural assets as cultural oilfields (*giacimenti culturali*) spread out even since 80s. This expression, coined by the then Minister of Labour De Michelis, put emphasis on the possibilities of economic exploitation of cultural heritage, which represented the “black gold” of Italy (Mattei, 2017a). Continuing in that line, thanks to the Decree of the President of the Republic n. 283/2000 alienability of State properties was set as the general rule⁴ (Baldi, 2004). Against such a backdrop, disposals of public cultural assets have been occurring even since 2001 whenever their financial assessments (meaning their translatability in monetary terms) have been outranking the aesthetic values, namely their alleged contributions to the national identity creation⁵⁶.

Once internalized the value of cultural heritage pursuant to article n. 9 of Italian Constitution, Code states that Republic, understood as a system of Authorities acting at different levels of governments such as State, Regions, Metropolitan Cities,

⁴ Conversely, inalienability had been circumscribed only to: those assets recognized as national monuments with provision having legal force; the assets of particular importance because of their reference to the political, military history, literature, art and culture, in accordance with Consolidated Text of regulatory measures about Cultural and Environmental Heritage; the assets of archaeological interest; those assets documenting the identity and history of public, collective, ecclesiastical institutions recognized by Decree of the Ministry for Cultural Heritage and Activities, also on the proposal of the other State Administrations, Regions and other Local Authorities or associations holding widespread interests. Therefore, those assets, because of their inalienability, would have been exclusively object of concession or use by agreement (Baldi, 2004).

⁵ As a proof of such a mainstream, it is appropriate to mention the work of "*Patrimonio dello Stato spa*", a publicly-owned joint stock company established in 2002 (Ponzini, 2010). This institutional vehicle was created with the task of devising, promoting and implementing initiatives and interventions for recovery, enhancement, environmental requalification, management and integrated development of real estate transferred or ready to be managed. Hence, assets of particular artistic and historical interest could have been transferred by agreement with the Ministry for Cultural Heritage and Activities. "*Patrimonio dello Stato spa*" would have acquired those assets – with the view of overseeing their protection and maintenance – by counting on the chance to carry out securitization transactions. In other words, according to the securitization scheme, Company would have financed the purchase through the issue of securities or through the loans granted by third parties. Amount raised thanks to these operations would have been conferred to the Public Bodies that had sold the properties. Vice-versa, "*Patrimonio dello Stato spa*" would have managed the properties, a-waiting for their sale. In any case, article n. 4 emphasized that such a real estate transfer would have not changed the legal regime of the State's cultural properties transferred to "*Patrimonio dello Stato s.p.a*" (Baldi, 2004; Cosi, 2008; Ponzini, 2010). State property privatization through such a securitization system was aimed at reducing the public debt level by identifying the assets available for sale by decree of the Ministry of Economy. However, State balance sheet worsened without producing any long-term benefits. For this reason, "*Patrimonio dello Stato spa*" was suppressed in 2011.

⁶ In any case, the intended use for those assets available for sale should have ensured their conservation and accessibility and it should have been respectful of their historical and artistic value.

Provinces and Municipalities, is required to take charge of cultural heritage protection and enhancement (Chiti, 1998; Sciullo, 2003), in accordance with its provisions and the distribution of responsibilities dictated by article n. 117 of the Constitution. The other Public Institutions at stake should ensure at least the conservation and public use of their cultural heritage.

Code ends up with revealing the crucial role of Public Bodies, especially the Local Authorities, in steering the culture development, since they are equipped with a decision-making power, which is useful to acquire and organise all the needed means and resources and they are also strictly close to the cultural realities locally acting (Macalli, 2015). Likewise, private owners or holders of assets equipped with cultural interest by Law, including civilly recognized ecclesiastical bodies, are required to ensure at least their conservation. This provision might be seen as an attempt to empower private holder to personally carry out conservation efforts, relying on also State contributions and tax reliefs.

According to the Code, both protection and enhancement contribute to preserve the memory of the National community and its territory and they contribute to promote the development of culture (Cammelli, 2004; Carletti & Bucci, 2004). Before issuing Code, Legislative Decree n. 112/1998 had made a distinction between cultural activities and cultural heritage, by identifying as cultural activities the protection, the enhancement, the management, the promotion and all those cultural activities, which were bound to disseminate any cultural and arts manifestations. Against such a backdrop, cultural heritage management had been reckoned as a vital link between protection and enhancement (Buccelli, 2004).

In order to wipe away the doubts and ambiguities stemming from the previous Legislative Decree n. 112/1998, Code provided more accurate notions of cultural heritage “protection” and “enhancement”.

Cultural heritage protection has been linked, according to article n. 3, to *«those activities, which are aimed, on the basis of a prior adequate knowledge, at identifying the assets constituting the cultural heritage and ensuring their conservation for public enjoyment purposes»*. Except in cases of absolute urgency, protection measures about

cultural assets belonging to the Regions and other local public bodies such as Municipalities, are arranged on the basis of prior agreements between the Ministry and the Local Authority concerned, since the protection interventions involving the State, the Regions and the other Local Public Bodies as well as other public and private entities with reference to any cultural asset analytically listed by the Code are ordinarily subject to preliminary program agreements. Although the Ministry is equipped with the natural ownership of such a function and it avails itself of a power of direction, supervision and substitute intervention in case of persistent inaction or negligence (Buccelli, 2004); article n. 5 foresees that protection powers may be exerted by Ministry by conferring, as already mentioned, some responsibilities – on the basis of specific coordination forms or agreements – both to the Regions and, in the alternative, to Local Authorities, whenever this manoeuvre is consistent with the subsidiarity and differentiation principles (Buccelli, 2004).

Vice-versa, cultural heritage enhancement has been connected, according to article n. 6, to *«those activities, which are aimed at promoting cultural heritage knowledge and seeking the best conditions of use and public enjoyment of the cultural heritage itself»*.

Basically, Code has brought out an unavoidable subordination between cultural heritage enhancement and protection, since the latter is bound to mark out the playing field for the first one. In particular, on the one side, protection is meant to focus on conservation, which is intended as an effort to safeguard both the physical integrity of the cultural asset and its functional integrity, thus hinting at the need to preserve and disseminate its intrinsic content. On the other side, cultural enhancement is bound to improve and increase the quantity of historical and artistic information at disposal, as well as to promote any attempt to manage the cultural assets in an efficient and effective way, in order to improve their likelihood to be accessible, while respecting the protection requirements. Likewise, with reference to the landscape, enhancement activities also cover the redevelopment of buildings and areas subject to protection, which are either compromised or degraded, as well as the creation of new coherent and integrated landscape values (Macalli, 2015).

Overall, joint action of cultural heritage protection and enhancement is supposed to facilitate public enjoyment of cultural assets, whose unique attributes are meant to affect the development of human being (Chiti, 1998; Sciullo, 2003; Montella, 2009; Macalli, 2015).

From an operational point of view, according to the article n. 111 of the Code, the cultural heritage enhancement activities consist of *«constitution and stable organization of resources, structures or networks, as well as the provision of technical skills or financial or instrumental resources, finalized to the exercise of functions and to the pursuit of the purposes indicated by article n. 6»*.

Alongside the enhancement initiatives arising from Public Sector, according to the Code, there is also room for enhancement activities resulting from Private Sector, since these activities are recognized as socially useful activities born for pursuing social solidarity purposes. In this sense, it is not accidental that, thanks to the amendment of the Code, thanks to the Legislative Decree n. 62 of 2008, cultural or voluntary associations, exclusively committed to promoting and disseminating the cultural heritage knowledge, are allowed to cooperate within the frame of specific agreements laid down with Public Bodies or the Ministry, in order to achieve a better use and enhancement of cultural heritage. On the whole, Third Sector Organizations are allowed, on whatever grounds, to take part of enhancement initiatives (Macalli, 2015).

Generally speaking, both articles n. 6 and 111 specify that, concerning enhancement activities, private players can cooperate, participate and give their contributions. A remarkable impulse towards the involvement of private players has been granted by the already-mentioned chance to outsource cultural activities and services, as well as by the possibility foreseen by the Code of creating foundations or resorting to contractual tools, such as sponsorship. The latter, according to the Code, consists of any contribution, even in goods or services, provided for the planning or the implementation of initiatives related to the protection or enhancement of cultural heritage, with the aim of earning in terms of reward, the promotion of the name or the brand, the image, the activity or the product pertaining to the donor. Promotion takes place through the association of the name, brand, image, activity or product to the

cultural asset subject to the contribution, while respecting its artistic or historical value. As a proof of the willingness to engage more and more private players in funding phase, to date the contractual procedure of sponsorships has been streamlined by specific provisions dictated by the Code of Public Contracts (articles n. 19 and 151 of Legislative Decree n. 50/2016) (Sau, 2017).

Public Administrations per se can decide to outsource activities and services, whenever this manoeuvre may allow them to gain, compared to a direct management form, a higher level of efficiency or cultural heritage enhancement. Therefore, alongside direct management forms including also the “in house providing⁷” option, it is granted to the State, the Regions and Local Authorities the chance to take advantage of indirect management forms (Ask Bocconi Centre & Intesa San Paolo, 2011; Nacci, 2014), after carrying out a preliminary comparative assessment aimed at identifying the possible gain in terms of efficiency and effectiveness, the objectives to be pursued, the necessary means and the timing and methods. In case of concession to third parties through a public procedure, based on a comparative evaluation of the projects presented, service contract will delimit project content regarding cultural heritage enhancement, the related implementation times, the quality levels to be insured, the service levels to be provided, as well as the professional skills required and the essential services that must be in any case guaranteed for the public use of the property. It should be added that granting of enhancement activities may be accompanied by the concession in use of the spaces, whenever the latter are necessary for exerting the activities themselves. It is self-evident that, even in the case of indirect management form, Public Administration does not abdicate its role, since private players should work while respecting those constraints, which are posed by Public Administration with the aim of protecting collective interests at stake.

⁷ Article n. 113 of Consolidated Text of Local Authorities (TUEL) foresees that local public service may be provided through a fully publicly-owned company, entrusted without any prior public evidence procedure. However, there are two prerequisites to uphold: Public Body can control that company in the same way that the latter can control public service provision and, in addition, company entrusted is required to carry out most of its activity (beyond 80%, according to the Procurement and Concession Code issued in 2016), in favour of the controlling Public Body.

Ultimately, state of art emerging from the reading of the Code is that of a system, which is based on the centralization of direction and supervision powers in favour of the Ministry, facing a possible decentralization of protection and enhancement responsibilities, on the basis of agreements and cooperation forms that may involve respectively Regions and Local Authorities, with regard to both protection and enhancement activities and the private players (including Third Sector Organizations), only with reference to the enhancement initiatives. According to the Code, to involve third parties it is even allowed to establish a foundation, as an institutional vehicle adopted to increase, thanks to the contribution of external actors, the public enjoyment degree of cultural heritage, thus enacting what is envisaged by article n. 9 of Italian Constitution (Cammelli, 2004; Cosi, 2008).

1.5. The role of the Municipalities in the light of the development of the Italian Legislation.

Based on the Italian Legislation, Municipalities (as well as Regions and the other Local Authorities) may own certain cultural assets, which adhere to the inalienability regime of State properties⁸ (*patrimonio pubblico demaniale*). Alongside these assets that are ontologically finalized to public enjoyment, Municipalities may own assets considered as “non-available public properties” (*patrimonio pubblico indisponibile*)⁹.

The latter coincide with those assets, which are bound to house the exercise of a public service and which cannot be subtracted from that destination, except in the ways established by Law. At the end, public properties owned by the Municipalities are made up of also all those assets, which are freely available, namely ready to be sold or granted without any prior regulatory measure or administrative procedure (*patrimonio pubblico disponibile*).

⁸ Reference is made to the confluence foreseen by articles n. 822 and 824 of the Civil Code of 1942 of buildings of historical, artistic and archaeological interest and collections of museums, art galleries, archives and libraries in the domain of State properties, in case they are equipped with a particular cultural interest and they are ontologically meant to meet public needs (Mabellini, 2016).

⁹ Reference is made to the stand-alone regime of State properties not available for sale, disciplined by articles n. 826 and 828 of the Civil Code.

That being said, those properties equipped with a cultural interest, belonging to any Municipality and referring back to the article n.10 of the Code, will fall under the scrutiny of the cultural interest verification process, introduced by Law n. 326 of 2003 (so-called "Linked Law" to the Finance Law of 2004). The latter is just an administrative procedure by which the Superintendences are required to verify – on the basis of general guidelines established by the Ministry for Cultural Heritage and Activities – either *ex officio* or at the request of the subjects to which these assets belong, whether the immovable and movable properties under scrutiny are equipped with a particularly relevant artistic, historical, archaeological or ethno-anthropological interest or not.

Going in depth, cultural interest verification process, as disciplined by article n.12 of the Code, is planned for those immovable and movable objects listed in the article n.10, that: belong to the State, to the Regions, to the Local Authorities, to any other Public Body and Institute and non-profit legal entities; are equipped with an artistic, historical, archaeological or ethno-anthropological interest; arise from the work of an author no longer living and whose execution dates back to over fifty years (if movable objects), over seventy years (if immovable assets)¹⁰. Focusing only on the publicly-owned cultural assets, the latter, until the negative outcome of the verification process of cultural interest, will be affected by the State properties regime. Then, negative outcome of the cultural interest verification process will entail the leakage of these assets from the State property domain and the corresponding weakening of preservation degree envisaged by the Code, provided that there were not any other public interests at stake¹¹.

¹⁰ Truth to be told, Legislative Decree n. 70 of 2011 established that the publicly-owned immovable cultural assets are assumed to be of cultural interest, when their construction dates back to seventy years instead of 50, thus prescribing a threshold, which differs from that one provided for movable objects.

¹¹ Originally, Code provided for the silent-consent regime regarding the rulings on the existence of cultural interest. In particular, whenever the terms of 120 days had expired without any pronouncement of the Superintendences, this would have been reckoned as a negative outcome. Such an outcome would have caused the cultural assets to come out from the State property regime and it would have triggered the weakening of preservation degree envisaged by the Code. In 2006, this provision was changed by no longer mentioning the silent consent and the effects that would have arisen after the 120-day deadline had passed. Conversely, silent-consent regime regarding the monitoring and control of the Superintendences (article n. 22) on building interventions remains in force.

In the latest years, functioning of Municipalities has been affected by the subsidiarity principle since, as already said, in accordance with the horizontal subsidiarity principle, Municipalities were given the opportunity to resort to private actors - selected through public procedures - to manage their cultural services. In parallel, looking up to the governance model stemming from the Code, Municipalities have been becoming more and more accountable for cultural heritage management, as a result of the renewed impetus given to the vertical subsidiarity principle. Following in this vein, article n.5 of Legislative Decree n. 85 of 2010 introduced the special regime of transfer of State-owned cultural assets (*Federalismo Culturale*). Transfer encompasses those properties of historical and artistic interest to be delivered on the basis of specific recovery programs proposed by the Local Authorities and approved by Ministry. Such a transfer has to be enacted from time to time on the basis of individual recovery proposals, with a view to maximizing public use and public enjoyment degree. In other words, Local Authorities receiving the assets have to manage them to the direct or indirect advantage of the territorial community represented, by ensuring the maximum functional enhancement of the asset attributed (Agenzia del Demanio, 2012).

Such a regulatory provision would confirm further the will of the Legislator to identify the Municipalities as the overriding owners¹² and gatekeepers of the Italian cultural and historical heritage.

1.6. Cultural heritage protection in Sicily.

With regard to the Region of Sicily, Regional Statute, pursuant to article n.14 letter n, provides for the exclusive power to legislate on «*tourism, hospitality supervision and landscape protection, preservation of antiques and works of art*». It follows that the full responsibility about protection, restoration, cataloguing, use and enhancement of cultural heritage has been assigned to the in charge Regional Councilorship, that is the “Regional Councilorship of Cultural Heritage and Sicilian Identity (*Assessorato*

¹² This obviously implies to take into account the powers granted to the Municipality, arising from the ownership and related to pricing policies, personnel and so on.

Regionale dei Beni Culturali e dell'Identità Siciliana)"¹³¹⁴. Incidentally, it is interesting to note that the Statute, issued in 1946 and identifiable as a constitutional law, two years before the Italian Constitution, had already included the protection of the landscape and cultural heritage among its fundamental principles (Armao, 2017).

As a consequence of the statutory autonomy, pursuant to the Decree of President of Republic n.637 of 1975, Region of Sicily is equipped with all the powers of central and peripheral administrations of the State concerning antiques, works of art and museums, as well as landscape protection. This implies that peripheral articulations of Ministry acting in the regional territory (first of all, the Superintendences) have been placed under the aegis of the Regional Councilorship, joining its administrative organization.

Entry into force of the afore-mentioned decree might be seen as a turning point since, until then, despite what had been planned by the Regional Statute, Regional Government manoeuvres should have been just complementary to the interventions of Superintendences, which belonged to Ministry (Carta, 1999).

Subsequently, Regional Laws n. 80 of 1977 and 116 of 1980 defined the organizational architecture of cultural heritage management system. Especially, according to Law n. 80 of 1977, in order to enhance and carry out the broadest use of cultural and environmental heritage and any other asset that could be proof of civilization and with the view of preserving public enjoyment of cultural assets, Region of Sicily would have catered for their protection and the promotion of the most suitable social and cultural activities, by also coordinating cultural activities and structures referred to the Local Authorities.

Regional Law of 1977 divided Superintendences into technical-scientific sections, in line with the characteristics and nature of the protected assets. Generally speaking, Superintendences for cultural and environmental heritage should have catered for the census, cataloguing, and restoration of cultural heritage, as well as the protection and supervision of cultural and environmental heritage and research and development

¹³ As well as in Sicily, Ministry has no jurisdiction, with the exception of the archival heritage, in Trentino-Alto Adige and Valle d'Aosta Regions, as planned by their Regional Statutes.

¹⁴ Regional Councilorship of Cultural Heritage and Sicilian Identity will be treated in detail the following chapter.

promotion. In order to guarantee a better fulfilment of these tasks, Regional Law introduced two technical-scientific bodies functionally linked to Superintendences: on the one hand Regional Centre for Planning, Restoration, for the Natural Sciences and Those Ones Applied to Cultural Goods (*Centro Regionale per la Progettazione e per il Restauro e per le Scienze Naturali ed Applicate ai Beni Culturali*); on the other hand Regional Centre for Inventory, Cataloguing and Graphic, Photographic, Audio-visual Documentation (*Centro Regionale per l'Inventario, la Catalogazione e la Documentazione grafica, fotografica, aerofotogrammetrica, audiovisiva*).

Eventually, for boosting a widespread participation to the cultural heritage management of the civil society (Carta, 1999), Regional Law of 1977 introduced the Regional Council for Cultural and Environmental Heritage, which, according to the initial provision, would have consisted of President of the Region, Regional Councilor for Cultural and Environmental Heritage and for Public Education, Regional Councilor for Finance, Regional Councilor for Economic Development and Regional Councilor for Tourism. Such a council, next to an advisory capacity and a power to make proposals, would have been required to draw up – also in competition with the in charge Regional Councilorship – the draft of the regional plan for the protection, enhancement of cultural and environmental heritage and its social usage¹⁵.

As a general rule, Regional Government has not historically exploited fully the autonomy foreseen by Regional Statute by adopting any specific administrative or regulatory measures (Carta, 1999). Hence, except some provisions adopted to design the Regional organizational set-up to cope with the full responsibility about cultural heritage protection and enhancement, Regional regulatory framework is substantially aligned with the National Legislation (first of all, Cultural heritage and Landscape Code and supplementary and amending dispositions, namely Legislative Decrees n.156 and 157 of 2006 and Legislative Decrees n. 62 and 63 of 2008), although there are different subjects responsible for guaranteeing law enforcement.

¹⁵ Such a council corresponds to the Higher Council of Cultural and Landscape Heritage, an advisory body of the Ministry of Cultural Heritage and Activities and Tourism.

2. Publicly-owned cultural heritage management geared towards public enjoyment: key actors and the need to adopt a Public Governance perspective.

2.1. Richness of Italian cultural heritage.

The present chapter aims at depicting the management of publicly-owned cultural heritage naturally oriented towards public enjoyment purpose, by analysing the contribution of the various key players. Eventually, the following chapter is expected to bring into focus all the ongoing thrusts suggesting the need to adopt to a Public Governance perspective.

Once brought out the key points of the reference regulatory framework, first of all it becomes necessary to figure out the size of the cultural heritage subject to these regulatory provisions. With this regard, it is useful to mention the 2015 census carried out by ISTAT¹⁶, in collaboration with Ministry for cultural heritage and activities, the Regions and the Autonomous Provinces, regarding museums and other museum-oriented institutions, both publicly-owned (State and non-State) and privately-owned.

This census represents an attempt to keep track of the composition and the heterogeneity of the Italian cultural heritage.

The most significant data drawn from such census are the following:

- there are 4.976 museums¹⁷ and similar institutions, both publicly-owned and privately-owned, open to the public, of which 4.158 are museums, galleries or collections, 282 areas or archaeological parks and 536 monuments and monumental complexes;
- one third of Municipalities houses at least one museum structure: a widespread heritage quantifiable in 1,7 museums or similar institutions every 100 km squared and almost one museum structure every 12 thousand

¹⁶ ISTAT (National Institute of Statistics) is the leading official statistical producer for Italy. As a public research body, it interacts with the scientific world and it works independently to support citizens and public decision-makers. To get more information: www.istat.it [2018].

¹⁷ According to the Code (article n.101), museum refers to a «*permanent structure that acquires, preserves, orders and exhibits cultural heritage for the purposes of education and study*».

inhabitants. These statistics allow to define Italy as the "country of the widespread museum" (*museo diffuso*) (Settis, 2002).

- two third of museum institutions (64.1%) are publicly-owned and, among these, 2.139 (the 43% of the total), belong to the Municipalities. Museums and other institutions owned by Ministry are just 439 (8.8% of the total), but they attract on their own more than 47 million visitors¹⁸ (42.6% of the total) (ISTAT, 2015).

Privileged focus on the museum sub-system is due to the fact that the latter might convey in a nutshell the ability of a territorial system to produce and offer culture (ISTAT, 2017). Anyway, according to the “Risk Map (*Carta del Rischio*)”, namely the information system handled by the Higher Institute for Conservation and Restoration (*Istituto Superiore per la Conservazione e il Restauro, ISCR*), cultural heritage *tout court* consists of over 200.000 archaeological, architectural and museum assets surveyed by Ministry: on average 68 cultural assets per 100 km squared¹⁹.

As evidence of an unparalleled cultural heritage, Italy, with 53 sites, can boast the highest number of sites listed in the UNESCO²⁰ World Heritage List²¹²². Also, Italy can boast a rich intangible cultural heritage. The latter, according to the Intangible Heritage Convention approved in 2003 by the UNESCO General Conference and ratified by Italy in 2007, is made up of oral traditions and expressions, including language as a vehicle of the intangible heritage, performing arts, social practices, rituals

¹⁸ In 2017 threshold of 50 million visitors has been overcome, with an increase of about 5 million visitors compared to 2016. In addition, earnings have reached almost 200 million, achieving an increase of 20 million euros compared to 2016. For more information: <http://www.beniculturali.it> [2018].

¹⁹ Higher Institute for Conservation and Restoration (ISCR), is a technical body of the Ministry of Cultural Heritage and Activities and Tourism, which belongs to the General Secretariat and it is devoted to the restoration and conservation of works of art and cultural heritage. For more information: <http://www.icr.beniculturali.it> [2018].

²⁰ Role of UNESCO will be dealt with more in detail in 2.4.5. paragraph.

²¹ To catch a glimpse of all of the Italian Unesco World Heritage sites: <http://www.unesco.it/PatrimonioMondiale/Index> [2018].

²² Denomination of “World Heritage” echoes back to the “Convention concerning the Protection of the World Cultural and Natural Heritage”, adopted by the General Conference of UNESCO on 16 November 1972. Purpose of this Convention was to foster the establishment of an effective system of collective protection of areas, sites and places of outstanding value from a cultural, artistic, archaeological and landscape point of view (UNESCO, 1972).

and festive events, knowledge and practices concerning nature and the universe and traditional craftsmanship²³.

Looking at Sicily, here it is concentrated more than 9% of the National cultural heritage. This percentage is bound to increase up to 30%, in case of reference to the sole archaeological heritage (Sicilian Regional Planning Department, 2016). Also, Sicily houses more than the 13% of the Italian sites belonging to the UNESCO World Heritage List. Next to the intangible heritage forms listed in the UNESCO Intangible Cultural Heritage List, namely the Puppet Theatre (*Opera dei Pupi*), the Mediterranean diet²⁴ and the agricultural practice of vine to sapling (“*vite ad alberello*”) tied to the Pantelleria Island; Sicily can boast the following seven naturalistic, historical and artistic sites of outstanding value belonging to the World Heritage List:

- Archaeological Area of Agrigento, listed in 1997;
- Villa Romana del Casale, in Piazza Armerina, listed in 1997;
- Aeolian Islands (*Isole Eolie*), awarded for their natural richness and listed in 2000;
- Late Baroque Towns of the “Val di Noto” (South-Eastern Sicily), listed in 2002;
- Syracuse and the Rocky Necropolis of Pantalica, listed in 2005;
- Mount Etna, the most active and the highest volcano in Europe, listed in 2013;
- Arab-Norman Palermo and the Cathedral Churches of Cefalú and Monreale, listed in 2015.

²³ Currently, Italy can boast eight cultural customs and traditions listed in the UNESCO Intangible Cultural Heritage (ICH) List: Sardinian pastoral songs (*Canto a Tenore*); Sicilian puppet theatre (*Opera dei Pupi*); traditional violin craftsmanship in Cremona; celebrations of big shoulder-borne processional structures; Mediterranean diet; traditional agricultural practice of cultivating the “vine to sapling” (*vite ad alberello*) of the community of Pantelleria Island; falconry, a living human heritage; Art of Neapolitan “*Pizzaiuolo*”. To get more information: [https://ich.unesco.org/en/lists?text=&country\[\]=00110&multinational=3&display1=inscriptionID#tabs](https://ich.unesco.org/en/lists?text=&country[]=00110&multinational=3&display1=inscriptionID#tabs) [2018].

²⁴ Actually, Mediterranean diet should be referred to Italy, as a whole, as well as the other countries throughout the Mediterranean basin (Cyprus, Croatia, Spain, Greece, Morocco and Portugal). To get more information: <https://ich.unesco.org/en/RL/mediterranean-diet-00884> [2018].

Richness of Italian cultural heritage and landscape has always represented an attraction factor universally acknowledged. Even since the seventeenth century, attracted by the “*Bel Paese*” – expression borrowed from the Antonio Stoppani's essay of 1876 – scions of the aristocratic houses from all over Europe, considered Italy as a mandatory stage of a journey of educational training undertaken throughout Europe (the so-called “*Grand Tour*”).

Although Southern Italy²⁵ and Sicily have been in the past unmissable stages of the *Grand Tour* since they house together a remarkable quota of cultural heritage (ISTAT, 2016); until now, compared to the North, they have not historically managed to activate their attraction potential. Indeed, imbalance between “endowment” of cultural heritage and enhancement capabilities, comprising a strong difficulty in promoting local identities, ends up with affecting the ability to attract tourist flows (Lombardo, 2016).

Case of Sicily is emblematic: although the total amount of Regional cultural sites – including museums and archaeological parks – correspond to the about 26.4 percent of the total amount of cultural sites owned by the State (Federculture, 2013); in 2015 Sicily placed itself only as ninth among the most visited Region of Italy (Unicredit & TCI, 2017)²⁶.

In addition to being attraction factors, richness and vastness of Italian cultural heritage entail great difficulties in managing it adequately, as documented by statistics pertaining to the management of the historical urban building heritage (ISTAT, 2015).

In 2011 the highest percentages of buildings built before 1919 in good/excellent condition have been recorded in those Regions that have conventionally selected as a key point of local development strategies the recovery of historical centres: principally, the Provinces of Trento and Bolzano, Umbria and Tuscany (with values between 80% and 90%), but also Emilia-Romagna, Marche and Friuli-Venezia Giulia (over 75%).

²⁵ In the Southern Italy, there are 154 cultural sites, including museums, monuments and archaeological sites, which depend on the Ministry. All together, these cultural sites correspond to 35% of the total number of cultural sites owned by Ministry (ISTAT, 2016).

²⁶ This may be partly due to the fact that Sicily has been historically lagging behind about tourism infrastructures development.

All the regions of Southern Italy, together with Valle d’Aosta and Lazio, have ranked below the Italian average (71.8%), with values even below 60% recorded in Campania, Sicily and Calabria. Focusing on Sicily, in 2011 index of historical urban buildings integrity has shown critical issues, given that in 10 years there has been a loss of about a third of the oldest inhabited buildings (ISTAT, 2015).

In case it is decided including also the boundless “minor” cultural heritage, which encompasses those cultural assets – sometimes well preserved, many times abandoned or neglected – accounting for either the presence of important artists on a local basis or at least the history of local communities (Ask Bocconi-Intesa San Paolo, 2011), the cultural heritage management is likely to appear further complicated. After all, once included also the minor cultural heritage, the extent and the size of the Italian cultural heritage would be such that it would not be easy to draw up a punctual and definitive estimate.

Difficulties recorded in coping with the cultural heritage protection and enhancement aims suggest overcoming a single institution-centred conception of the cultural heritage management and, conversely, to opt for a multi-stakeholder approach, to ensure more effective and widespread cultural heritage protection and enhancement.

2.2. Emersion of the essential Public Service “Public enjoyment of museums and cultural places”.

Basically, any attempt to map the cultural heritage has revealed two elements: a) different concentration of cultural assets in each territory affects the conditioning capacity that these assets can exert on the local socio-economic fabric, as well as on their degree of protection and enhancement; b) a different concentration on the territory of in charge institutions for the cultural heritage management (therefore, the unequal presence of the State, Local Authorities and Private Sector) affects the yield of any managerial solution, the amount of available financial resources and the collaboration forms (Ask Bocconi & Intesa San Paolo, 2011). Likewise, any attempt of keeping track of the Italian cultural heritage and of any policy implemented to take care of it, may allow to figure out which factors have been traditionally hindering cultural heritage management modernization: falling financial resources; mentality of the State and of

non-state actors of cultural sector; administrative complexity; underdeveloped existing management organization; lack of coordination regarding the cultural heritage governance (Leon, 2012).

Focusing only on the publicly-owned cultural sites, their functioning is strictly affected by the functioning of Public Administration *tout court* and by the administrative law, to such an extent that procedures regulating cultural sites are those ones of Public Sector (Ferri & Zan, 2015).

Publicly-owned cultural sites, on their part, since the entry into force of the Bottai Laws, are expected to be, at least in part, accessible to citizens²⁷. Emphasis put on public enjoyment has been increasing more and more, to such an extent that since 2015 public enjoyment of museum and cultural places referred to the article n. 101 of the Code²⁸ has been included in the list of essential public services and it has been added to the custody service of cultural places (Zoli, 2015). This provision constituted the Government's response to the controversies that erupted during the 2015 summer, firstly, in July, because of the closure of some museums in Rome and the excavations of Pompeii, and then, on the morning of 18 September, because of the closure of Colosseum and the Imperial Forums. These monuments remained closed because of some protest actions sorted out by the union representatives of workers, in order to call on the Ministry the unpaid accessory salary (Zoli, 2015). Hence, the view of the public enjoyment of museums and cultural places referred to article n. 101 of the Code as essential public service hints at the need to safeguard a constitutionally guaranteed principle such as the implementation of the «*protection in an active sense*» pursuant to the article n.9 of Constitution (Ciampi, 2003), while ensuring the exercise of the right to strike of the public workers.

²⁷ Concept of public enjoyment has been introduced for the first time by one of the afore-mentioned Bottai Laws (Law n. 1089 of 1939). The latter established the faculty of imposing to private owner visits for cultural purposes, in the case of privately-owned goods of particular historical and artistic interest, as well as the chance granted to citizens to visit those things referred to the articles n. 1 and 2 owned by the State or by some other Body or Institute legally recognised, according to the rules established in the regulations.

²⁸ According to the article n.101 of the Code, reference is made to museums, libraries and archives, archaeological areas and parks, monumental complexes.

Therefore, being the public enjoyment purpose a key element of publicly-owned cultural heritage management, it becomes crucial bringing into focus the contribution and the role assumed by each of the key actors to ensure the cultural heritage public enjoyment, understood as the end-result arising from the joint fulfilment of cultural heritage protection and enhancement tasks (Chiti, 1998; Sciullo, 2003; Macalli, 2015).

2.3. Knowledge function of cultural heritage.

Before assessing the contribution of any key actor compared to the public enjoyment purpose, it should be clarified that institutional tasks of protection and enhancement any cultural heritage management should cope with, call for a preliminary knowledge (*ex ante* knowledge) of cultural assets size and their characteristics (VV. AA., 2006; Taylor & Joudrey, 2017).

Such a function has been historically carried out by opting for the creation of an all-encompassing Catalogue.

National Catalogue of Cultural Heritage is described as a participatory system covering both State and Regions. Diving into the issue, a leading role is granted to the Central Institute for Cataloguing and Documentation (*Istituto centrale per la catalogazione e la documentazione, hereafter ICCD*) acting as a technical scientific body belonging to the Ministry. Specifically, ICCD is required to handle the General information system of the Catalogue (SIGECweb), which represents the "central pole" of the National Catalogue. In parallel, Regions are required to build up autonomous regional information systems, in connection with the SIGECweb. (Negri, 2014; 2016; Moro, 2015; 2017). Besides, starting from the assumption that inventorying requires at least to collect all those information capable to prove the Public Administration ownership of any cultural object (especially, the immovable properties) at a given time and in a specific place, whilst the subsequent catalogue is expected to meet information needs by providing a more detailed description; Local Authorities are asked to inventory all their real estate, given that their punctual fulfilment of this task could fuel later the cataloguing activity and a policy of streamlining of public space usage. Such a policy, following an exhaustive evaluation of any asset, can pave the way for an urban

regeneration process, a more efficient management of the buildings and the identification of the most opportune intended use (Cassa Depositi & Prestiti, 2014).

Overall, the institutional decentralization of a function historically managed at the State level as the cultural heritage cataloguing process is a reflection of the application of New Public Management principles (Moro, 2017). End-results of the decentralization process has been the emersion of the cataloguing network as a network of networks, considering the interplays between ICCD and the Superintendences, ICCD and Regions, Regions and the other Local Authorities (Moro, 2017).

However, although current Cataloguing system houses a significant number of records, autonomy allotted to the Regions in the definition of regional information systems has been producing downstream, as a side effect, an estrangement from the Ministerial standards. This estrangement, *de facto*, has made the connections between the regional information systems and the central information system complicated, causing the fragmentariness and the lack of homogeneity of the Catalogue (Moro, 2015; 2017).

That being said, by looking at Table 1 reported below, in 2016 SIGECweb comprised 2.605.872 records and Sicily, with 20.161 of cultural assets recorded, classed itself in the last places. Given that Sicily, Trentino and Valle d'Aosta – the two other regions equipped with exclusive power to legislate on the cultural sector – classed themselves in the last places, in this case, connection degree between regional and central information systems might have been undermined further by the full autonomy granted to these Regions about the cultural heritage protection and enhancement²⁹.

²⁹ For more information: <http://www.iccd.beniculturali.it> [2018].

Regions	Number of Records
Toscana	441.478
Campania	285.356
Veneto	277.615
Lazio	245.685
Emilia Romagna	229.584
Marche	192.245
Lombardia	173.576
Liguria	128.608
Piemonte	119.989
Puglia	108.201
Abruzzo	102.954
Calabria	58.714
Sardegna	54.446
Molise	54.225
Umbria	49.267
Basilicata	32.348
Sicilia	20.161
Trentino Alto-Adige	16.179
Friuli Venezia-Giulia	13.629
Valle d'Aosta	1.169
Total of Records	2.605.872

Table 1. 2016 SIGECweb data on number of cultural assets records by Region arranged in descending order.

Beyond the attempts to establish the National Catalogue, it should be brought into focus also the aforementioned “Risk Map”. The latter represents a geo-localised information system created by the Higher Council for Conservation and Restoration, on the basis of the Italian Touring Club Italy Guidebooks and the Laterza Archaeological Guides, in order to provide the State, Local Authorities and the Institutes in charge for the protection and conservation of cultural heritage with the information regarding potential risk factors and vulnerability threatening any immovable cultural asset (Negri, 2016). Likewise, in Sicily a Risk Map has been conceived by the already quoted Regional Centre for Planning and Restoration. The project, financed by EU structural funds, is supposed to integrate and update national data, narrowing down the focus on the regional specificities. Currently, this Risk Map comprises within the alphanumeric database and geodatabase a total of 8.120 architectural assets and 1.886 archaeological assets³⁰.

³⁰ These statistics have been taken out from the official web-site of “ES Progetti e Sistemi”. The latter is just a company, which has supported the Regional Centre for Planning and Restoration in the creation of the Risk Map. To get more information: <http://www.es-it.com> [2018].

Facing the difficulties about cataloguing cultural heritage, also cultural sites visibility (*ex post* knowledge), as a component of the cultural heritage enhancement, has shown some critical issues in the last few years. Recent statistics³¹ would testify a still too marginal role of Internet in defining the Italian museum cultural offer, despite its ever-increasing weight in intercepting the global market flows and in giving visibility to cultural resources (López et al., 2010; Bonacini, 2012; 2014; Padilla-Meléndez & Del Águila-Obra, 2013). In this sense, Online Performance Index of Italian museum institutions, built by Bem Research by putting together data related to the usage of Web, social networks, visibility on sites specialized in tourism and the usage of mobile applications, confirms a significant imbalance between the Italian museum system and the foreign museum institutions (Bem Research, 2017). Likewise, concerning the Sicilian museum cultural offer, data about visibility indexes on the main web portals have underlined the need for a trend reversal regarding both the enhancement (tied to the strictly cultural aims of a cultural institution) and the communication of information (tied to strictly tourist-cultural interests.), taking into account the impact of Internet on the consumption and supply of cultural goods³² (Bonacini, 2012; 2014; Sgarlata, 2016).

2.4. Main actors to support public enjoyment of cultural heritage.

2.4.1. Ministry of Cultural Heritage and Activities and Tourism (MIBACT).

Ministry of Cultural Heritage and Activities and Tourism (*Ministero dei Beni e delle Attività Culturali e del Turismo, hereafter MIBACT*) is the actor in charge for the protection and enhancement of cultural heritage at national level. Its birth has been driven by some critical issues recorded in the overall cultural heritage management.

³¹Reference is essentially made to the study carried out in 2016 by “Digital Innovation in cultural assets Observatory (*Osservatorio Innovazione Digitale nei beni culturali*)”. For more information: https://www.osservatori.net/it_it/osservatori/executive-briefing/il-52-dei-musei-italiani-e-social-ma-i-servizi-digitali-per-la-fruizione-delle-opere-sono-limitati [2018].

³² Specifically, an analysis of the Sicilian cultural offer on the web has revealed that out of 463 cultural institutions including museums, galleries, archaeological and historical-artistic sites and 10 entirely virtual museums, only 75 institutions, namely 16,19% of the sites surveyed are equipped with an exhaustive website (Bonacini, 2012; 2014).

Indeed, in 1964, on a proposal from the Ministry of Education, it was established a Commission of Inquiry for the protection and enhancement of things of historical, archaeological, artistic and landscape interest, the so-called Franceschini Commission, with a view to documenting the progressive worsening of Italian cultural heritage conditions³³. Franceschini Commission's proposals, as well as those ones suggested by Papaldo Commissions in 1968 and 1971, have somehow paved the way for the emersion of a standalone body exclusively committed to the cultural heritage protection (Cosi, 2008; Barile & Saviano, 2012; Melis, 2016). Hence, on 14 December 1974, on the initiative of Giovanni Spadolini, it was established by Law Decree n. 657 – then converted into law in 1975 – the Ministry for Cultural and Environmental Heritage (*Ministero per i Beni Culturali e Ambientali*), with the task of institutionalising an independent administrative structure in charge for overseeing cultural heritage and environment, ensuring, as stated by Decree establishing the Ministry, «*the protection of extremely importance interests at both national and international levels*». To cope with this task, Ministry inherited the powers on the matter that belonged: to the Ministry of Public Education, concerning Antiques and Fine Arts, Academies and Libraries; to the Ministry of the Interior (*Ministero degli Interni*), with reference to the State Archives; to the Presidency of the Council of Ministers (*Presidenza del Consiglio dei Ministri*), about Italian sound heritage (*Discoteca di Stato*), book publishing and dissemination of culture.

³³ On this occasion, Commission drew up some key notions like that one referred to the cultural assets (set in Declaration I), which, in turn, would have become a milestone of the cultural heritage Legislation (Chiti, 1998; Carta, 1999; Buccelli, 2004; Cosi, 2008; Degrassi, 2012; Melis, 2016). Specifically, cultural asset has been defined as «*any object that constitutes a material testimony having the value of civilisation*». This implies that «*all types of property having reference to the history of civilisation*» belong to the national cultural heritage (Degrassi, 2012). Actually, work of Franceschini Commission was grounded in the outcomes of the International Convention for the Protection of Cultural Property in the Event of Armed Conflict issued in The Hague in 1954, which for the first time had formalized the notion of “cultural property”. According to the 1954 Convention, cultural property shall cover, irrespective of origin or ownership: movable or immovable property of great importance to the cultural heritage of every people; buildings whose main and effective purpose is to preserve or exhibit the movable cultural property, such as museums, large libraries and depositories of archives, and refuges intended to shelter, in the event of armed conflict, the movable cultural property; centres containing a large amount of cultural property, to be known as “centres containing monuments”.

During the course of its history, MIBACT has been undergoing a continuous redefinition of its organisational set-up pointed out by the change in its denomination, which obviously has been mirroring implications on the Ministry scope. In particular, in 1998 with Legislative Decree n. 368 of 20 October it has been set up the Ministry for Cultural Heritage and Activities³⁴ (*Ministero per i Beni e le Attività Culturali or MIBAC*), to which the powers of the previous Ministry for Cultural and Environmental Heritage have been assigned, as well as those ones referred to the promotion of sport, sports facilities³⁵ and performing arts. Then, in 2013 tourism matter has been entrusted to the MIBAC, which in turn has assumed the denomination of Ministry of Cultural Heritage and Activities and Tourism (*Ministero dei Beni e delle Attività Culturali e del Turismo or MIBACT*)³⁶.

As stated, in accordance with the Code, MIBACT is increasingly limiting itself to exert powers of direction and coordination. As a proof of this, despite the increasing size of the cultural heritage, the percentage managed by the State has been remaining stable over time or at most it has been decreasing slightly. By way of example, in 2011 only 9% of museum institutions depended on the Ministry, while in 2015, this percentage has fallen to 8,8% (ISTAT, 2013a; 2016)³⁷. Nevertheless, as already said, quota of museums and other institutions owned by Ministry attracts on its own almost the half of the total amount of visitors (ISTAT, 2015).

Basically, protection and enhancement of cultural and landscape assets and activities is one of the State Budget missions³⁸, which, in turn, are bound to identify the main functions and the strategic objectives pursued through the public expenditure.

³⁴ In the meanwhile, Ministry had lost powers concerning environment management. To take care of such a matter, an *ad hoc* Ministry was constituted in 1986.

³⁵ Subsequently, promotion of sport and sports facilities has been allotted by law decree of 18 May 2006 n. 181 to the new Ministry for Youth Policies and Sports Activities (*Ministero delle Politiche Giovanili e delle Attività Sportive*).

³⁶ Indeed, since 2018, Ministry has back to being MIBAC, since tourism matter has been entrusted to Ministry of Agricultural, Food and Forestry Policy (*Ministero delle politiche agricole, alimentari e forestali*).

³⁷To get more information: ISTAT (2013a), I musei, le aree archeologiche e i monumenti in Italia, anno 2011, available on: www.istat.it[2018]; ISTAT (2016), I musei, le aree archeologiche e i monumenti in Italia, anno 2015, available on: www.istat.it [2018].

³⁸ Public Accounting and Finance Law n. 196 of 2009 identified 34 missions, each of which is divided into programs, varying from year to year by number and definition.

Expenditure level analysis is instrumental in assessing cultural and landscape assets potential vulnerability level. On the whole, expenditures devoted to such a matter contracted sharply especially in correspondence to the economic crisis. As a matter of fact, starting on the premise that, according to the classification of function of government (COFOG) adopted by the European Union, cultural heritage protection and enhancement fall within the broadest “aggregate expenditure on cultural services”; for every euro spent in cultural services in 2008, Italy spent 0,77 in 2013. More significant reductions have been observed only in Spain (0,58), Greece (0,61) and Ireland (0,74), while in the eurozone as a whole, spending has remained almost unchanged (1,01) and in France and Germany, respectively, has risen by 17 and 26 per cent (ISTAT, 2015).

As highlighted by ISTAT, the mission “cultural heritage protection and enhancement”, more than the other State Budget missions, have gone through remarkable budget cuts (ISTAT, 2014). These cuts in public expenditure would testify the historical difficulty of keeping in balance the ever-lasting preservation need of cultural assets over time with the budgetary process, typically viewed as «*a short term proposition*» (Leon, 2003).

As evidenced by Figure 1 reported below, since 2014, it seems that it has been starting out a partial turnaround to that point that, in 2016, expenditure for cultural heritage protection and enhancement has marked a significant increase (+ 8,4%) respect to 2015, mainly supported by an increase of capital expenditures (Ministry of Economy & Finances – General Accounting Office, 2017; ISTAT, 2017). More precisely, 2016 State Budget aggregated expenditure devoted to the protection and enhancement of cultural and landscape assets and activities has been equal to 1.680 million, while the related budget allocations, after 8 years, has exceeded the threshold of 2 billion (MIBACT, 2017a;2017b).



Figure 1. Source: Ministry of Economy and Finances – General Accounting Office (Ministero dell’Economia e delle Finanze – Ragioneria Generale dello Stato). Total payment trends concerning “protection and enhancement of cultural and landscape assets and activities” mission along the period 2009-2016.

In witness of a renewed attention to cultural heritage, in recent years, many interventions have been planned to allocate more financial resources to the MIBACT for the protection and enhancement purposes, among which it is worthwhile mentioning primarily the reassignment to the MIBACT, starting from 2014, of the revenues deriving from entry tickets related to the cultural sites owned by State (Chamber of Deputies and Republic Senate, 2016; MIBACT, 2017b). Indeed, until then, incomes coming from the entry tickets and royalties paid by private players managing the additional services flowed into a single fund of the Ministry of Economy. Law n.112 of 2013 enshrined that these incomes, following the transfer to the Ministry of the Economy, would have come back to MIBACT. Then, it has been taken a step further by establishing that, once returned to MIBACT, these sums would have returned to the places where they had been produced, namely museums and other monuments³⁹through a system that would have rewarded the best managerial practices and it would have safeguarded the small museums through a National equalization fund⁴⁰.

³⁹To get more information:<http://www.ilsole24ore.com/art/notizie/2014-05-30/franceschini-incassi-biglietti-rimangono-musei-194104.shtml?uuid=AByZvYMB> [2018].

⁴⁰To get more information:http://www.beniculturali.it/mibac/export/MiBAC/sitoMiBAC/Contenuti/visualizza_asset.html_249254064.html [2018].

Besides, after nine years, MIBACT managed to hire 500 new employees and various professionals and it also made an agreement with the Ministry of Labour to offer 2.000 volunteers of the National Civil Service the opportunity to cooperate in the State cultural sites (MIBACT;2017b). Nevertheless, despite these signs of improvement, 2016 expenditure level, net of the financial resources allotted the Performing Arts and to the financing of the so-called “*Culture Bonus*⁴¹”, would settle at 1.16 billion, namely only the 0,26% of public primary expenditure and the 0,07% of GDP.

On the European stage, with regard to the percentage of GDP spent on cultural services, Italy, over the last decade, has always classed itself at the second to-last place or at the third from the bottom place. The extent and importance of the Italian cultural heritage are such to assert that level of expenditure recorded in Italy ought to align itself at least with the European average. Although in 2015, for the first time in the last few years, Italy's spending on cultural services has significantly increased compared to the previous year (+ 9,2%), also with a more pronounced growth than the EU average (+2,6%); amount of public expenditure for cultural services (of which cultural heritage management is just a fraction), as documented by Figure 2 reported below, has settled at one of the lowest levels in Europe. More precisely, it has settled at 0,36 % of GDP against an European average of 0,45%, and it has also been equal to almost the half of that of France (0,73%), indicated by ISTAT as a «*natural benchmark*» (ISTAT, 2017).

⁴¹ “Culture Bonus” is an initiative set up since 2016 by the Ministry of Cultural Heritage and Activities and Tourism and by the Presidency of the Council of Ministers dedicated to promoting culture. The program is bound to target those who turn 18, and specifically it allows them to get € 500 to spend in cinema, music, concerts, cultural events, books, museums, monuments and parks, theatre and dance, as well as music, theatre or foreign language courses. To get more information: <https://www.18app.italia.it> [2018].

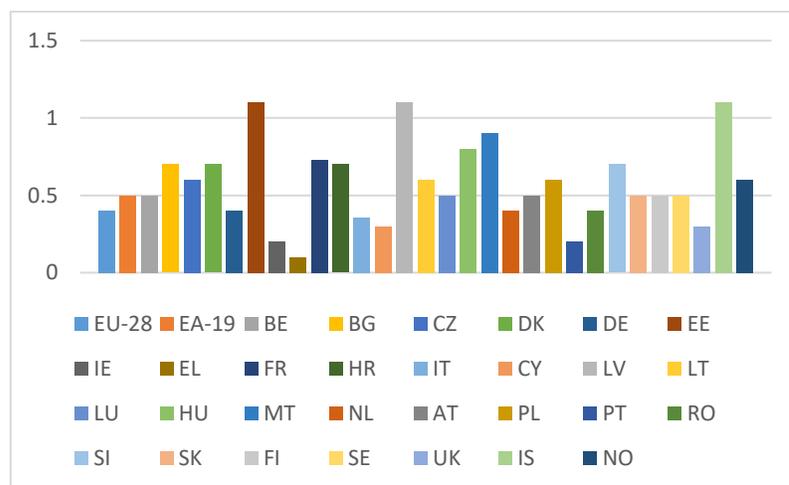


Figure 2. Source: Eurostat, Government Finance Statistics. Processing of data about 2015 expenditure levels on cultural services, expressed as percentage of GDP.

In the pursuit of the spending review goal listed in Law Decree n.66 of 2014, Ministry adopted a complex of rules of internal organization⁴², (the so-called “Franceschini Reform⁴³”), through which it has tried to redefine and simplify the command line between Central Administration and the outlying ones⁴⁴(MIBACT, 2014).

To date, from an organizational standpoint, MIBACT shows a multi-layered structure, including – beyond offices politically appointed (Under-Secretariat), and offices of collaboration to the Minister – the General Secretariat and, below it, the General Directions, which oversee different scopes⁴⁵. Hence, according to the Ministerial organisational chart, General Secretariat is required to ensure the coordination of the General Directions by elaborating the directives, the addresses and the strategies concerning the overall activity of the Ministry⁴⁶ (MIBACT, 2014).

⁴² Such a complex of rules has been listed within Prime Minister Decree n. 171 of 2014. To see the integral version of text, go to: <http://www.normattiva.it/> [2018].

⁴³ From the name of the then Minister of Cultural Assets and Activities and Tourism.

⁴⁴ Next to Regional secretariats, as administrative offices also in charge for tourism and designated to coordinate the peripheral articulations of the Ministry located in each Region, Superintendences (the Archaeological ones and the Fine Arts and Landscape Superintendences) pop up as outlying articulations of the corresponding General Directions.

⁴⁵ To catch a glimpse of the overall MIBACT organizational structure: <http://www.beniculturali.it/mibac/multimedia/MiBAC/images/Organigramma2017.jpg> [2018].

⁴⁶ Moreover, General Secretariat is required to carry out cross-cutting tasks, such as the coordination of programming of direct and indirect European funds (MIBACT, 2014).

Among different General Directions, following the 2014 Reform, it is worthwhile mentioning the Museum General Direction, whose establishment has been motivated by the attempt to implement national public enjoyment strategies of cultural heritage. In parallel, MIBACT has also opted for giving 20 museums recognized as the most nationally relevant museums the maximum administrative status (MIBACT, 2014). In 2016, ten further autonomous museums and archaeological parks have been established, as well as the archaeological parks of the Colosseum and Pompei have been established in 2017⁴⁷ (MIBACT, 2017a;2017b). Another key point to be stressed is the attempt of MIBACT to design a National museum system encompassing the Regional museum hubs⁴⁸. Regional museum hubs, conceived as peripheral articulations of Museum General Direction placed in each Region, are responsible for promoting a museum system comprising State and non-State museums, both public and private.

In parallel, thanks to the Reform, museums are no longer to be considered as offices of the Superintendences (Nacci, 2014). Going in depth, autonomous museum institutes proposed by MIBACT are first and foremost endowed with their own statute, their own budget and technical-scientific autonomy. The latter implies that museum, on its own, can acquire, preserve, communicate their works and expose them for study, education and pleasure, promoting their visibility to the public and the scientific community while respecting the role of Service Charter (*Carta dei Servizi*) as a means to define and disclose the public enjoyment service conditions and standards⁴⁹.

On the whole, strategic goals endorsed by MIBACT coincide with the increase in public enjoyment degree and the cultural heritage enhancement. Facing these strategic goals, it stands out the adoption of an organizational sort-out capable to keep in balance two impulses: on the one hand the willingness to strengthen supervision and monitoring

⁴⁷ All these institutions are run by as many directors selected through an international public tender (MIBACT, 2017a).

⁴⁸ Currently, there are 17 Regional museum hubs and they are ruled by 14 directors, who are appointed by Museum General Direction.

⁴⁹ To get more information:

http://www.beniculturali.it/mibac/export/MiBAC/sitoMiBAC/Contenuti/MibacUnif/Comunicati/visualizza_asset.html_361837075.html [2018].

powers granted to the MIBACT by enlarging Central Administration levels and their scope; on the other hand, the attempt to foster the creation of standalone museum institutes or integrated territorial systems, such as Regional museum hubs, theoretically able to combine the greater effectiveness of the cultural offer with a containment of expenditure, also, if necessary, through the unification of centres of cost (MIBACT,2014; 2017a; 2017b; Eroli, 2015).

2.4. 2. Superintendences.

In 1907 Superintendences were established as control offices locally acting under the aegis of the Ministry of Public Education (Melis, 2016). With the entry into force of Bottai Laws⁵⁰, faced with the conception of cultural goods as static and material objects, exclusively meant to the contemplation, public interventions were viewed as mere preservation interventions carried out by a system of administrative policing, namely the Superintendences (Buccelli, 2004, Degrassi, 2012). By way of example, with reference to those things equipped with particularly important interest, Superintendences were required to oversee their restoration and maintenance works, by granting the prior authorization and by imposing to the owners the necessary expenses for the conservation. Likewise, State retained the power to expropriate neighbouring areas and buildings whenever the Ministry of the Public Education – the then in charge Ministry for cultural protection tasks – would have recognized it as necessary to isolate or restore monuments, to guarantee or increase their public decorum or to facilitate the public enjoyment. Nevertheless, the power to expropriate movable or immovable properties⁵¹ per se, could have been led also by an important interest related to the conservation or the increase of National cultural heritage.

⁵⁰ Constant reference to Bottai Laws is due to the fact that many of the provisions currently in force date back to the Bottai laws, considered by Sabino Cassese as *«the first real cultural policy program»*. Actually, Bottai Laws might be seen as a systematic body of regulatory measures, which for the first time sought to regulate at the same time three different sub-systems: things of art (Law No. 1089 of 1939), Landscape Beauties (Law No. 1497 of 1939) and Archives (Law No. 2006 of 1939).

⁵¹ Actually, the previous Rosadi Law had already provided for the possibility to expropriate movable and immovable properties, if they had been damaged or they had run the risk to be deteriorated and private holders had not put their efforts to remove the threats within the term assigned by the Ministry of Public Education.

Nowadays, the system outlined by the recent reforms has ended up with separating protection from enhancement, especially because Superintendences no longer oversee museum management. Hence, Superintendences confine themselves to authorize and oversee protection interventions concerning any cultural interest properties complying with the Code and to carry out study and research activities. In parallel, autonomous museums and Regional museum hubs, thanks to the greater autonomy acquired and the introduction of new managerial bodies such as management board and scientific committee, have been entrusted to cater for the enhancement tasks and also to give their contribution to the protection functions (MIBACT, 2017a; 2017b).

Substantially, regarding organizational set-up of Superintendences, National Government has ended up with converging to the Sicilian Regional Government by encouraging the establishment of the unitary Superintendences “Archaeology, Fine Arts and Landscape”⁵²⁵³.

As a matter of fact, the unitary Superintendence model acting with reference to different issues (Archaeology, Fine Arts and Landscape) had been already operating in Sicily even since the entry into force of Regional Laws of 1977 and 1980. As already mentioned in Chapter 1, in Sicily Superintendences have been divided into technical-scientific sections in relation to the characteristics and nature of the assets to be protected⁵⁴.

⁵² To date, the National unitary Superintendences spread over the territory amount to 39, to which the two Superintendences of the Colosseum and Pompeii equipped with a special autonomy, should be added.

⁵³ Indeed, thanks to the 2014 reform, Superintendences for the historical-artistic assets had already been merged with those ones related to the architectural assets, under the aegis of a sole General Direction. In 2016 it was made a step further, since Archaeology General Direction and Fine Arts and Landscape General Direction flowed into a sole General Direction, named “Archaeology, Fine Arts and Landscape General Direction

⁵⁴ Currently, in Sicily there are nine Superintendences as many as the former provincial capitals of Sicily. With this regard, to date, pursuant to Regional Law n. 8 of 2014, Provinces have been replaced by three Metropolitan cities (Palermo, Messina and Catania) and six consortia of municipalities corresponding to the former Provinces of Trapani, Agrigento, Enna, Caltanissetta, Siracusa and Ragusa. Alongside the 9 Superintendences set on a provincial basis, there is the Superintendence for the Cultural and Environmental Heritage of the Sea. To get more information about all the Superintendences acting in Sicily:

http://www.regione.sicilia.it/beniculturali/dirbenicult/database/page_soprintendenze/pagina_soprintendenze.asp?ID=1 [2018].

Adoption of the unitary model of Superintendence underlies the adherence to a holistic, systematic, diachronic, multidisciplinary approach, taking into account the role of landscape as a unifying and central element within cultural heritage protection policies (Volpe, 2015). From this perspective, complying with the notion of “landscaping plan” arising from the Cultural Heritage and Landscape Code⁵⁵, landscape in itself is to be understood as a slow and gradual stratification of widespread naturalistic, monumental and settlement realities (Manacorda, 2014). Volpe, President of the Higher Council of Cultural and Landscape Heritage, praised the theoretical validity of the Sicilian model of Superintendences, arguing that, since its entry into force, only a single Superintendence, rather than two or three, would have been called in for settling a multi-faceted issue. This undoubtedly might have ensured greater streamlined administrative procedures and greater probability of response within the expected times by simplifying the relationship between citizens and Public Administration. However, Volpe drew attention to the risk of failure in practice of such a model, due to an excessive proximity to an intrusive political power that could have affected the autonomy of the unitary Superintendences⁵⁶. As proof of this fear, in Sicily, Regional Law 10 of 2000, since its entry into force, would have encouraged the migration of professionalisms – which are far away from the cultural sector – into the technical-scientific sections of the Superintendence (Sgarlata, 2016), as well as at a national level, in 2015 it has been envisaged to put Superintendences under the control of the Prefectures⁵⁷. Such a measure has been assessed from many quarters as a threat to the Superintendence autonomy⁵⁸.

⁵⁵ According to the Code (article n.135), landscaping plans define specific provisions to preserve the constituent elements and morphologies of the landscape assets subject to protection, also taking into account the architectural types, techniques and construction materials, as well as the need to restore landscape values.

⁵⁶ To get more information: <http://ilgiornaledellarte.com/articoli/2016/1/125514.html> [2018].

⁵⁷ Such an organizational backbone seems to certify somehow a throwback. Indeed, in nineteenth century Prefects were entrusted to rule the Commissions of Conservation of Monuments and Works of Art, which were responsible for overseeing the conservation of monuments, by ordering any proper measures to prevent their deterioration (Melis, 2016).

⁵⁸ To read more: http://www.corriere.it/cultura/16_marzo_23/franceschini-protesta-beni-culturali-fallai-31b12196-f132-11e5-9f30-007f8fe49766.shtml [2018].

2.4.3. Regional Councilorship of Cultural Heritage and Sicilian Identity.

Concerning Region of Sicily, Regional Councilorship of Cultural Heritage and Sicilian Identity is required to make explicit – in the same way as MIBACT at national level– the vision towards which to tend, to prioritise the strategic objectives to be pursued and to allocate responsibilities among the different organizational levels (Bonini Baraldi & Zan, 2015).

Following the entry into force of the Regional Law n. 19 of 2008, Regional Councilorship of Cultural Heritage and Sicilian Identity has taken over as actor with full responsibility about protection, restoration, cataloguing, use and enhancement of cultural heritage. Until then, as nationally recorded, tasks pertaining to cultural heritage management had been conferred to the Regional Councilorship of Public Education, whose complete denomination was “Regional Councilorship of Cultural and Environmental Heritage and Public Education (*Assessorato Regionale dei Beni Culturali ed Ambientali e della Pubblica Istruzione*)”.

Regional Councilorship, due to the Sicilian statutory autonomy, shows up as an institution equipped with powers of stipulation of memorandums of understanding and programming agreements, laid down in order to allocate responsibilities, to clarify the strategic lines and to regulate the contribution of third parties, among which it is worthwhile mentioning the Central Government and the “Cultural Heritage Protection Pool (*Nucleo di tutela del patrimonio culturale – Carabinieri*)⁵⁹”.

From an organizational point of view, “Regional Councilorship of Cultural Heritage and Sicilian Identity” comprises just the “Regional Department of Cultural Heritage and Sicilian Identity”, which has been belonging to the Regional Councilorship of Cultural Heritage and Sicilian Identity since 2010⁶⁰. Regional Department per se, beyond the General Affairs Office, is made up of staff units and 7 sections corresponding to institutional macro-level tasks, like “public enjoyment,

⁵⁹ It turns out to be a specialized pool belonging to “*Carabinieri*” and functionally dependent from MIBACT. To read more: <http://www.carabinieri.it/cittadino/tutela/patrimonio-culturale/introduzione> [2018].

⁶⁰ Until then, it belonged to the previous Regional Councilorship of Cultural and Environmental Heritage and Public Education.

enhancement and promotion of public and private cultural heritage” or “protection and acquisitions”. Also, Regional Department is made up of further sections, such as the Superintendences, the already-mentioned Regional Centres identified as Technical-Scientific Bodies⁶¹, the Regional Libraries, the 13 Regional cultural and archaeological hubs and the autonomous archaeological parks⁶². On the whole, Regional Department acts as “armed wing” of Regional Councilorship, since the first, with a view to achieving the strategic objectives drawn by the second, is bound to steer – in the same way as the General Secretariat and General Directions at national level – the policy implementation within each of the sections listed above (Bianchi, 2004; Bonini Baraldi & Zan, 2015).

Substantially, MIBACT and Regional Councilorship seem to be comparable, also because both of them are endowed, at least on the paper, with consultative bodies, such as the Higher Council of Cultural and Landscape Heritage and the corresponding Regional Council for Cultural and Environmental Heritage⁶³. Furthermore, both MIBACT and the Regional Councilorship take advantage of the work of standalone bodies, called to guarantee the pursuit of circumscribed institutional purposes. By way of example, next to specific autonomous bodies belonging to MIBACT like the Central Institute for Archives⁶⁴; it is useful to remind the already quoted Higher Institute for the Conservation and Restoration (ISCR) and the Central Institute for Cataloguing and Documentation⁶⁵ (ICCD) and the corresponding afore-mentioned Regional Centres.

⁶¹ Reference is made to the Regional Centre for Planning, Restoration, for the Natural Sciences and Those Ones Applied to Cultural Goods and the Regional Centre for Inventory, Cataloguing and Graphic, Photographic, Audiovisual Documentation, already mentioned in chapter 1.

⁶² To get more information:

http://pti.regione.sicilia.it/portal/page/portal/PIR_PORTALE/PIR_LaStrutturaRegionale/PIR_AssBeniCulturali/PIR_BeniCulturaliAmbientali/PIR_Amministrazionetrasparente/PIR_Organizzazione/PIR_ArticolazioneDegliUffici[2018].

⁶³ Indeed, it must be taken into account that Regional Council has undergone several organizational changes throughout its history, in order to reduce its composition and to resize the influence of the political members. Since 2009, not being selected its members, Regional Council had been not able to carry out the functions assigned. So, it had remained inactive for a long time. Only in 2017 necessary provision to appoint its members has been approved by the Sicilian Regional Parliament.

⁶⁴Central Institute for Archives flows into the General Direction “Archives”.

⁶⁵ Both Higher Institute for the Conservation and Restoration (ISCR) and the Central Institute for Cataloguing and Documentation belong to the General Direction “Education and Research” of MIBACT.

In line with what has been recorded at national level, to date, Sicily Region owns just the 41% of the total Sicilian cultural heritage (Sicilian Regional Planning Department, 2016). Moreover, budget allocations for the cultural sector have undergone a sharp downsizing over time. Regional Councilorship of Cultural Heritage, more than the other ones, has been suffering the effects of stringent regional budget policies (Sgarlata, 2016), which, in turn, have been caused by high rigidity of current-account expenditures, high level of debt and a large deficit (Courts of Auditors Joint Chambers for controlling Region of Sicily, 2017).

Therefore, focus on the reference aggregate of the budget allocations aims at highlighting the weight that the subject responsible for the protection and enhancement of cultural heritage has historically had in the regional programming of expenditure.

As well as Ministry's ordinary operating funds have been termed as substantially inadequate compared to the range of tasks to fulfil; in the same way, despite a slight recovery in the last three years documented in Figure 3, funds available have been reckoned by former Regional Councilor Sgarlata⁶⁶ as definitely scarce for an adequate functioning of the Regional Councilorship (Sgarlata, 2016).

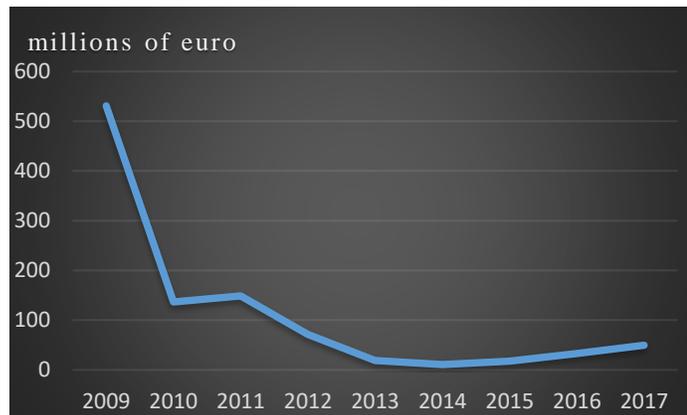


Figure 3. Budget allocations granted to the Regional Councilorship along 2009-2017. Budget allocations pertaining to 2009 are referred to the functioning of “Regional Department of Cultural and Environmental assets, Permanent Education, Architecture and Contemporary Art (Dipartimento Regionale dei Beni Culturali ed Ambientali dell’Educazione Permanente, dell’Architettura e dell’Arte Contemporanea)” belonging to the previous “Regional Councilorship of Cultural and Environmental Assets and Public Education”.

⁶⁶ Maria Rita Sgarlata has been the Cultural Heritage Regional Assessor from April 2013 to April 2014.

It should be noted that the collapse of budget allocations occurred in 2009 has been partially due to the transfer of powers and budget chapters of theatrical, musical and cinematographic activities from the Councilorship of Cultural Heritage to the Councilorship of Tourism, Sport and Entertainment. Nevertheless, such a cutting back cannot be fully explained by considering it as a result of a mere power transfer between the two Regional Councilorships (Sgarlata, 2016)⁶⁷.

In order to realize to what extent the Sicilian cultural heritage management is jeopardized by stringent budget constraints, by going through the Regional estimated budget for the three-year period 2017-2019, with a privileged focus on the year 2017 for which such budget has an authorization value, it can be noted that:

- Budget allocations for auxiliary services expenses (expenditure item n.376506), which include, among other things, utilities and cleaning expenses targeting all the cultural sites owned by Region⁶⁸, have been equal to only 1,5 million for the year 2017;
- budget allocations for the expenses related to the functioning of the Superintendences for cultural and environmental assets, libraries, regional centres and cultural parks (item expenditure n.376530) have been equal to 2,8 million, compared to a higher financial requirement, given that such expenses might be seen as mere “day to day operation expenses”;
- budget allocations for costs connected to the functioning of interdisciplinary regional museums and regional museums (expenditure item n. 376545) have been equal to around only 1 million euro for the year 2017;

⁶⁷ Such a cutting back is likely to be explained by saying that the weight assigned to the Councilorship in charge for cultural heritage protection and enhancement has always been pretty marginal, as it will be confirmed by the size of budget allocations granted to cultural sector, compared to the total budget allocations.

⁶⁸ 130 Cultural sites, covering museums, galleries and archaeological sites have been listed on: http://www.regione.sicilia.it/beniculturali/dirbenicult/database/dipartimento_2/siti_list.asp?TargetPageNumber=2&action=goto&lang=&orderby=&dir=&PageSize=100&masterkey=&SearchField=Sito&SearchOption=Contains&SearchFor=&PageSizeSelect=100 [2018]. Also, it is possible to have a look of the information sheets referred to any cultural site owned by the Region of Sicily on: http://www.regione.sicilia.it/beniculturali/dirbenicult/database/page_musei/pagina_musei.asp?id=60 [2018].

- budget allocations for expenses regarding the implementation of urgent interventions program, aimed at guaranteeing the structural and functional adaptation of the Sicilian cultural heritage (item expenditure n. 776024) have been equal to 0 for the three years, compared to a final budget allocation in 2016 of only 43.275,81euro;
- budget allocations related to the expenses about the protection, custody, maintenance, conservation and restoration of monumental, natural, naturalistic and environmental assets, as well as the expenses borne for technical assessments, surveys of structures, surveys and related historical and technical documentation (expenditure item n. 776016); have been equal to about 2,2 million in 2017, against an expected decrease in 2018 to 1,2 million and 1,1 million in 2019.

Partial trend reversal recorded in 2015 may have been partly driven by the increase of estimated earnings related to the budget item n. 1901, named "Incomes deriving from the sale of entrance tickets for accessing monuments, museums, galleries, archaeological excavations and exhibitions of the Region, as well as from the fees related to the additional services referred to in Article 117 of Legislative Decree No. 42 of 2004". Specifically, estimated earnings tied to the afore-mentioned budget item has been moving up from 8 million in 2014 up to 20 million, in 2017⁶⁹. It should be noted that the quota of such incomes attributable to the Regional Councilorship of Cultural Heritage, is the result of an agreement laid down with Regional Councilorship of Economy, since such incomes – as it happened at the Central Administration level – are bound to converge firstly in the coffers of the latter. In any case, gross of the amount paid to the Municipalities (on average 30%), which contribute to the cultural assets management by providing instrumental goods or services for the public enjoyment⁷⁰ and gross of the percentage to be paid to the concessionaires of the

⁶⁹ It should be taken into account that, whilst budget allocations for expenditure might be seen as an upper limit not to overcome for expenditure commitments; actual earnings may overcome without prejudice the estimated values listed in the Regional Budget.

⁷⁰ These sums are to be reinvested in the cultural site protection and enhancement.

ticketing services (Sgarlata, 2016); the final outcomes for the four years 2014-2017, while highlighting a growing trend (+ 36,84% from 2014 until 2017), cannot be considered fully satisfactory, since the total amount equals the total incomes of the only cultural site of Pompeii⁷¹. Moreover, looking at the total Regional expenditure, the weight of the Regional Councilorship of Cultural Heritage is still too marginal, given that, by weighing up data related to the 2017 Regional Budget, budget allocations for the Regional Councilorship of Cultural Heritage correspond only to the 0.19% of the total allocations.

As well as State-museums are equipped mostly with personnel belonging to MIBACT, likewise personnel employed in the Regional cultural sites belongs the Regional Councilorship. Therefore, beyond pricing policies, cultural sites aggregation policies, choice about the administrative status to be granted and funding matter, cultural sites functioning is affected by that one of Public Sector, also because employees of cultural sites are public employees, with all the attached implications in terms of hiring procedures, incentives and flexibility (Ferri & Zan, 2015).

Traditionally, to cope with their institutional purposes, MIBACT and Regional Department have been also resorting to in house companies, designed to provide instrumental services⁷². Keeping in mind that custodians are required to work for no more than one third of public holidays (Salvia, 2015), MIBACT and Regional Councilorship, in the name of the superior public service “public enjoyment”, have

⁷¹In addition, overall earnings of the Archaeological Park of the Valley of the Temples exceed those ones of all the regional museums of the Provinces of Palermo, Catania, Caltanissetta, Trapani and Ragusa, as well as the small cultural sites are still lagging behind, in terms of earnings collected. To read more: <http://ricerca.repubblica.it/repubblica/archivio/repubblica/2016/01/29/litalia-cresce-la-sicilia-cala-flop-di-musei-e-siti-storici-centoPalermo02.html> [2018]; http://palermo.repubblica.it/politica/2018/02/10/news/beni_culturali-188537765/?refresh_ce [2018].

⁷²With reference to Sicily, a part of the personnel employed in the cultural sites depends on Auxiliary Services Sicily (*Servizi Ausiliari Sicilia* or SAS), an in-house company owned by Region of Sicily that provides to the Region, the public entities and public bodies the instrumental services, including the cultural assets custody and surveillance services. Vice-versa, MIBACT takes advantage of *Ales spa*. The latter, differently from SAS, is an in-house company owned by MIBACT, so that it is designated to provide instrumental services only to MIBACT. For further information: <http://www.serviziausiliarisicilia.it/?idPlugin=21700&calling=13&idx=123> [2018].

tried to bypass this limit by resorting to either overtime⁷³ or voluntary work, with the aim of promoting initiatives such as free entry on the first Sunday of every month or the extraordinary openings of the museum institutions, especially in certain holiday periods.

Especially in Sicily, management of personnel has been affected by some critical issues, such as a cluttered territorial distribution of the workforce⁷⁴, the remarkable weight of precarious work denounced by trade unions⁷⁵, a disorganized planning of shifts and overtime and some labour disputes tied to unpaid wages, faced with the more and more stringent budget constraints⁷⁶ (Sgarlata, 2016). To confirm a structurally complicated cultural heritage management, in 2017 Court of Auditors Public Prosecutor asked the Courts of Auditors-Joint Chambers for controlling the Region of Sicily (*Corte dei Conti-Sezioni Riunite per la Regione Siciliana in sede di controllo*) to ascertain the irregularity of 2016 Regional financial statements, by referring, among the other things, to the critical issues recorded with reference to the management of the archaeological sites and parks in Sicily. This management has been defined «*virtually on the point of collapse and the reflex of an historical lack of any planning draft*». By way of example, the public prosecutor affirmed that «*many archaeological sites do not even have an archaeologist, and personnel, comprising not only keepers but also technical-professional figures, is largely unsatisfactory both from a quantitative and a qualitative point of view*»⁷⁷.

⁷³ With reference to Sicily, it is useful to mention the so-called Project Target (*Progetto Obiettivo*), resulting from the bargaining related to the Administration Fund for performance improvement (*Fondo di Amministrazione per il miglioramento delle prestazioni*, or FAMP). FAMP represents that fund used to pay overtime and productivity rewards to all the Regional employees.

⁷⁴ With this regard: <https://www.panorama.it/cultura/arte-idee/sprechi-sicilia-66-funzionari-per-custodire-casa-pirandello/> [2018];

⁷⁵ To read more: <https://www.cgilsicilia.it/2017/04/precari-asu-fp-cgil-sicilia-lavoratori-usati-tappabuchi-presso-dipartimento-beni-culturali-procedure-illegittime-croce-si-attivi-la-mobilita-prevista-dalle-norme/> [2018].

⁷⁶To read more: http://gds.it/2016/10/28/pagamenti-in-ritardo-e-turni-pesanti-in-sicilia-vigilanti-sul-piede-di-guerra-a-natale-rischio-musei-chiusi_582392/ [2018];

http://palermo.repubblica.it/politica/2017/12/22/news/musei_aperti_a_natale_la_dirigente_regionale_ferie_revocate_ai_custodi_se_manca_personale_siano_i_dirigenti_a_sostituirl-184912514/ [2018].

⁷⁷http://palermo.repubblica.it/politica/2017/06/30/news/1_allarme_della_corte_dei_conti_sulla_regionedisavanzi_passati_e_debiti_pesano_sul_futuro_-169580210/ [2018].

Cultural heritage management critical issues, as well as those ones connected to the state property concessions, the doubts on the hospital network plan and the alarming Regional subsidiaries budgetary figures, have led the Court of Auditors, for the first time, to put off its judgement about the Regional financial statements regularity⁷⁸.

As recorded at national level, as a result of the reorganization of the Regional Department of Cultural Heritage and Sicilian Identity occurred in 2013, even in Sicily it started out the separation between the functions of protection delegated to the Superintendences and the functions of enhancement to be attributed mainly to the museums and archaeological parks (Sgarlata, 2016). Moreover, Regional Councilorship promoted the establishment of Territorial cultural hubs mainly on a provincial basis, with a view to achieving a greater organizational efficiency, a consequent reduction in expenses, but also a greater operational effectiveness⁷⁹.

Following in this vein, since 2013 Regional Department is authorized to stipulate agreements with museum foundations, with the aim of instituting either an integrated or cumulative single ticket⁸⁰ (Lombardo, 2016; Sgarlata, 2016). Such a choice might be made with the view to unifying the access to cultural assets⁸¹, which are spatially

⁷⁸ Regional Financial Statements have been judged lawful by Court of Auditors only in second hearing, on 19th July 2017. To get more information: Courts of Auditors Joint Sections for controlling Region of Sicily (2017), *Relazione-sul-Rendiconto-generale-della-Regione-siciliana*. Available on: www.corteconti.i [2018].

⁷⁹ According to the former Councilor Purpura, these expected end-results would be due to the fact that *«whilst previously it was unilaterally allocated to a certain cultural site; now personnel is to be assigned to the "territorial hub", ready to be employed according to the overall needs of the sites belonging to the hub. Thus, the resulting flexibility of work organization seems to be consistent with the rule, according to which each of the employees can be transferred without any additional compensation to another cultural site, provided that the latter is not more than 50 km far from the primary venue where that employee works»*. To read more:

<http://www.ilgiornaledellarte.com/articoli/articoli/2015/10/125072.html> [2018].

⁸⁰ Such a lever has been deployed also by MIBACT at a national level. Indeed, Ministerial Decree n. 507 of 1997 distinguished between: cumulative ticket allowing access to multiple places of state culture; integrated ticket allowing access to one or more of the state's cultural sites, along with one or more non-State monuments, museums, galleries, excavations of antiquities, parks and gardens, as well as exhibitions or other cultural, state and non-state events.

⁸¹With this regard:

http://pti.regione.sicilia.it/portal/page/portal/PIR_PORTALE/PIR_LaStrutturaRegionale/PIR_AssBenCulturali/PIR_Decretiassessoriali/DA%2021%20del%2010.06.2015%20istituzione_modifica%20tariff e.pdf [2018].

close and historically comparable⁸². Overall, the territorial cultural systems, thus made, would be aimed at enacting innovative integrated territorial development policies, by putting together biodiversity, tangible and intangible cultural heritage and places characterized by the same territorial identity (Carta, 2004; Cerquetti, 2007; Garufi, 2016).

At a single-cultural site level, Region of Sicily has established the system of accreditation and monitoring of quality levels and standards for the Sicilian cultural places (*Sistema di accreditamento dei luoghi della cultura della Regione Siciliana*).

Whilst the application of standards is not a newness for museum institutions⁸³, this system represented a turning point, since it has tried to extend the adoption of good management standards to all the other public and private cultural sites. Compliance with these standards, viewed as essential prerequisite for the accreditation, would certify the ability of the cultural site to provide an appropriate, effective and efficient public enjoyment service. By making available to the places of culture useful indicators and shared tools to plan the choices, monitor the results, maintain and increase the quality levels achieved; the system of accreditation aims at building a Regional Museum System with high levels of performance. Regional Museum System per se is bound to become an extended governance model including places of culture of every type and dimension (Garufi, 2016). A similar scheme would confirm the thesis that Regional Councilorship is intended to oversee the governance of governance, the so-called “meta-governance” (Kooiman, 2003; Peters, 2010; Torfing & Sørensen, 2014; Sørensen, 2014).

Autonomous museum institutes resulting from “Franceschini Reform” can be compared to the already consolidated Sicilian model of the archaeological parks deriving from the Regional Law n. 20 of 2000. The latter introduced the archaeological

⁸² To read more: <http://www.ilsicilia.it/biglietto-integrato-per-i-siti-culturali-di-taormina/> [2018].

⁸³ Reference goes to the Code of Ethics for Museums, provided by the International Council of Museums (ICOM) and all the other measures adopted at national level. To get more information: <http://www.simbdea.it/index.php/tutte-le-categorie-docman/simbdea/346-luqv/file> [2018].

park as an institutional subject⁸⁴. Going in depth, Regional Law established the Archaeological and Landscape Park of the Valley of the Temples (*Parco Archeologico e Paesaggistico della Valle dei Templi*) and the Sicilian archaeological parks system⁸⁵, granting to the Park – sixteen years before the Franceschini Reform – the scientific and research, organizational, administrative and financial autonomy. This means that, at least theoretically, archaeological parks are allowed to manage on their own the incomes from entrance tickets and season tickets, services, publications and other activities organized by the park, contributions and donations of public and private subjects. Vice-versa, their financial autonomy does not comprise the expenses of personnel.

Moreover, to ensure – at least in principle – a consistency between organizational sort-out and cultural heritage protection and enhancement purposes; Regional Law established the Management Council of the Archaeological Park of the Valley of the Temples. The latter was conceived to represent the interests of local institutional and non-institutional actors, such as the Mayor, President of Chamber of Commerce, the Superintendent and experts⁸⁶⁸⁷.

⁸⁴ Definition of archaeological park provided by Regional Law of 2000 has been the first one within the Italian Legislation, fourteen years before the definition introduced by the Code (article n.101). To read more: <http://www.regione.sicilia.it/bbcca/Dirbenicult/normativa/LeggiRegionali/LR3novembre2000n20.htm> [2018].

⁸⁵ Nowadays, beyond the Archaeological and Landscape Park of the Valley of the Temples, Sicilian Archaeological parks system is made up of: Archaeological Park of Selinunte; Archaeological Park of Segesta and Archaeological Park of Naxos. As already said, all these parks are listed as sections of the Regional Department of Cultural Heritage and Sicilian Identity. The other archaeological parks identified in the official website of Region of Sicily (Solunto, Monte Iato, Himera), although formally instituted, cannot be compared to the first since, they cannot take advantage of the same autonomy degree and the establishment procedure has not finished yet. In the majority of the cases, it has been just traced the perimeter of such archaeological parks.

⁸⁶ Superintendence in itself has significant protection tasks, since it is required to identify the perimeter respectively of the archaeological area (zone A), suburbs areas of interest (zone B) and the areas of landscaping interest (zone C), as well as to issue the regulation of the park, prescribing the methods of use, restrictions and prohibitions. Zone C, in itself, is envisaged as the seat of economic and cultural initiatives involving entrepreneurs and Local Authorities (Region of Sicily-Regional Department of Cultural and Environmental Assets and Public Education, 2001).

⁸⁷ Despite its crucial role, since 2011 Council has been replaced by several commissioners and to this day it has been subject of great controversy because of the appointment by the Regional Councilorship of its members that has questioned its autonomy. To read more: <http://www.ilgiornaledellarte.com/articoli/2017/3/127560.html> [2018].

In parallel, although full reallocation of incomes from entry tickets is not sustainable in the light of their contribution to the Regional coffers⁸⁸; as early as the entry into force of Regional Law n. 80 of 1977 (article n. 19), Sicilian museums have been considered administratively independent from Superintendence. Moreover, Regional Museum of Modern and Contemporary Art (*Museo Riso*) well before the Franceschini Reform, has experienced the administrative autonomy this Reform would have granted later to the nationally relevant museum institutions⁸⁹. Indeed, the afore-mentioned museum – which, in the meanwhile, has been converted into a regional museum hub, the Regional Museum Hub of modern and contemporary art of Palermo⁹⁰ – since 2002 (article n. 18 of Regional Law n. 9 of 2002) has been equipped with scientific, organizational, administrative and financial autonomy, in the same way of the aforementioned Archaeological and Landscape Park of the Valley of the Temples.

Archaeological and Landscape Park of the Valley of the Temples, on its part, might be seen as a fundamental paradigm. In fact, by capitalizing the interplay between landscape and cultural heritage that can be deduced straightforward from the denomination “Archaeological and Landscape Park”; it conveys the idea that cultural sites should be viewed as leverage point to promote local sustainable development, by involving the Municipalities and any local key actor in planning the park's activities and by ensuring the best enjoyment conditions for scientific, social, economic and tourism purposes. With this regard, Festival of Almond Blossom (*Festival del Mandorlo in Fiore*) organized by the Archaeological Park in collaboration with the municipality of Agrigento to celebrate the blossoming of almond trees as mark of the arrival of the spring, is a virtuous example of how to strenghten the link between the local material cultural heritage and the local intangible heritage (in particular in relation to the performing arts), both by preserving local traditions and by encouraging the local economic development.

http://palermo.repubblica.it/politica/2017/03/29/news/parco_valle_dei_templi_1_assessore_vermiglio_nomina_i_componenti_ma_e_polemica_politica_invasiva_-161740812/ [2018];

⁸⁸ To read more: <http://www.ilgiornaledellarte.com/articoli/articoli/2015/10/125072.html> [2018].

⁸⁹ To get more information: <http://www.ilgiornaledellarte.com/articoli/2017/7/128013.html> [2018].

⁹⁰ To get more information on *Museo Riso*: <https://www.poloartecontemporanea.it/> [2018].

2.4.4. Municipalities and the urban regeneration administrative function.

Given the ever-decreasing quota of cultural heritage owned by both State and Region of Sicily, it can be said that the perpetuation of culture and art depends more and more on local and decentralized authorities rather than Central or Regional Government.

As a proof of what has been stated, according to Bes Report 2013, whilst weight of State funds has been on average equal to about a third, resources allocated by Local Authorities to the cultural heritage management has covered the remaining two thirds. More in detail, the most significant quota has been that borne by the Municipalities. In line with the national trend, as evidenced by Figure 4, the spending on culture of municipal administrations recorded an increase of 4.1% in 2015 (latest data available) compared to the previous year (Federculture, 2017). However, as a reflex of stringent budgetary constraints, the total expenditure of Municipalities in the cultural sector – whose 45% is on average reserved to the protection and enhancement of cultural heritage, libraries, museums and art galleries – has been equal only to about the 3.4% of the total current expenditures and the 3,1% of the total capital expenditures (ISTAT, 2013b).

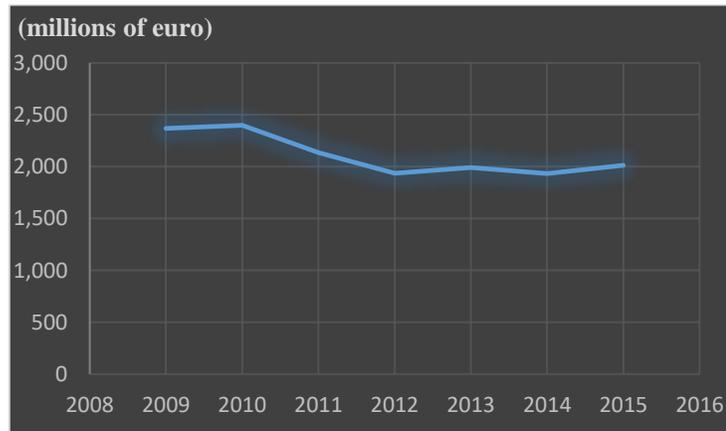


Figure 4. Source: Federculture. Municipalities commitment of expenditures along the period 2009-2015.

In the latest years it has been recorded a renewed focus on the recovery of public assets in order to transform them into valuable economic, cultural and social resources for the local communities. Public buildings recovery is one of the main activities

carried out by the Agency of the State Property (*Agenzia del Demanio*). The latter has been promoting several projects for the recovery of unused buildings and sites of historical-artistic and landscaping value, by encouraging the start of private business projects and the activation of Public-Private Partnerships⁹¹. Likewise, “*Rete Ferroviaria Italiana*” (RFI), publicly-owned joint company in charge for overseeing national railway network, has been allotting disused stations to Non-Profit Organizations of various kinds, in order to carry out urban regeneration processes concerning community assets "and to build up different projects, concerning social, cultural and tourist services (Zandonai, 2014)⁹².

Both the free of charge concessions or the concessions at a lower rental price in favour of Third Sector Organizations represent some of the most widespread policy levers by which Municipalities have tried to indirectly pursue the maximum functional enhancement of their unused real estate (Composta, 2018).

Starting from the assumption that Municipalities are naturally prone to pursue general purposes and to act in the interest of the administered community and that by granting an unused asset they may provide an economic advantage for the assignee, even in the case the latter is meant to bear both ordinary and extraordinary maintenance costs (Composta, 2018); these particular concession schemes, as repeatedly clarified by the Court of Auditors, might represent possible exceptions to the principle of full economic exploitation of publicly-owned assets. This occurs whenever the assignee of the publicly-owned asset is expected to undertake a non-profit activity and these concession schemes may enable Municipalities to indirectly pursue a public interest, which is reckoned as equivalent or higher than that achieved through the direct economic exploitation of the entrusted asset (Composta, 2018).

Generally speaking, transfer of the State properties of historical and cultural interest awaiting to be regenerated and enhanced, complying with the afore-mentioned “*Federalismo demaniale*”, would confirm that Municipality has been elected as

⁹¹ Reference is made do the “*Valore Paese*” Projects. For more information: <http://www.agenziademanio.it/opencms/it/progetti/valorepaesedimore/> [2018].

⁹²To read more: <http://www.rfi.it/rfi/LINEE-STAZIONI-TERRITORIO/Le-stazioni/Piccole-stazioni-in-comodato/Piccole-stazioni-in-comodato> [2018].

foreground venue of a substantial convergence between the issues of urban regeneration and the cultural heritage enhancement (Zandonai, 2014; Manfredi, 2017; Venturi & Zandonai, 2018)⁹³.

Faced with an ever-increasing sensitivity of citizens towards the requalification of degraded areas and cultural interest properties, it has been popping up more and more an administrative function of urban regeneration (Lucarelli, 2015; Nervi, 2017), where by administrative function it is meant the natural end of any action of the Public Administration (Chiti, 2017; Nervi, 2017). Mainly at the Municipality-level, as it will be seen later⁹⁴, the greatest efforts have been deployed to squeeze any form of asymmetry between Administration and citizens, resorting to regulatory instruments that could foster virtuous forms of cooperation. Within such a scheme, citizens are no longer seen as simple recipients of public policies, but they become active subjects in the public interest care.

Therefore, the model of "Enabling State" has gradually become crystallized. This expression, instead of being exclusively tied to the top Government level, is meant to refer to a kind of action of Public Administrations (especially, the Municipalities), that aims to facilitate private action, identify new needs and let unrecognized social forces unleash (Rose, 2000; Gilbert, 2012; Chiti, 2017), in order to bypass the financial resources constraints and to formalize shared administrative actions aimed at retrieving common spaces (Arena, 1997;2014; Muzi, 2017).

2.4.5. Supranational actors: UNESCO and European Union.

Some supranational players have been electing the cultural heritage protection and enhancement as their privileged scope, thus ending up with stressing the pivotal role cultural heritage has always been playing in shaping the global desired social order.

⁹³ By way of example, the Municipality of San Gimignano, in Tuscany, has been the first Municipality to adhere to a "Valorisation Agreement" (*Accordo di Valorizzazione*) laid down with MIBACT and Agency of State Property (*Agenzia del Demanio*), to restore and enhance the former convent and former prison of San Domenico by resorting to a public tender procedure – within a project financing scheme – to find out the most eligible private partner. To read more: <http://www.regioni.it/dalleregioni/2018/02/02/toscana-san-gimignano-federalismo-culturale-per-lex-carcere-conferenza-stampa-a-roma-549284/> [2018].

⁹⁴ Reference is made to collaboration pacts that will be explained in Chapter 3.

Among these supranational players, a foreground role has been played by UNESCO. The latter was planned even since the end of the Second World War as a intergovernmental agency⁹⁵ aimed at protecting and promoting cultural diversity, in all its forms and expressions (UNESCO, 2004; Kozymka, 2014). To cope with this aim, UNESCO⁹⁶ has been traditionally resorting to the issuing of conventions as a means through which recommending a commitment by each State to protect cultural heritage, comprising also the intangible heritage forms (Kozymka, 2014).

According to the 1972 UNESCO Convention, preservation of cultural sites is a concern not only for individual Nations, but also for the International Community, as a whole. Hence, although protection of cultural sites, cultural landscapes and natural areas included in the World Heritage List – whose creation might be seen as the natural continuation of what had been stated by 1972 Convention – depends primarily on the States, UNESCO acts as a highly influential actor capable of defining and framing conditions, problems, and solutions, and thus of framing the interests and desired actions (Turtinen, 2000). It follows that each State is bound to cope with the protection task either directly with its available resources, and, if necessary, by means of international assistance and cooperation provided at the financial, artistic, scientific and technical levels. Within such a context, UNESCO National Commissions acting in each member state might be viewed as connectors, since they are required to provide advice and recommendations to the National Government and to the Public Administrations on the basis of UNESCO programs.

Inscription of cultural sites in the World Heritage List implies constant monitoring by UNESCO to ascertain whether those sites are managed well or not and, by extension, to decide respectively either to still maintain them or cross them off the List.

⁹⁵ Currently, UNESCO comprises 195 Members and 10 Associate Members. Italy took part of UNESCO in 1947. For more information about the Member States: <https://en.unesco.org/countries/> [2018].

⁹⁶ UNESCO is made up of a Committee, which is responsible for the implementation of the World Heritage Convention, and it has the final say about the inscription of a property on the World Heritage List. To do this, Committee may avail itself with the work of three advisory bodies: the International Union for Conservation on Nature (IUCN), the International Council on Monuments and Sites (ICOMOS), the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM).

Likewise, UNESCO is required to detect any "imminent or potential threat". which could have negative effects, in terms of deterioration of urban or rural space or the natural environment and loss of historical authenticity or cultural significance⁹⁷.

Remaining on a supranational level, cultural matter has been historically representing an issue of growing concern also for the European Union (EU). The latter might be seen as the gatekeeper of a "unity in diversity", since it has historically sought to celebrate and promote the idea of Europe as a "mosaic of cultures" a "culture of cultures" (Shore, 2006; Da Milano, 2015).

As specified by respectively Lisbon Treaty and the Treaty on the Functioning of the European Union, among EU strategic objectives⁹⁸, it has been posed the commitment *«to respect the richness of its cultural and linguistic diversity and to monitor the preservation and development of the European cultural heritage»*, so that *«Union shall contribute to the flowering of the United States, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore»*.

According to the Treaty on the Functioning of the European Union, in the field of culture, Union *«has powers to carry out actions aimed at supporting, coordinating or completing the action of the Member States»*. Therefore, its main task shall be *«encouraging cooperation between Member States and, if necessary, supporting and supplementing their action in the following areas: improvement of the knowledge and dissemination of the culture and history of the European people, conservation and safeguarding of cultural heritage of European significance, non-commercial cultural exchanges, artistic and literary creation, including in the audio-visual sector»*.

Sic stantibus rebus, what has been occurring over time is a progressive *«Communitarisation of domestic policies in the cultural sector»* (Littoz-Monnet, 2013). Such a process has been unfolding as a sort of European “governmentalization of culture”, since culture has been historically elected as a privileged field where to

⁹⁷Reference is made to the “List of World Heritage in Danger” For more information: <http://whc.unesco.org/en/158/> [2018].

⁹⁸ Indeed, Maastricht Treaty had already laid the foundations for any EU intervention in the cultural sector (Littoz-Monnet, 2013; Da Milano, 2015).

implement a more and more pervasive European intervention in the social sphere (Shore, 2006). As a proof of such a mainstream, since 2007 European Agenda for Culture has been popping up as the strategic framework for EU action about cultural matter, while considering the overwhelming digitalisation and the innovative potential of cultural and creative sectors. Aligning itself with the objectives listed within UNESCO 2005 Convention on Cultural Diversity, Agenda aims at promoting three strategic objectives: cultural diversity and intercultural dialogue; culture as a catalyst for creativity and culture as an essential component of international relations.

One of the most apparent proofs of this particular attention to the culture are the efforts made by the EU to support and promote the European arts and the creative industries⁹⁹ (European Commission, 2010a). Nowadays, according to EUROSTAT, each year cultural and creative companies – which have shown strong resistance to the crisis – account for around 3.5% of all products and services in the EU and they employ 6.7 million people, namely about the 3 % of European workforce¹⁰⁰. For this reason, culture has been listed within “Europe 2020 strategy” as a privileged sector to trigger a sustainable, as well as inclusive and smart growth (EU Commission, 2010b).

Beyond being an innovative path for companies and for an overall economic growth, culture represents a means for strengthening social inclusion, civic engagement and peace (Da Milano, 2015). For this reason, EU aims at preserving the shared cultural heritage and to make it accessible, as well as at strengthening the cultural heritage visibility through different initiatives like the European Heritage Days, European Union Prize for Cultural Heritage, the European Heritage Label or the European Capital of Culture (ECOC)¹⁰¹. The latter can be viewed as a cultural flagship initiative that demonstrates the potential social and economic externalities stemming from the

⁹⁹Reference is essentially made to the ongoing Framework Program “Creative Europe 2014–2020” and its guarantee facility. To read more: <https://ec.europa.eu/programmes/creative-europe/> [2018].

¹⁰⁰ To get more information: [http://ec.europa.eu/eurostat/statisticsexplained/index.php/File:Figure_1_Cultural_employment_\(%25_of_total_employment\).png](http://ec.europa.eu/eurostat/statisticsexplained/index.php/File:Figure_1_Cultural_employment_(%25_of_total_employment).png) [2018].

¹⁰¹ Incidentally, 2018 has been elected as the European Year of Cultural Heritage to celebrate the diversity of cultural heritage across Europe. To read more: https://europa.eu/cultural-heritage/eych-events-table_en [2018].

investment in cultural heritage (Garcia, 2004; Littoz-Monnet, 2013; European Commission, 2014).

While, as already said, cultural heritage protection is essentially charged to National, Regional and Local Authorities, EU has to intervene complying with the EU treaties and the principle of subsidiarity. Narrowing down the focus to the pivotal role of European Commission, Community Programs represent the instrument through which the centrally managed funds are provided. These multi-annual programs are designed to implement Community policies in various thematic areas (and therefore, they are also called "sectoral" or "thematic" programs) through cooperation between actors from different Member States or third States. First of all, conservation, promotion and management of cultural heritage are fuelled by the European Structural and Investment Funds (ESI Funds) (Symbola Foundation & Unioncamere, 2016). Investments in culture and cultural heritage are also bound to be funded by the European Fund of Regional Development (ERDF), with the aim of encouraging an integrated and sustainable economic development and the improvement of access to cultural and recreational services, both in urban and rural realities. With this regard, currently it is still active the National Operational Program 2014-2020 "Culture and Development" (*Programma Operativo Nazionale Cultura e Sviluppo*). The latter turns out to be an operational program approved by the Commission and co-financed by ERDF and National funds. Devoted to 5 regions of Southern Italy (Basilicata, Calabria, Campania, Puglia and Sicily) its main objective is the enhancement of the territory through interventions for the conservation of cultural heritage, the strengthening of the system of tourist services and the support to the activities – carried out by both Private Sector *stricto sensu*, especially the small medium enterprises, and by Third Sector – related to the creative and cultural sectors¹⁰².

Ultimately, although the involvement of private stakeholders in the cultural heritage enhancement and protection is still a tricky issue (European Commission, 2010b; 2014; European Parliament, 2015), overriding positioning endorsed by EU Institutions is that

¹⁰² To read more: <http://ponculturaesviluppo.beniculturali.it> [2018].

each Member State should take charge of cultural heritage by integrating it in national and European policies (Council of Europe, 2014; European Parliament, 2015) and while keeping in mind that «*every person has a right to engage with the cultural heritage freely chosen*» (Council of Europe, 2005) and that cultural heritage is capable to promote social cohesion and integration through the regeneration of degraded areas, the creation of jobs rooted in the territory and the promotion of a shared sense of belonging to a community (European Commission, 2014; Council of Europe, 2014; European Parliament, 2015).

2.4.6. Private Sector and cash donations.

In response to a generalized contraction of public spending that only seems to have come to a halt in the last three years, *Art bonus* introduction has sought to foster a cooperation between Public Sector and Private Sector. Introduced to the pursuant of article n. 1 of Law Decree n. 83 of 2014, then converted into Law n. 106 of 2014, *Art bonus* consists of a tax relief for cash donations encouraging patronage initiatives in favour of cultural heritage and performing arts.

To this day, *Art bonus* been stabilized and made permanent by the Stability Law of 2016 (Law n. 208 of 2015) up to the measure of 65%.

Cash donations, which are considered eligible to obtain the tax relief, have to refer to the: maintenance, protection and restoration of publicly-owned cultural assets; support to the publicly-owned institutions and cultural places (museums, libraries, archives, archaeological areas and parks, monumental complexes, as defined by article n. 101 of the Code of Cultural Assets and the Landscape) and the lyric-symphonic foundations and traditional theatres; creation of new structures, restoration and strengthening of existing ones, as well as the promotion of Public Bodies or Institutions that carry out exclusively not profit making performing arts. Moreover, tax reliefs can be referred also to the cash donations allocated to the third parties the cultural assets have been granted in use to¹⁰³, whenever these donations are meant to fuel the maintenance, protection and restoration of publicly-owned cultural assets.

¹⁰³ For more information: <http://artbonus.gov.it> [2018].

Art bonus should be seen as a measure to encourage patronage initiatives and to enable private donors (both citizens and legal entities), in accordance with the horizontal subsidiarity principle, to contribute to the Republic obligation of cultural heritage protection and enhancement, whose prompt fulfilment may be jeopardized by the lack of adequate financial resources (Giusti, 2016; MIBACT, 2017c). Besides, it should be clarified that *Art bonus* is in addition to some other tax reliefs along the same lines, already envisaged by Law (MIBACT, 2017c)¹⁰⁴.

Targeting citizens and companies, *Art bonus* has pushed, since its introduction in 2014, over 4.250 patrons to donate almost 158 million for about 1.150 cultural heritage protection and maintenance interventions (MIBACT, 2017c). However, recent statistics has brought out an evident problem concerning the *Art Bonus* disbursement territorial distribution. In fact, the 80% of the disbursements has engaged the Northern Italy, while the 18% has been allocated to the Centre and only the 2% has been allotted to the Southern Italy¹⁰⁵. Such an imbalance might have been due partly to the fact that the main *Art bonus* contributors are the bank foundations, which historically have been concentrated almost entirely in the Northern Regions (Federculture, 2017).

Staying on the bank foundations, in 2016, cultural sector, by receiving one fourth of the total funds and by housing the largest number of acting banking foundations namely 85 out of 88 foundations found, has confirmed itself as the main recipient of their cash donations. (Rebaglio, 2013; ACRI, 2016). Nevertheless, cultural heritage conservation and enhancement represents just a component of cultural sector. Going in depth, in 2016 degree of incidence of conservation and enhancement initiatives compared to the

¹⁰⁴For instance, five per thousand (*5 per mille*) allows the sole taxpayers to allocate the five per thousand of income tax by way of funding for the protection, promotion and enhancement of cultural assets and landscape. Conversely, Law n. 80 of 2005 enshrines deductibility from the income (regardless the fact that the donor is a person or a company) within the limit of 10 percent of the total income declared, and in any case to the maximum amount of 70.000 euros per year, of donations in money or in kind in favour of Foundations and Associations, exclusively committed to protection, promotion and enhancement of landscape and artistic and historical assets. Overall, pursuant to article n. 100 of the Consolidated Law on Income Taxes (TUIR), tax regime for companies making donations is particularly favourable (MIBACT, 2017c).

¹⁰⁵ By going through the official website of Art Bonus, Southern Regions come after the Northern and Central Regions about the number of interventions to be supported proposed to the patrons (for example, in 2017 Sicilian cultural heritage has been affected by only 18 interventions against 113 interventions in Veneto, 136 in Lombardia or 101 in the Central Region of Marche).

total disbursements in favour of cultural sector has been equal to 35.8%, namely 93,4 million that have fuelled 1.334 interventions (ACRI,2016).

Next to a different territorial concentration of bank foundations, it should be reminded that grant-making foundations philanthropy activities are hindered by localism, according to which bank foundations are constrained by their statutes to target mostly regional beneficiaries. The joint effect of localism and different territorial concentration is bound to undermine the philanthropist activities fulfilment in Southern Italy (Ratti, 2015).

Moreover, as a proof of the influence of reference social-economic system on the size of cultural investments, cultural expenditures of the Southern Municipalities are just equal to one third of those ones of Northern Municipalities and this imbalance would be reflected into a different protection degree of historical buildings in Northern and Southern Italy(ISTAT, 2016). Therefore, it has been popping up the need to make further efforts, especially in Southern Italy, to boost the financial aids to the cultural heritage protection and enhancement initiatives (Ratti, 2015; Sgarlata, 2016).

2.4.7. The cultural and creative manufacturing system and the interplays with the Manufacturing system *tout court*: the paradigm of cultural district.

The so-called “cultural and creative manufacturing system”, ranging from cultural industries, creative industries, historical and artistic heritage-centred industries up to performing arts and visual, creative-driven productions, stems from some strong interplays between creativity and culture (Santagata, 2009). First of all, creativity is inherent to the historical and artistic heritage of a country, since the latter is the result of the creativity of both past and current generations. Secondly, creativity is an input for the production and communication of contents of cultural industries supplying goods and services with a high symbolic content. Thirdly, the creative process is strongly present in any material culture forms such as craftsmanship, which are expressions of local communities (Santagata, 2009).

Currently, in Italy cultural manufacturing employs 1,5 million of people (6.1% of total employment) and it produces € 89.7 billion, or 6.1% of total wealth. Moreover, culture has a multiplier effect on the rest of the economy – especially the tourism – of

1,8. It follows that the 89.7 billion stimulated production of 160.1, bringing to the total production of 249.8 billion, equal to 17% of the national added value (Symbola & UnionCamere, 2016).

Nowadays, beyond the emersion of an *ad hoc* manufacturing sub-system, culture and creativity have been more and more intertwining with the Manufacturing System *tout court*. In certain cases, beyond the sole financing of restoration initiatives, Private Sector involvement has been taking the shape even of a participation to the governance of cultural heritage. By way of example, MAXXI Museum of Rome welcomed the entry of its first private partner, ENEL, thanks to which it has become feasible funding the research on sustainability issue¹⁰⁶. Likewise, some companies such as Prada or Louis Vuitton have been establishing themselves as poles of artistic production, through the promotion of *ad hoc* foundations. The latter have been designed to test the synergies between cultural productions and technological development, with a view to achieving both an economic reward and a gain in terms of good reputation (Symbola & UnionCamere, 2016). Within such a context, according to the “restitution principle”, foundation might be viewed as non-profit vehicle a for-profit organization may exploit to give back a part of the profit achieved in the form of support to collective-interest projects (Zamagni, 2011).

Eventually, as a proof of the strong cross-fertilizations among culture, production and tourism (Symbola & UnionCamere, 2016), it should be stressed the emersion of the so-called "Cultural District", as a leveraging point to trigger a sustainable growth, a local development and a revitalisation of depressed areas with a high concentration of cultural resources (Santagata, 2002; Ghafele & Santagata, 2006; Sacco et al., 2008; Arnaboldi & Spiller, 2011; Gugu & Dal Molin, 2016). Cultural district, as adaptive complex system balancing multiple value chains and a large number of stakeholders, both private and public (Arnaboldi & Spiller, 2011), represents an idiosyncratic mix of top-down planned elements and emergent self-organised activities clustered within limited geographical areas, which are permeated with natural beauty and culture and

¹⁰⁶ To read more: <http://www.maxxi.art/enel-aderisce-alla-fondazione-maxxi/> [2018].

where cultural activity displays significant strategic complementarities with other production chains (Ghafele & Santagata, 2006; Sacco et al., 2008; Gugu & Dal Molin, 2016). In this sense, overcoming the previous vertical integration-centred model of the industrial district, culture is bound to act as a uniting factor, which allows to approach a horizontal integration-centred model (Sacco, 2011).

2.5. Towards a Public Governance of Cultural Heritage.

Ongoing evolutionary trends have been emphasising an ever-increasing empowerment of Municipalities in the cultural heritage management.

Nevertheless, as evidenced by Table 2, Municipalities cannot overlook the involvement of supranational actors (such as, UNESCO and European Union), the involvement of Public Actors in various ways (considering the role and the tasks charged to respectively MIBACT, Superintendences, Regions and the Regional Councilorship of Cultural Heritage and Sicilian Identity), the interplays between culture and the Manufacturing System and the increasing contribution of the Private Sector (ranging from citizens up to private companies and bank foundations) in terms of cash donations to support cultural heritage protection and enhancement initiatives. Moreover, facing the emersion of an administrative function of urban regeneration as a reply to the fact that citizens hope for primarily the recovery and the public enjoyment of currently-degraded valuable realities, Municipalities, in the light of the more and more stringent budgetary constraints and the resulting inadequate sums devoted to the cultural sector, should take note of the impossibility to cater on their own for the cultural heritage protection and enhancement tasks and, conversely, they should realize the need to “exploit” in the interest of the reference community the ever-increasing willingness of citizens (either individually or in associated form) to be engaged directly in the general interests care.

All these thrusts have been increasingly testifying the need to approach a conceptualization of “Public governance of cultural heritage” (European Commission, 2010b; Donato & Gilli, 2011; Barile & Saviano, 2012; European Commission, 2014; European Parliament, 2015; Symbola & UnionCamere, 2016; Caroli, 2017).

Key actors	Contributions
<p>MIBACT</p> <p>Regional Councilorship of Cultural Heritage and Sicilian Identity</p>	<p>To point out the vision towards which to tend, to prioritise the strategic objectives to be pursued and to exert coordination and supervision powers facing the greater autonomy of museums and Regional museum hubs and the ever-increasing empowerment of Municipalities</p>
<p>Superintendences</p>	<p>to authorize and oversee protection interventions concerning any cultural interest properties complying with the Code and to carry out study and research activities</p>
<p>Municipalities</p>	<p>Main actors in charge of cultural heritage protection and enhancement, as witnessed by statistics on expenditure levels, the recent regulatory developments and the emersion of the administrative function “urban regeneration”</p>
<p>UNESCO</p>	<p>To give support at the financial, artistic, scientific and technical levels; to oversee inscriptions in the World Heritage List; to detect any "imminent or potential threat". which could have negative effects, in terms of deterioration of urban or rural space or the natural environment and loss of historical authenticity or cultural significance.</p>
<p>European Union</p>	<p>to support and promote the European arts and the creative industries; to preserve the shared cultural heritage and to make it accessible, as well as to strengthen the cultural heritage visibility through different initiatives; to boost conservation, promotion and management of cultural heritage by leveraging the European Structural and Investment Funds (ESI Funds) and the European Fund of Regional Development (ERDF)</p>
<p>Private Sector (ranging from citizens up to private companies and bank foundations)</p>	<p>To provide cash donations to support cultural heritage protection and enhancement initiatives;</p> <p>Concerning the private companies, even to participate to the governance of cultural heritage;</p> <p>Concerning the citizens (either individually or in associated form) to be engaged more and more in the general interests care and in the cultural heritage management.</p>

Table 2. Contribution of key actors of “Public Governance of Cultural Heritage”.

3. Public Governance of Cultural Heritage: literature review and evolutionary trends.

3.1. Public Governance.

Once identified the main lines of development underlying the need to adopt a Public Governance perspective, the present chapter is expected to shed on light the Public Governance perspective *tout court* and the Dynamic Performance Management as a conceptual framework to keep track of the outcomes arising from any Public Governance setting. Then, it will look into more deeply the most commonly-used Public Private Partnerships forms applied to the cultural heritage funding and managerial phase, which look up to the Public Governance mainstream. Subsequently, focus will be shifted on the unprecedented shared administration forms such as the collaboration pacts that have been popping up at a Municipality-level as a consequence of the current macrotrends, primarily the end of monopoly of public actors in general interests care and the corresponding bottom-up initiatives spread out, in compliance with the view of cultural heritage as common good and the horizontal subsidiarity principle.

Eventually, the chapter is expected to emphasize the pivotal role of Third Sector Organizations within Public Governance of cultural heritage as a vital link between the Public Sector and the community and between the community and cultural heritage, in the attempt to recovery and enhance cultural assets conceived as commons and to transform them into drivers of valuable outcomes for a community.

Nowadays, each public organization is required to create public value for reference community (Moore, 1995; Borgonovi, 2005; Stoker, 2006; Flynn, 2007; Bryson et al., 2014; Bianchi, 2010, 2016), while keeping in mind to be part of a greater system involving different actors at stake (Stoker, 2006; Bianchi, 2016).

Indeed, on the one hand globalization has given rise to a stronger and more influential transnational and supranational institutional element, which goes beyond the traditional boundaries of the State, according to the so-called “Global Governance” and the “Multi-Level Governance (MLG)” (Pieters & Pierre, 1998; Bache & Flinders, 2004; Bovaird & Loeffler, 2009a; Kennett, 2010). On the other hand, governing,

according to the so-called “Democratic local Governance (DLG)” (Blair, 2000), ought to strengthen territorially organized institutions of representative democracy by resorting to governance networks as a means to enhance institution flexibility and the outcome legitimacy (Sorensen & Torfing, 2016). The two pulses impact on Government functioning according to the so-called “glocalisation” theory (Swyngedouw, 2004), viewed as a combination of globalization and localisation processes (De Vries, 2010).

New Public Governance (NPG) might be seen as a policy implementation regime (Osborne, 2010), which is ought to replace New Public Management (NPM) (Kickert, 1997; Dunleavy et al., 2006; Dunleavy & Margetts, 2010; Osborne, 2010; Anessi Pessina, 2014). NPM, in turn, has conventionally been viewed as a transitory stage from the statist and bureaucratic tradition of Progressive Public Administration model to the embryonic plural and pluralist tradition of the NPG (Osborne, 2010)¹⁰⁷.

Basically, NPM was set as a response to the decay of economic doctrines of Keynes – once they became outdated in the 1980s – and as a brake to the traditional public management orthodoxies, the so-called “Progressive Public Administration” or PPA (Hood 1994; De Vries, 2010). Specifically, NPM's rise seems to be linked to the attempts to slow down or reverse Government growth in terms of public spending and staffing by opting for privatization and quasi-privatization and a renewed emphasis on “subsidiarity” in service provision, instead of strengthening the core government institutions (Dunsire & Hood 1989; Hood, 1991). By weighing up its theoretical foundations, NPM looked up to monetarism, supply-side economics and public choice theories, whose combination is conventionally known as neo-liberalism (De Vries, 2010; Nemeč & De Vries, 2012).

Although it is a loose term indicating a differentiated change in reform ethos across a number of countries (Hood, 1991), overall, NPM focused on evaluating the so-called 3 Es (i.e., economy, efficiency, and effectiveness) of public services (Audit

¹⁰⁷ Someone argued that governance might be seen as an integral part of the NPM movement, by acknowledging that governance – in its digital era-anchored form – is breaking out of NPM cocoon (De Vries, 2010). In parallel, it has been pointed out that both streams could have co-evolved in some hybrid emerging practices (Wiesel & Modell, 2014).

Commission, 1991; Pollitt & Bouckaert, 2011), often with a strong focus on cost reduction and outsourcing (Dunleavy et al., 2006; Dunleavy & Margetts, 2010; Osborne, 2010; Bianchi et al., 2017) and an increasing interest in how to conceptualize, measure, assure, and, eventually, improve the quality of public services (Bovaird & Loeffler, 2003; 2009b; Bianchi et al., 2017).

Briefly, respect to the previous PPA regime, NPM underpinned: an emphasis on 'hands-on professional management' and the entrepreneurial leadership within public service organizations; an emphasis on output control and evaluation and upon performance management and audit; the need of moving away from orderly hierarchies by injecting competition into service delivery both between Public Sector organizations and between Public Sector organizations and the Private Sector, by opting for term contracts and public tendering procedures; the need to move from formerly 'monolithic' units to the corresponding unbundling of the Public Sector into corporatized units organized by product, up to encourage adoption of Private Sector styles of management practice, as well more discipline and frugality in resource use (Hood, 1991; 1995; Osborne & Gaebler, 1992; Osborne, 2010; Nemeč & De Vries, 2012).

In the last decades, focus has been more and more moving away from the simple value to-user conception, up to adhere to an overhead conception embracing social value, in terms of social inclusion and social cohesion, environmental value and political value, including improvements of democratic process (Bovaird & Loeffler, 2009a; 2012). On the whole, it has been popping up a remarkable interest in outcome-based public policy making and management (Heinrich, 2002; Bovaird & Loeffler, 2009a; 2012; Wiesel & Modell, 2014; Bianchi, 2016; Bovaird et al., 2016; Bianchi et al., 2017).

Nevertheless, outcome based-performance management conception per se may not be sufficient to trigger a social and economic sustainable development. As a matter of fact, the dynamic complexity (Sterman, 2000) characterizing nowadays' societies is a major cause of amplifying "wicked" problems, whose solution cannot be found only by gaining service improvement in each of the agencies concerned and it cannot arise from a single organization (Sørensen, 2014; Bianchi, 2016; Bianchi et al., 2017).

Traditionally Public-Sector Organizations have been adopting an overly narrow ‘silo’ approach, which does not consider the transboundary challenges related to such tricky issues that go beyond the responsibilities of single organizations (Pollitt, 2003; Christensen & Laegreid, 2013; Lægreid & Rykkja, 2014). In parallel, linear sequential thinking, as typical mental model adopted by policy makers, and the reductionist approach stemming from the human bounded rationality (Simon, 1979) have traditionally led policy maker to ignore propagation and ramification of effects among the different variables affected by its decisions (Dorner, 1997; Bianchi, 2016).

Indeed, the “siloization” or “pillarization” of the Public Sector seems to have increased in the NPM era (Pollitt, 2003; Gregory, 2006; Christensen, 2012; Lægreid & Rykkja, 2014), as a result of the ever-increasing decentralization of power. The latter, devised as a means to overcome the shortfalls of the previous PPA model, has been declined in two ways: by separating political level from the managerial one, to better meet citizen needs; by empowering Local Authorities, given their more closeness to territories, to take care of public needs, whilst Central Governments would have been entitled to just oversee and assess (Anessi Pessina, 2014). Following in this vein, the paradigm of “single-purpose organizations” with many specialized and non-overlapping roles and functions has ended up with producing a lack of cooperation and coordination, hampering the overall effectiveness and efficiency. Hence, decentralization has ended up with impacting on the capability of the Public Sector to affect the outcomes associated with wicked problems, causing governance fragmentation (Boston & Eichbaum 2005; Christensen & Laegreid 2007a; Lægreid & Rykkja, 2014; Bianchi, 2016).

In the last decade, a growing number of countries have started to develop new approaches that may enable Public Sector organizations to improve cohesion, to effectively deal with wicked problems and pursue a sustainable development of local areas, according to an inter-institutional perspective (Bianchi, 2016). Such lines of development have been termed in different ways (Bovaird & Loeffler; 2009a; Bryson et al., 2014; Lægreid & Rykkja, 2014; Runya, et al., 2015; Bianchi, 2016). With this regard, joined-up government encompasses a set of responses to the problem of

increased fragmentation of Public Sector and public services and a wish to increase coordination (Ling 2002, Christensen & Laegreid 2007b, 2013; Christensen et al., 2014), by promoting either a vertical (e.g., linking national and local actors) or horizontal (e.g., forming partnerships between actors at the same level) integration, up to turn into a joined-up governance, which also includes setting up policy or service delivery with civil society (Ling, 2002; Boston & Gill 2011; Christensen & Laegreid, 2013; Carey & Crammond, 2015).

Likewise, the expressions “Governing as Governance” (Kooiman 2003) and “societal governance” put together emphasis on the whole of interactions taken to solve societal problems and to create societal opportunities, so that Government is no longer pre-eminent in policy-making process. Rather, it has to rely upon other societal actors for its legitimacy and impact (Kooiman et al., 2008; Osborne, 2010). It follows that Public Governance might be termed as *«the ways in which stakeholders interact with each other in order to influence the outcomes of public policies»* (Bovaird & Loeffler, 2003), by embodying any mechanism of engaging relevant stakeholders and motivating joint action (Skelcher et al., 2005).

Assuming that governance *«can be seen as the total effort of a system to govern itself»*; and governability *«is the outcome of this process, a stock-taking at a particular moment in time of complex, diverse and especially dynamic processes»* (Kooiman, 1999); shift from Governance to Public Governance testified the effort to adapt will of cooperation and trust to each other – which is inherent to governance – to any public resources configuration, struggle for public interest and public affairs management (Runya, et al., 2015). NPG, as final stage might be seen as a further attempt to adapt such conceptions to modern social public affairs (Runya, et al., 2015). Indeed, NPG posits both a plural State, where multiple interdependent actors contribute to the delivery of public services, and a pluralist State, where multiple processes inform the policy-making system (Osborne, 2010; Runya, et al., 2015). Therefore, by drawing upon open natural systems theory (Von Bertalanffy, 1950; 1972; Patton & Appelbaum, 2003), NPG is concerned with the institutional and external environmental pressures

that enable and constrain public policy implementation and the delivery of public services within such a plural and pluralist system (Osborne, 2010; Runya, et al., 2015).

In each of the conceptions listed above, Government is seen as weakened and as incapable of “steering” as it had in the past, so that the traditional concept of government as a controlling and regulating organization for society is argued to be outmoded (Pieters & Pierre, 1998; Bovaird, 2007; Loeffler, 2009; Osborne, 2010; Sorensen, 2014; Bianchi, 2016; Bianchi et al., 2017). Rather, in the past few decades it has been recorded the integration of non-state actors in formulation of policy and delivery of public services (Johnston, 2015), so that both Public and Private Sector take part of the same system (Bianchi, 2016). It follows that their joint action may contribute to generate results (e.g. in terms of products, services or rules), which tend to produce an outcome whose value corresponds to an increasing endowment of available resources. In the described context, a Public Institution often takes a coordinating role in a system characterized by multiple actors, whose overall performance would be the effect of net relationships and synergies among the different institutions linked to each other (Bianchi, 2016). With this regard, Public Governance literature illustrates how collaboration between relevant and affected actors, such as politicians, public managers and public professionals, citizens and users of public services, business firms and NGOs, can contribute to promoting innovative administrative tools to deal with wicked problems (Rhodes, 1996; Kooiman, 2003; Moore & Hurlley, 2010; Pestoff, 2013; Laegreid & Rykkja, 2014; Sørensen, 2014; Bianchi, 2016; Torfing, et al, 2016; Bianchi et al., 2017).

Nowadays, concept of governance, public governance, co-governance and co-production are often used interchangeably (Voorberg et al., 2013). However, it is better to make these concepts distinguished. In particular, co-production *stricto sensu* refers to an arrangement where citizens produce their own services at least in part. The latter could also refer to alternative service delivery by citizens, with or without direct State involvement, but with public financing or regulation (Pestoff, 2013). As opposite, certain types of behavior should not be treated as co-production such as self-help or self-organizing activities in civil society, whenever these behaviors are not tied to any

public service and citizens do not assist in achieving better outcomes by providing – as service users or as members of the community – knowledge, resources, compliance, ideas and creativity and legitimacy (Loeffler & Bovaird, 2016). Vice-versa, co-management refers to an arrangement in which Third Sector, along with public agencies and for-profit actors, delivers services in collaboration with other actors, while co-governance refers to an arrangement in which the Third Sector, along with public agencies and for-profit actors, participates in decision making and the planning of public services (Pestoff, 2013).

Common thread of all these settings under scrutiny is that, as a general rule, citizens are more and more encouraged to drop out of their traditional role of passive and anonymous consumers and, conversely, they are more and more fostered to take over as actors more actively involved in service provision and decision-making process, as well as they are more and more forced to require coordinated services from multiple agencies (Bovaird, 2007; Pestoff, 2013; Voorberg et al., 2013; Wiesel & Modell, 2014; Johnston, 2015). However, it should also be taken into account that there are ‘trade-offs’ in Public Governance arrangements: more stakeholder engagement may give rise to higher costs and sometimes delays in decision-making and implementation processes and a fragmentation of accountability (Bovaird, 2005). Likewise, a too stringent regulation of stakeholder power may erode trust (Bovaird, 2005).

Generally speaking, in any Public Governance setting, a substantial proportion of the following elements are likely to be important: democratic decision-making, citizen and stakeholder engagement, fair and honest treatment of citizens, sustainability and coherence of policies, willingness and capacity to work in partnership, transparency, accountability, social inclusion and equality (of opportunity, of use, of cost, of access or of outcomes), respect for diversity, respect for the rights of others, respect for the rule of law and ability to compete in a global environment (Bovaird, 2005).

Although particular international organizations like the World Bank, the United Nations and the OECD have sought to draw up the characteristics of ‘good governance’, such a concept is highly context-dependent. This means that the meaning of ‘good governance’ must be negotiated and agreed upon by the various stakeholders

in a geographical area or in a policy network (Bovaird & Loeffler, 2009a). Against such a backdrop, Government actors are involved in a continual process of bargaining – based on agreed norms and criteria – with the members of their relevant networks in order to achieve quality of life outcomes which really matter to the stakeholders within the public governance system (Bovaird & Loeffler, 2003; Bovaird, 2005). What has changed within Public Governance conception, is that these Government actors now bargain as parties on the same footing rather than as parties that may resort to their power if the decision that is made is not what they wanted (Peters & Pierre, 1998).

Nevertheless, Government's authority is not being eroded or hollowed out at all (Rhodes, 1996; 1997). More in depth, Government organizations lose the capacity for direct control and, conversely, facing the integration of non-State actors, they replace that faculty with a capacity for influence via bureaucratic arrangements (Peters & Pierre, 1998; Fenwick et al., 2012; Johnston, 2015). The often-heard phrase "Governance without Government" might be deceptive, since evidences have been showing that a successful governance cannot leave the agency of Government out of consideration (Boivard, 2005).

Whilst NPM fostered a greater independence from formal types of controls and a more participatory style of governing in terms of greater autonomy of lower levels of Government, without replacing central controls with establishing compensatory governance systems (Peters, 2010); within NPG boundaries, shifting from "formal instruments" to the "softer instruments" based on negotiation goals has been one of the common issues. The shift to achieving societal goals through partnerships with the private, voluntary and community sectors implies that influence becomes a significant strategy in the same way of the formal hierarchical authority, which has traditionally relied on the use of State authority, as well as on the power to take possession of resources to achieve outcomes either by claiming a democratic mandate or in a coercive way (e.g. through legislation about taxation and military powers) (Hartley & Allison 2000; Moore & Hartley, 2010).

Overall, faced with the crisis of traditional hierarchical and formal control tools and in a context of unequally distributed power, the Public Governance literature identifies,

among different coping mechanisms, trust-based relationships as substitutes of constitutional rules, of simple contract-based relationships in the regulation of individual and organizational behaviors and of ‘command-and-control’ relationships within organizational hierarchies (Bovaird, 2005; Moore & Hurlley, 2010; Torfing & Triantafillou, 2011).

Once understood the role of governance network as temporal arena for collaborative policy innovations (Sorensen, 2014; Torfing, et al, 2016); efforts to steer governance networks must take into account that networks, by definition, are autonomous and self-governing (Rhodes, 1996; 1997). Therefore, if governance networks are governed in traditional hierarchical ways their functionality will be undermined. Rather, governance networks should be meta-governed (Kooiman, 2003; Pieters, 2010; Torfing & Sørensen, 2014; Sørensen, 2014).

Meta-governors can influence governance networks either by limiting themselves to define hands-off the institutional frame within which actors will operate or by posing the overall political objectives that the governance network must address and by distributing the financial resources that are available to them. While meta-governance through policy and resource framing and institutional design can be exercised hands-off and at a distance, hands-on forms of meta-governance are exercised in direct interaction with a governance network. In particular, Meta-governor may decide either to facilitate the collaboration processes within a network to generate trust and mutual understanding among the network actors or he may opt for directly joining up the governance network as an actor on the same footing (Sørensen, 2014). All The 4 meta-governance particular cases, shown in Figure 5, should be viewed as complementary rather than as alternative, since hands-off forms of governance can benefit from being supplemented by hands-on meta-governance interventions (Sørensen, 2014).

	<i>Limited intervention</i>	<i>Strong Intervention</i>
<i>Hands-off</i>	1) Policy and resource framing	2) Institutional design
<i>Hands-on</i>	3) Facilitation	4) Participation

Figure 5. Source: Sørensen (2014), Meta-governance forms.

Ultimately, any innovation implemented within the governance network arena should be consistent with the following expectations: bursting the boundary of organizations/creating network-based production systems; tapping new pools of financing, material resources and human energy; exploiting government's capacity to convene, exhort, and redefine private rights and responsibilities; redistributing the right to define and judge the value of what is being produced; obtaining a gain in terms of justice, fairness and community-building as well as in terms of efficiency and effectiveness (Moore & Hurlley, 2010).

3.2. Dynamic Performance Management (DPM) as a conceptual framework to keep track of the outcomes arising from Public Governance.

Starting from the assumption that "Governance" term identifies a departure from traditional emphasis on the internal functioning of Governments and it conversely brings out networks, in terms of «*Government's relationships with other actors and the process of handling complex decisions and implementation*» (Klijn, 2008); policy makers, within the boundaries of governance, are no longer called to weigh up the values of the whole society and, by extension, to prioritise the desired outcomes on their own (Dietz & Stern, 1998). Indeed, nowadays, this default course of action has been questioned by a significant pressure to increase public involvement (Stave, 2002).

The latter might be divided into three categories: public awareness, as increasing public knowledge that a problem or issue exists; public education, which consists of providing information to make community understand Government policies and actions, and public participation, as opportunity to support both decision-making process and the policy implementation (Hale, 1993).

Sic stantibus rebus, the strategic problem for an ordinary public manager consists of articulating a vision of public value that can receive legitimacy and support and that is operationally doable (Moore & Khagram, 2004).

Given that citizens are more and more demanding better results from Government and level of trust in Government at all levels is at an historic low (Sanger, 2013), even a Municipality is more and more forced to take care of its performance, defined both as outputs – and mainly outcomes, understood as projections of the outputs in the outer

local system (Ammons, 2001; Heinrich, 2002; Behn, 2003; Van Dooren et al., 2015, Bianchi, 2010, 2016) – achieved thanks to its policies and as process, in charge for those end-results. Such a stance implies rejecting black box concept and making all the process transparent as much as possible, facing the ever-increasing public involvement (Sanger, 2013).

All too often, well-intentioned efforts by policy-makers to solve pressing problems cause unanticipated “side effects” and “counterintuitive reactions” by others to restore the upset balance (Forrester, 1971; Sterman, 2000; 2002), as well as yield of such efforts can be hindered by the so-called “policy resistance”, assuming that the interventions are likely to be delayed, diluted, or defeated by the response of the system to the intervention itself (Meadows, 1982). These particular cases occur because of a narrow, event-oriented, reductionist worldview. Under the impact of such a view, the world is traditionally seen as a series of events resulting from external largely unpredictable and uncontrollable forces (Sterman, 2000; 2002).

Basically, any human system and, *a fortiori*, a Public Organization, due to the plural and pluralist State conception, which is inherent to NPG (Osborne, 2010; Runya, et al., 2015), is required to deal with unpredictability and dynamic complexity (Sterman, 1994; 2000; 2002). The latter implies that:

- change in systems occurs at many time scales, and these different scales sometimes interact;
- actors in the systems are tightly coupled, so that everything is connected to everything else;
- tight couplings cause actions to feed back into themselves;
- effects are rarely proportional to their related causes, according to a non-linear relationship;
- taking one road often precludes taking others and determines the end-point (the so-called “path dependence”);
- dynamics of system derives from its internal structure;
- capabilities and decision rules of agents in the system change over time (the so-called adaptiveness);

- there are trade-offs in time and space characterizing dynamics of complex system, as well as causes and effects are distant in time and space (Sterman, 2000).

As a response to unpredictability and dynamic complexity issues, learning process should be conceived as an iterative cycle of invention, observation, reflection, and action (Schon 1992). In other words, first of all policy maker should make a decision to alter the real world. Then, policy maker has to grasp an information feedback about the real world and he has to use it to revise either the decisions he made before (single loop-learning) or his understanding of the world (double-loop learning), in order to bring the state of the system closer to the pre-set goal (Argyris & Schon, 1978; Sterman, 1994; 2000).

Against such a backdrop, Dynamic Performance Management (DPM) chart, as an outcome-oriented planning and control panel based on an integrated and systemic view (Amigoni, 1978; Flamholtz, 1996; Otley, 2001; Bianchi, 2016), is devised to tackle unpredictability and dynamic complexity issues, by internalizing such a learning process conceptualization and by encouraging a sustainable organizational development and a widespread participation of any stakeholder, who may be involved in public policy definition and implementation, in accordance with the Public Governance mainstream (Amigoni, 1978; Flamholtz, 1996; Otley, 2001; Bianchi, 2016).

While conventional financially focused Planning and Control systems are no longer able to provide information that can support the management of dynamic complexity, measurement of intangibles, detection of delays, understanding linkages between short- and long-term, and setting proper system boundaries in strategic planning (Bianchi, 2016); DPM enables organization decision makers to frame the causal mechanisms affecting organizational results over time, by exploiting two converging methods of inquiry: Performance Management and SD modelling (Bianchi, 2016).

Complying with an interactive control approach (Simons, 1991), a DPM chart based on System Dynamics (SD) modelling might allow to keep track of performance (both as processes and end-results, among which, outcomes are likely to stand out) and to

learn and to test in a “protected” environment the consistency – in terms of robust trade-offs perception – of policy maker decisions (Morecroft, 1987, 2007). As a matter of fact, simulation approach, which is inherent to SD modelling, might push away the so called “performance paradox risk”, namely the tendency of static performance indicators to lose their effectiveness over time (Meyer & Gupta, 1994; Van Thiel & Leeuw, 2002).

In line with the “instrumental” view of DPM (Bianchi, 2016), according to which it is required to make explicit alternative means for improving performance and to gain the desired end-results, DPM chart can be used to support an understanding of: how end-results can be affected by performance drivers; how performance drivers can, in turn, be affected by the use of policy levers, aimed to influence strategic resource accumulation and depletion processes; how the flows of strategic resources are affected by end-results (Bianchi, 2016).

Substantially, DPM ends up with stressing that the end-results provide an endogenous source for the accumulation and depletion processes of the strategic resources (Bianchi, 2016). By bringing into play the building blocks of SD methodology, end-results might be framed as in or out-flows, which over a given time span change the corresponding stocks of strategic resources, as the result of actions implemented by decision makers (Bianchi, 2016). Feedback loops underlying the dynamics of the different strategic resources imply that the flows affecting such resources are measured over a time lag and, consequently, understanding how delays can influence strategic resources and achieved results becomes a key issue for managing performance in dynamic complex systems (Bianchi, 2016).

Strategic resources, on their part, encompass physical resources (such as employees or machineries), financial resources, capacity resources hinting at potential bottlenecks in the process of either transforming raw materials into end products or delivering a service, information resources referring to either reports or organization decision makers’ perceptions, as well as those resources generated by management internal routines, such as knowledge or image, understood as those resources that cannot be purchased on the market and they are associated with perceptions of any relevant

stakeholder. All the strategic resources are naturally linked each other to such an extent that each of them should provide the basis to sustain others in the same system (Bianchi, 2016).

Getting back to the end-results, viewed as flows that change the endowment of strategic resources that «*cannot be purchased in the market*» (Bianchi, 2016), they should include both output measures and outcome measures. Lack of focus on both kinds of measures may lead to establishing myopic P&C systems, namely performance management systems that are not able to support organizations to manage their own sustainable development.

Although both typologies of performance indicators are end-results for an organization, outcome measures imply that a longer time horizon and broader system boundaries are adopted to measure and manage them, in respect to output indicators (Bianchi, 2016). Indeed, output measures are workload (or volume) indicators (Ammons, 2001), whilst outcome measures depict the aptitude of the recorded outputs to: provide the users with the desired service levels (for instance, in terms of quality, time or price), or to generate a change in the endowment of strategic resources shared by different stakeholders (Bianchi, 2016).

While end-results can be influenced in the medium/long-run, performance drivers can be influenced in the short run with the aim of affecting the former. As explained by Figure 6 reported below, by positioning themselves between strategic resources and end-results, performance drivers end up with revealing possible policy levers to be toggled by preserving, building up and deploying a proper endowment of strategic resources, in order to perceive, to measure and to counteract the effects of discontinuity on performance – understood as process – thus producing possible changes in the end-results (Bianchi, 2016).

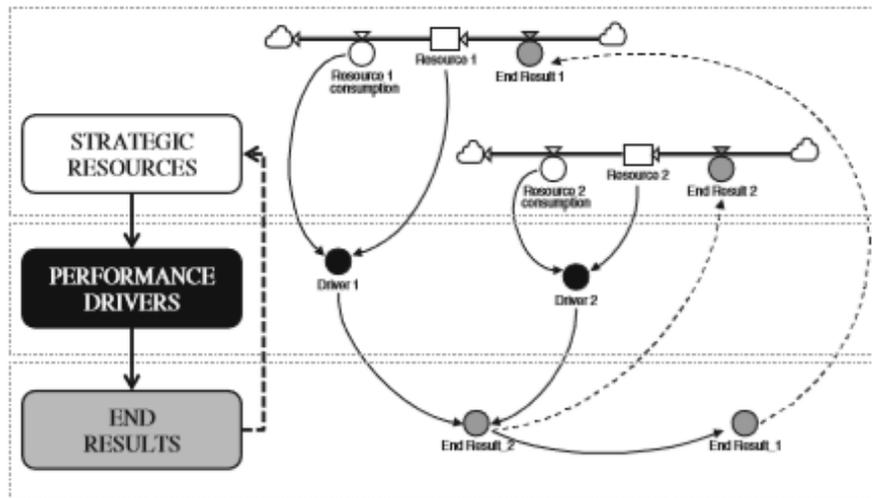


Figure 6. Source: Bianchi (2016), *Dynamic Performance Management Chart – Instrumental view*.

Ultimately, DPM chart might be seen as a tailored control panel, which: on the one hand, according to the logical sequence “end results → performance drivers → strategic resources”, aims to feed planning, reporting and performance evaluation; on the other hand, according to the logical sequence “strategic resources → performance drivers → end-results, clings to a decision-making perspective related to the implementation of plans and to the undertaken actions to generate the end-results that will be framed into performance reports (Bianchi, 2016).

3.3. Public Private Partnerships (PPPs) regarding the cultural heritage enhancement and conservation.

Most Governments have been facing significant challenges in their efforts to conserve and manage their cultural heritage and few have already had on their own the resources (in terms of money and skills) required to fully achieve their conservation goals. In many countries, Government has been conventionally seen as the primary guardian of the national heritage but increasing pressure to fulfill other public demands requires by now community commitment and Private Sector engagement in order to help Governments retain these assets for future generations (Macdonald, 2011; Dubini et al., 2012; Liu et al., 2014; Jelinčić et al., 2017).

Public-Private Partnerships (PPPs), as one of co-modes of Governance together with communicative Governance (meaning involving ‘reasonable’ citizens in service design

and provision); co-management; and networks (Kooiman, 2003), has been more and more deployed over the last 20 years by Governments to manage the rising costs and responsibilities of services traditionally delivered by the Public Sector (Macdonald, 2011; Johnston, 2015). Going in depth, reason behind the ever-increasing involvement of private partners are: the progressing reduction of public funds within national deficit cut programs, a trend that current austerity policies has possibly made even more dramatic; the progressive depletion of high skilled professionals due to Public Sector hiring freeze; the formalism and legalism of administrative procedures causing, to a large extent, the relative inefficiency in bureaucracy (especially in Italy) in general and in heritage conservation (UNESCO, 2013; Ferri & Zan, 2017).

Generally speaking, there is a low level of understanding of the Public-Private Partnership (PPP) term (Macdonald, 2011; Macdonald & Cheong, 2014; Ferri & Zan, 2017). Conventionally, PPP is viewed as a long-term agreement between the Government and a private partner, whereby the private partner delivers and funds public services using a capital asset, sharing the associated risks, management responsibility and remunerations, which are linked to performance (PPP Knowledge Lab, 2015; OECD, 2016). Shortly, the main characteristics of any PPP appear to be the following: a) collaborative efforts of two or more public and private autonomous organizations; b) project concerns a public service or good for public consumption; c) durable character of the project; d) development of mutual products and/or services; e) risk, costs, and benefits shared by both parties; f) regulatory responsibility of the Public Sector; g) payments to the Private Sector for the delivered services; h) mutual added value (Brinkerhoff & Brinkerhoff, 2011; Fidone, 2012; Velotti et al., 2012; UNESCO, 2013; Battelli, 2017; Jelinčić et al., 2017).

Overall, PPPs traditionally exhibit two building blocks: mutuality, as the commitment to a shared goal and the extent to which partners operate within the spirit of shared control and responsibility; organizational identity, which constitutes the basis of partnership's value-added and implies selecting certain partners according to their distinctive competences and their capabilities to capitalize on and maintaining them (Brinkerhoff & Brinkerhoff, 2011).

PPPs have been disciplined by the “Green Paper on Public Private Partnerships”, which makes a distinction between contract-based PPPs and institutionalized PPPs (European Commission, 2004). The former ones are based exclusively on contractual links among the various parties, so that one or more tasks, including planning, financing, implementation, renewal or the exploitation of a job or a service are entrusted to the private partner. By way of example, among the contractual models to be traced back to the PPP, there are the allotment of works and services through project financing scheme and the general concession scheme of works or services. In these cases, private entity provides a service to the community under the control of the public partner and its remuneration is made up of the fees collected from the users of the service, with a possible contribution provided by the Public Authority (Fidone, 2012; Settembre Blundo et al., 2017). Vice-versa, Institutionalized PPPs call for the institution of a standalone entity jointly held by the public body and private partner, which has the task of ensuring the supply of a work or service to the community (European Commission, 2004; Macdonald & Cheong, 2014).

PPPs began to be used for heritage conservation in the late 1960s within the context of urban regeneration schemes. Their use has slowly expanded to the conservation and management of archaeological sites, buildings, landscapes and urban areas (Macdonald, 2011; Dubini et al., 2012). PPP agreements in field of culture usually involve run-down, publicly owned historical buildings that are leased out to private real estate companies who, attracted by the possibility to gain a profit, renovate the building by creating private houses or offices (Macdonald & Cheong 2014). On a bigger scale, but following a similar logic, PPPs have been used to regenerate historical city centres or to turn industrial heritage sites – i.e. abandoned factories, warehouses, or waterfronts – into restaurants, private residences, theatres, concert halls, and art galleries (Garcia, 2004; Impacts 08, 2010; Richards & Palmer, 2010; Liu, 2014a; 2014b; 2016; Macdonald & Cheong, 2014; Ferri & Zan, 2017).

PPPs literature lists many forms of possible PPPs ranging between privatization and the sole Government ownership. These PPPs might be identified according to the

allotment of various typical roles (design, build, operate, conserve, maintain, finance) that the partners are called to take on:

- Buy-build-operate (BBO) or Buy-Conserve-Operate (BCO): the closest one to privatization, in which Private or Third Sector partner purchases the heritage asset outright, while taking into consideration some strict requirements in terms of easements or maintenance standards.
- Build-own-operate-transfer (BOOT): Private Sector or Third Sector are responsible for conserving the historical building, its operation and management within the frame of a long-term lease. In such regeneration schemes, Government remains highly involved in the project's design and development to ensure that the structures' historic attributes remain available for the public;
- Build-operate-transfer (BOT) or build/converse-operate-transfer (B/COT): Private Sector designs, finances, and constructs a new facility under a long-term concession contract and operates the facility during the length of concession, after which ownership is transferred back to the Public Sector, if it has not been already planned to transfer the facility upon its completion;
- Build-lease-operate-transfer (BLOT) or build/conserve-lease-operate-transfer (B/CLOT): a long-term lease usually addressing the conservation expectations of the project, by clearly specifying who has responsibility – against the payment of a rent for maintaining – the building's cultural significance and the user fees to be charged. Also, lease is required to detail the approval process for any changes and the public inspection of the building. Once expired the terms of the lease, ownership and all responsibilities are transferred back to the Public Sector;
- Design-build-finance-operate (DBFO): Private Sector is responsible for the conservation of historic assets, the construction or addition of new structures and the financing and operation of both and to do this, it may resort to a special purpose vehicle (SPV);

- Finance only: a private entity just confines itself to fund a project either directly or by resorting to a long-term lease or bond issue;
- Operation and maintenance contract (O&M): A private operator, under contract, operates a publicly owned asset for a specified term, while Public Entity retains the ownership of the asset. However, many do not consider O&Ms to be within the spectrum of PPPs, since they seem to be identifiable as service contracts;
- Design-build (DB): Private Sector designs and builds infrastructure to meet Public Sector performance specifications, often on a fixed-price, turnkey basis, so that the risk of cost overruns is transferred to the Private Sector. Again, many do not consider DBs to be within the array of PPPs and consider such contracts as public works contracts;
- Operation license: Private or Third Sector operates a service under contract or license at the heritage asset for a fixed term, while the heritage asset remains in Government ownership (Macdonald, 2011; Macdonald & Cheong, 2014; Ferri & Zan, 2017).

By diving into the Italian context, Code of Cultural Heritage and Landscape provides for the possibility for the State, the Regions and other Local Authorities to lay down agreements to define strategies and common goals of cultural heritage enhancement, as well as to draw up the resulting strategic plans for cultural development (Settembre Blundo et al., 2017). Likewise, pursuant to article n. 151 of Public Procurement Code (Legislative Decree n. 50 of 2016), to ensure the national cultural heritage enjoyment and also to promote scientific research applied to protection, MIBACT can activate special forms of partnership not only with public bodies but also with private actors, by resorting to simplified procedures for selecting the eligible private partner. These partnerships would be geared towards the recovery, restoration, scheduled maintenance, management, openness to public use and enhancement of immovable cultural heritage.

Common thread of these provisions is the appointment of the concertation instruments as a privileged operational lever cultural heritage management (Battelli, 2017). Indeed, it cannot be overlooked that PPPs, besides having the merit of combining a public interest (social utility) with a private interest (profit), are, or rather, might be, able to ensure further advantages, from the point of view of efficiency (in terms of time saving and methods regarding the implementation of projects) and effectiveness (primarily, in terms of outcome), while always complying with a transparency principle to be maintained via controls spreading along all the various stages of collaboration (Liu et al., 2014; Battelli, 2017). After all, even UNESCO pointed out that *«partnerships in the cultural sector can bridge the funding gap of public entities and provide interesting investment opportunities for the Private Sector»* (UNESCO, 2013).

In the cultural sector, private companies, driven by markets and profit, have proved to be able to carry out better and with lower costs certain tasks, such as the organization of events or reception services for the public in museums (Shoup et al., 2014). This is primarily due to the fact that Private Sector generally is equipped with greater capital, flexibility, efficiency, and more specialized skills than Government (Fidone, 2012; Mcdonald & Cheong, 2014; Shoup et al., 2014).

Basically, reason behind Private Sector participation to PPPs may be not only the profit but also the ever-increasing willingness to meet socially responsible corporate business goals (Mcdonald & Cheong, 2014). In this sense, some scholars came up with the notion of “strategic philanthropy” (Thorne McAlister & Ferrell, 2002; Ricks 2005; Lewandoska, 2015) to emphasize that if a company acts as a donor, this might be closely tied to its corporate strategy (Lewandowska, 2015). In other words, companies may decide to link their strategic objectives to a charitable cause, to such a point that their sponsorship and patronage activities might be viewed as commercial and corporate social responsibility activities (Lewandowska, 2015; Settembre Blundo et al., 2017).

Focusing on patronage initiatives *tout court*, liberal disbursements can take place in at least three different ways: a) donation of a sum of money devoted to a specific

purpose attainment and offered to the Public Entity, which, in turn is supposed to achieve the purpose; b) direct donation, in which private party is constrained to provide goods or services or to carry out works for the benefit of public entity; c) donation of a sum of money to be carried out through the assumption of the debt, for instance through the payment of invoices for services provided to the Public Entity (Chieppa, 2013).

Next to the liberal donations, the afore-mentioned sponsorships of the cultural heritage promoted by the Private Sector have been devised in order to attract further private funds allotted to the cultural heritage sector (Klamer et al., 2013). Sponsorships may take place in the same three ways liberal disbursements may be structured (Chieppa, 2013). The main difference between donations and sponsorships is constituted by the presence regarding the sole sponsorship of a monetary compensation, assumed that any tax relief envisaged for encouraging donations is not to be considered a fully-fledged monetary compensation (Chieppa, 2013; Ventura et al., 2016).

Anyway, sponsorship is not called to guarantee the sponsor the certainty of a positive economic return or a gain in terms of good reputation. Instead, as already said, depending on the contractual terms concretely defined by the parties, sponsorship might exclusively let the sponsor associate its distinctive trademark to the cultural good or to take advantage of the cultural good sponsored in advertising campaigns or some other sponsored events (Dolores et al., 2017; Settembre Blundo et al., 2017; Rossi, 2018).

Staying on sponsorships, as one of the most common form of contract-based PPP primarily finalized to fund cultural heritage conservation and enhancement initiatives, it is useful to recognise three different kinds of sponsorship:

- “pure” or “pure financing” sponsorships, in which the private party that acts as a sponsor is committed to confer cash or to pay the contractual fees to be paid by Public Administration, while not interfering in the execution of the works;
- “technical” sponsorships, in which the private sponsor is committed to take on, in whole or in part, at his own expense and under its own responsibility, the design and implementation of the services required by Public Administration.

This implies that sponsor does not confer to Public Administration a cash loan *tout court* but it is obliged to carry out services (either in terms of execution of works or supply of goods and services) by bearing the necessary costs and taking care of the design stages and work executions (Rossi, 2018);

- “mixed” sponsorships, resulting from the combination of a pure and technical sponsorship. Hence, there would be elements of both kinds of sponsorship, so that sponsor can finance the public initiative, totally or partially, and even offer a contribution circumscribed to the design phase (Chieppa, 2013).

As already mentioned in Chapter 1, resorting to sponsorships as a lever to increase private player involvement has been facilitated further by virtue of what has been planned by 2016 Public Procurement Code. As a matter of fact, pursuant to the article n. 151 of Public Procurement Code, Italian Legislator has made the choice to make the cultural sponsorships align with the ordinary sponsorships (Rossi, 2018). To date, a contract of pure or technical cultural sponsorship consisting of a cash disbursement greater than 40.000 euro (over the communitarian relevance threshold) may take advantage of smaller bureaucratic burdens than in the past, since it has been removed the obligation of including the list of works, services, supplies to be sponsored in the three-year program of public works (Rossi, 2018).

Since private sponsor is meant to gain benefits primarily in terms of reputation from the sponsorship activity; it becomes necessary to make all the aspiring sponsors take action without any form of discrimination and in a transparent way (Battelli, 2017; Rossi, 2018). With this regard, it turns out to be interesting to look into the sponsorship contract about the restoration of Colosseum. In 2010 the State as sponsee (in the person of the Extraordinary Commissioner for the archaeological area of Rome) and “*Tod's spa*” as a sponsor made a sponsorship contract concerning the Colosseum restoration project, which would have revealed some critical issues years later. Following the failure of the administrative procedure aimed at enabling a technical sponsorship, Extraordinary Commissioner had invited the two operators (*Ryanair* and *Tod's*), who had already submitted an offer, to participate in a negotiated procedure aimed at drawing up a pure financing sponsorship contract. At the end of the negotiation, an

agreement was signed between Commissioner and Tod's Spa, which had offered 25 million to cope with the restoration of the Colosseum (Rossi, 2018). Also, the Archaeological Superintendence of Rome was involved in the sponsorship agreement, because of its specific control tasks to be carried out both before and during the work execution phase, pursuant to art. 120 of the Cultural Heritage Code (Ventura et al., 2016; Dolores et al., 2017; Rossi, 2018). Hence, responsibility for the works execution was attributed to Commissioner and Superintendence. The latter was also required to exercise supervision and scientific direction powers.

Court of Auditors raised concerns regarding the economic convenience of the operation and the significant delays in starting work on the construction of a service centre, the restoration of underground areas and ambulatories, as well as the plant upgrading. Furthermore, according to the Court of Auditors, the number and duration of rights (mainly rights of use of images, spaces and information) granted to the sponsor and to the related Non-Profit association “Friends of the Colosseum” (*Amici del Colosseo*) were reckoned doubtful. Specifically, in the face of ultra-twenty years exploitation exclusive rights, the amount paid by the sponsor amounted to 1.250 million per year, obtained by dividing the sum of 25 million (meaning the total funding offered by the sponsor) by the duration of the rights granted to the association (Courts of Auditors Joint Chambers for Controlling State Administrations, 2016).

Nowadays, many companies keep on considering sponsorships as a development opportunity in terms of marketing and investment policies. Among those companies, it is useful mentioning: “Zegna Group”, in the light of its effort to sustain the contemporary art by making an agreement with the MAXXI Museum in Rome (Veronelli, 2016); “Carla Fendi Foundation”, which has catered for the restoration of the Trevi Fountain in Rome and the Caio Melisso Theatre in Spoleto; Samsung, which has put in place its sponsorship efforts in favour of Venetian civic museums (Veronelli, 2016), as well as the wine-making company “Settesoli” in Sicily, which has allowed the Archaeological Park of Selinunte (considered the largest archaeological park in Europe) to be equipped with a new lighting system, although initially the bureaucracy

and the absence of a regional regulation on sponsorship had questioned the viability of the operation¹⁰⁸.

Overall, sponsorship of arts and cultural expressions is by necessity selective and it has brought out some hierarchies about what can be considered “good culture” (Bendix, 2015). In this sense, private players end up with competing each other concerning who has to fund and what to be funded (Bendix, 2015), thus not guaranteeing a widespread and uniform support to the cultural heritage.

Besides, it has been arising a widespread resistance to different and more extensive forms of participation by private entities to the cultural heritage management. Such a resistance is justified by the prevailing attention to the protection and conservation of cultural heritage and its use in accordance with the public interest. This implies that cultural good is essentially to be kept safe from any attempt by private partner to base upon it a business activity unscrupulously and without respecting its physical and functional identity (Settis, 2002; Fidone, 2012; Montanari, 2015; Veronelli, 2016).

In parallel, PPPs may comprise also semi-autonomous organizational vehicle through which governmental, private, voluntary and community sector actors may take part of the process of debating, deliberating and delivering public policy at the regional and local level (Skelcher et al., 2005; Johnston, 2015; Settembre Blundo et al., 2017).

Foundation, as privileged PPP form for the management and enhancement of cultural heritage and the arts, has been envisaged in order to reduce the State’s contribution and to pursue managerial purposes (Wizemann & Alberti, 2005; Ponzini, 2010). Specifically, according to the default scheme, within any foundation, public party would have granted the cultural assets and financed part of their management, while the private and non-profit parties would have contributed to the management of the cultural service and any complementary economic activities, such as bookshops and cafés (Ponzini, 2010).

¹⁰⁸ To read more: <http://www.ilsole24ore.com/art/food/2016-10-28/selinunte-perche-burocrazia-blocca-50mila-euro-sponsor-134237.shtml?uuid=ADznuDIB> [2018].

In this sense, mixed foundation (*Fondazione di partecipazione*), was devised with a view to triggering persistent synergies between Public and Private actors, since each of the two participants should have made available their own functions and skills.

Typically, Public actor should have catered for internal control and guaranteeing the pursuit of the general interest, while Private actor should have capitalized its ability of managing cultural activity like a business (Bellezza & Florian, 2006, Bellezza, 2011).

Mixed Foundation is defined as a non-profit private law legal institution in which it is possible to take part in by conferring money, tangible or intangible assets, professionalism or services and that combines the advantages of the foundation, such as the constitution of a capital endowment destined for a non-economic purpose (Macalli, 2015), with the benefits arising from an open and flexible organizational structure, which causes, unlike the traditional foundation scheme, floating capital endowment and variable founding member base (Bellezza & Florian, 2006).

Over time, on the basis of the Bassanini laws of 1996-1997 (among which, it is worthwhile mentioning Legislative Decree No. 367 of 1996 and Law No. 97 of 1997), many institutions – especially, those ones operating in the lyrical and musical sector - and existing museums have been turned into foundations (and therefore in private-law institutions), to optimize services for users, to benefit from more agile and lean instruments for asset management and to favour the entry of private actors (Ponzini, 2010; Bellezza, 2011; Carmignani et al., 2012; Conti, 2012; Romano, 2016).

As already mentioned in Chapter 1, establishment of foundations, as indirect management form next to the concession to third parties (Manfredi, 2014), has been encouraged also by the Code of Cultural Heritage and Landscape. According to the Code, private players may join such foundations if they are owners of the assets subject to enhancement initiatives or if they turn out to be private non-profit legal entities, even when they do not own those cultural assets, provided that their contribution to the cultural sector is envisaged by the Law or by their bylaws.

In 2004, for the first time a MIBACT-owned museum, namely the Museum of Egyptian Antiquities of Turin, turned into a mixed foundation¹⁰⁹. This implied the entry of private partners and the birth of a board of directors as the venue where management power may be exerted (Ponzini, 2010; Carmignani et al., 2012; Conti, 2012). Previously, in 2002 “*Torino Musei*” Foundation was devised as a museum system steering four institutions (*Galleria Civica Arte Moderna e Contemporanea*, *Palazzo Madama*, *Borgo Medioevale* and *Museo Arte Orientale*) and comprising the Municipality of Turin, Piedmont Region, Bank Foundations “*Cassa di Risparmio di Torino*” and “*Compagnia di San Paolo*” (Conti, 2012; Romano, 2016).

Following in the same vein, “*Musei civici di Venezia*” Foundation was established in 2008 to manage and enhance the cultural and artistic heritage of the Civic Museums of Venice, whilst “*Palazzo Strozzi*” Foundation in Florence, has been conceived as a mixed foundation in charge for taking care of two exhibition venues (*Palazzo Strozzi* and *Forte Belvedere*) and equipped with a Board of Directors, comprising the representatives of the Institutional Members (among which, Municipality and Chamber of Commerce of Florence) and the Private Founding Members (among which, two Bank Foundations, namely “*Cassa di Risparmio di Firenze*” and “*Monte dei Paschi di Siena*”, as well as “*Partners of Palazzo Strozzi*” Association, which includes a very large number of companies)¹¹⁰ (Carmignani et al., 2012; Romano, 2016).

Nevertheless, the expected synergies between Public and Private Sector within mixed foundation cannot be achieved whenever mixed Foundation is used as a means through which fuelling clientelism and circumventing the bureaucratic hurdles and controls, which are inherent to the public-law management form (Bellezza, 2011).

Moreover, an intrusive political power interfering in the appointments of key figures within the foundation may reveal itself as a possible threat to its autonomy (Monti, 2014, Pellegrino, 2016).

¹⁰⁹ Besides MIBACT, promoters have been the Region Piedmont, the Province of Turin, the City of Turin, the “*Compagnia di San Paolo*” foundation and the “*Cassa di Risparmio di Torino*” Foundation.

¹¹⁰ To read more: <https://www.palazzostrozzi.org/chi-siamo/la-fondazione-palazzo-strozzi/la-struttura-organizzativa/> [2018].

As evidenced by the delays in the establishment of the *Grande Brera* Foundation in Milan, the foundation that should have taken over from the Brera Museum Gallery on the model of the Egyptian Museum in Turin, it is not simple to find out a convergence point between private subjects (profit or non-profit) not so prone to participate in organisms in which they would ultimately have a very limited decision-making role and public actors (Manfredi, 2014). Similarly, foundation cannot be viewed as a “one-size paradigm fitting all the realities” (Manfredi, 2014), especially if such an organizational scheme has been meant to accommodate the representation of interests unrelated to the purpose and a strong management control – identified as an indispensable pre-requisite in an entity that is freer than a public body – is lacking (Conti, 2012). By way of example, it is worthwhile going through the case of the “MAXXI” Foundation in Rome, in charge for managing the namesake museum, the National Museum of the XXI Century Arts, which, in turn, comprises two sections: “MAXXI Arte” and “MAXXI Architettura”. Indeed, the establishment of MAXXI Foundation has been legitimized by the benefits stemming from the *status* of Foundation, such as the *status* of private-law entity and the annexed fiscal privileged treatment. Moreover, MAXXI Foundation has been taken advantage of a favour regime granted by MIBACT (Monti, 2014, Pellegrino, 2016)¹¹¹.

Overall, MAXXI Foundation has shown some ambiguous aspects such as: the downgrading of the general secretary and the directors of the two museum sections to executive figures, stripped of decision-making powers by virtue of the contextual constitution of the figure of an artistic director appointed without a public tender and without taking into account that such an organizational level is not envisaged by the bylaws; the lack of separation of the governing bodies from those of management as it is envisaged by the current legislation concerning foundations established or

¹¹¹ By way of example, MAXXI is entitled to receive an annual state contribution of over 5 million euro and 50% of the appropriations of the plan for contemporary art (*Il Piano per l'Arte Contemporanea*) for new art work acquisitions. Plan for Contemporary Art is the tool through which MIBACT selects which are the initiatives aimed at increasing the public heritage of contemporary art to be funded (Monti, 2014, Pellegrino, 2016). To read more: <http://www.beap.beniculturali.it/opencms/opencms/BASAE/sito-BASAE/ma/arte-architettura-contemporanea/Arte-contemporanea/Piano-per-larte-contemporanea/index.html> [2018].

participated by the Ministry; the very disputed remuneration of the president - of ministerial appointment - made possible by circumventing, through the assumption of the *status* of public research body, the regulatory provision, according to which taking on roles within the boards of public and private bodies wholly or in part funded by Public Administration should be taken place on a voluntary basis. With this regard, MAXXI Foundation has taken on the *status* of public research body, even if is not undertaking research activities on an exclusive basis, unlike any ordinary public research body that instead is exempted from the afore-mentioned provision (Monti, 2014, Pellegrino, 2016).

In addition, from a management control standpoint, unlike other State museums, MAXXI Foundation disclosed the number of visitors without specifying composition (fee-charging or not) and methods of detection. In this sense, the choice not to send the ticket office data to the two MAXXI directors nor to publish them on the website and the decision to install movement sensors on the gates, on the hall and on the hall doors. would reveal the attempt to hide the actual level of performance. As a matter of fact, all the functions traditionally charged to the ticketing service (accounting, statistics and benchmarking) were replaced by movement sensors (Pellegrino, 2016).

Indeed, beyond the real visitors, the sensors counted all those people going only to the playground, the bar or the bookshop or those ones daily entering, leaving and returning to the museum area for work reasons, ending up with inflating the number of visitors reported and distorting the comparison with other museum institutions, in terms of cultural offer satisfaction (Pellegrino, 2016).

Ultimately, the widely-adopted forms of PPPs applied to cultural heritage enhancement and conservation, in certain cases, have stumbled upon some cultural resistances and operational hurdles, which have jeopardized their effectiveness. These aspects, together with the end of the monopoly of the public actors in the general interests care – and the annexed Welfare State crisis – evidenced by the reduction of public financial resources and the corresponding emersion of active citizenship forms (Ciaffi, 2015; Giglioni, 2016; Marchetti, 2017; Perrone 2017a; 2017 b), suggest to ponder on the chance to build up, within the boundaries of unprecedented

organizational schemes, partnerships with community-anchored organizations (Brinkerhoff, 2002; Klamer et al., 2013; UNESCO, 2013; Pestoff, 2013; Loeffler & Bovaird, 2016; Salamon & Sokolowski, 2016; Ferri & Zan, 2017; Venturi & Zandonai, 2018). This chance should be taken into consideration especially in the light of the more and more overwhelming belief that cultural heritage should be treated as a common good (Ostrom et al., 1999; Bertacchini et al., 2012; Greffe, 2012; Mattei, 2017; Valentino, 2017).

3.4. Conception of cultural heritage as common good.

Starting from the three-way split of cultural goods in visual arts, performing arts and cultural heritage, resulting by crossing each other culture and the Productive System (Candela & Castellani, 2000, Santagata, 2009), heritage represents a sector of activities on its own, which provides jobs and generates growth, as well as social and economic spill-overs in other fields (Greffe, 2012; Dümcke & Gnedovsky, 2013; European Commission, 2014; CHCfE Consortium, 2015).

Value of items of cultural heritage might be rooted on their aesthetic properties, their spiritual significance, their role as purveyors of symbolic meaning, their historic importance, their uniqueness, their experience value and so on (UNESCO, 1972; Klamer, 2003; Throsby, 2003, 2010; Vecco, 2010; Dümcke & Gnedovsky, 2013; Getzner, 2017; Macmillan, 2017).

Briefly, cultural heritage value has been more and more devised as a socially constructed value, changing over time, depending on historical, social and cultural factors and that has to be embedded in its reference context (Landriani, 2010, Vecco, 2010; EU Commission, 2014; Caroli; 2017). Moreover, cultural heritage appears as a social construction whose boundaries are unstable and blurred. This is primarily due to a twofold source of extension: the accumulation of further items of heritage along the history and the enlargement of the scope up to include all those forms constituting a legacy to be transmitted to future generations, regardless of being tangible or intangible (Benhamou, 2003, 2013; UNESCO, 2003; 2014; Council of Europe, 2005, Landriani, 2010, Vecco, 2010).

Conventionally, three types of cultural heritage can be identified: built or immovable heritage such as buildings, monuments, sites or locations; moveable heritage, such as artworks, archives, artefacts; intangible heritage, existing as works of music or literature handed down from the past or as inherited practices (Throsby, 2010).

Despite cultural heritage's items are heterogeneous each other, they have in common some key features, such as the uniqueness, the expressiveness and profitability, as the aptitude to take on an economic value (Landriani, 2010; Throsby, 2010). In this sense, such items might be reckoned as assets that: require investment of resources in their manufacture and creation; function both as stores of values and as long-lasting sources of capital services over time; will depreciate if unmaintained (Throsby, 2010).

To date, cultural heritage has moved from a static, protective conceptualization (by just recording a historical building on a list of valuable cultural or historical buildings) to public and political discourses on the values associated to any cultural good (Getzner, 2017).

Conventionally, arts have been reckoned as a case of market failure because of the externalities. Indeed, total existing demand cannot be satisfied by market because it is not possible to prevent people who are not willing to pay from consuming cultural goods (Musgrave, 1959; Baumol & Bowen, 1966; Peacock, 1969; Throsby, 2003)¹¹².

People and companies, on their part, may take out benefits from heritage (for example, in terms of positive externalities arising from the increase of attractiveness due to the cultural good), without having contributed to its production and preservation (Benhamou, 2003; 2013).

Whilst normally visit of a person does not diminish the ability of other people to enjoy the same visit at the same time or, whenever the entrance is not allowed to the visitors, people can just limit themselves to enjoy the view of facades of monuments; in certain cases, if too many people try to visit at the same time the same monument,

¹¹² After all, Musgrave had defined cultural goods as merit goods, so that, due to their non-rivalry in consumption and their non-excludability, they would have been underprovided if left to the market (Musgrave, 1959).

the latter would turn out to be congested and, therefore, no longer non-rival (Benhamou, 2013). It follows that, according to these circumstances, cultural goods may be linked to respectively public goods, if there is no excludability and rivalry in consumption (Samuelson, 1954) and no congestion (i.e. the facades of monuments), and to club goods, if they are non-rival but excludable (Buchanan, 1965; Benhamou, 2013). Obviously, in case of a coexistence of excludability and rivalry, there would be a privately-owned cultural good (Getzner, 2017).

It should be clarified that to benefit from cultural goods citizens must know about their existence and positively value them, and the cultural goods, in turn, should produce self-esteem and national pride (Benhamou, 2013; Getzner, 2017).

Pertaining to the interplay between community and heritage, there are three complementary level of consumption worth to be considered: the first is related to present and observable consumption (use value); the other two are referred to non-use values, namely the existence value, as the value people attach to the mere knowledge of existence of the heritage and the option value, namely the value allotted to the chance to potentially visit the monument in the future (Weisbrod, 1964).

Given that option and existence values cannot be expressed via market, public financing is meant to prevail, assuming that taxpayers would be ready to pay for the existence and/or for the chance to exert the option to visit the monument in the future (Benhamou, 2013). In this sense, “Double Public Good Model” (Sable & King, 2001) accounts for two aspects: preserved historic assets are jointly used resources that enter into households’ production functions for “experience”; whenever households apply “access activities” to the public resources to generate experience, they contribute to the public externality of “shared experience” that has its own communal value (Sable & King, 2001).

According to the Model, stock of cultural capital does not produce per se any public goods, but it always requires private efforts in terms of out-of-pocket expenses, time, opportunity costs of foregone consumption alternatives, and attention as well (Getzner, 2017). It follows that efforts of Public and Private Sector are inherently complementary factors of production to deliver diverse goods, such as private (individual) goods,

jointly consumed goods and public goods, for which non-use values exist (Getzner, 2017). Within such a context, citizens do not act only as consumers and co-producers of public goods for their own benefits, but they are supposed also to stand out as autonomous sector (the so-called “Third Sector”), in charge for producing goods and services for society’s benefit and common welfare (Seaman, 2013; Getzner, 2017).

Another bottom line achievable from “Double Public Good Model” is that unmanaged markets have very weak tendencies to account for nonmarket or communal values, since an individual household in the market system would take historic preservation as given and it would decide access activity levels to maximize its own satisfaction, ignoring the positive social externalities (Sable & King, 2001; Getzner, 2017).

In the light of what has been said, it has become necessary: on the one hand to transcend the mere economic assessment, which has traditionally driven Government in defining the cultural public expenditure levels; on the other hand, to bring into focus the nonmarket or communal values, traditionally overshadowed (Sable & King, 2001; Klamer, 2003; Mattei, 2012; 2017a; Getzner, 2017). In this sense, in the last decades, it has been emerging an ever-growing interest to frame under a commons-like perspective important types of humanly constructed shared resources, such as cultural heritage (Bertacchini et al., 2012; Greffe, 2012). Going in depth, as a reaction to the “extractive” vision of the cultural heritage, according to which – as already seen in chapter 1– cultural heritage might be framed as an “oil field” to be exploited economically (Mattei, 2017a); it has been arising the belief that cultural heritage should be considered as something that «*symbolizes some aspect of the common identity of a community*» (Valentino, 2017). In addition, cultural heritage should be treated as common pool resource that yields finite flows of benefits, if left to a progressive decay process and an uncontrolled misuse by mankind. With this regard, the “heritage sustainability”, as a qualitative core indicator designed by UNESCO¹¹³, requires

¹¹³ “Heritage sustainability” comes as a composite checklist and recommended by UNESCO to assess the degree of development of a multidimensional public framework for heritage sustainability (UNESCO, 2014).

finding the right balance between benefiting from cultural heritage today and preserving its “fragile wealth” for future generation (UNESCO, 2014).

Basically, commons coincide with those exhaustible goods characterized by non-rivalry about consumption, such as rivers, lakes, air, parks, forests and environmental assets (Ostrom et al., 1999).

The above-mentioned systems of natural resources or those ones constructed by people, regardless of property rights, have two characteristics: the exclusion of benefits through physical means or institutional arrangements is very expensive; exploitation by a user reduces the availability of the resource for other users (Ostrom et al., 1999).

These characteristics create potential common pool resources dilemmas, in which people, by following their own short-term interests, produce outcomes that are not in anyone’s long-term interest (Ostrom et al., 1999). In particular, a common resource, as freely appropriable, stimulates the opportunistic individual behavior of accumulation and ultimately destructive and “inefficient” consumption, according to the so-called “tragedy of commons” (Hardin, 1968).

Rodotà Commission, for the first time within Italian Legislation, drew up the legal category of commons. Regardless of their public or private ownership, commons, as a legal category, are meant to suit exercise of fundamental rights as well as the free development of the person, and they are also bound to deal with the principle of intergenerational safeguarding of utility (Rodotà Commission, 2007). Therefore, everybody has: a right of an equal share of the commons and must be empowered by law to claim equal and direct access to it. Likewise, everybody has equal responsibility to the commons and shares a direct responsibility to transfer them to future generations (Mattei, 2012; Ostrom, 2015).

On the whole, common should be viewed as a non-produced, shared and free resource for a society with relational proximity (Bellanca, 2011). In other words, that the common is used, regenerated and valued within a “local society”, in which it stands out a membership relationship, rather than one of ownership (Mattei, 2012; 2017a; Bailey & Mattei, 2013; Mcmillan, 2017; Nervi, 2017; Giglioni, 2018).

Joined Chambers of the Court of Cassation (*Sezioni Unite della Corte di Cassazione*), through the issuance of an historic judgement (n. 3811/2011) has clarified that the State property domain does not seem exhaustive to identify goods that, by their intrinsic nature, are characterized by collective enjoyment and they are functional to the interests of the same community, thus paving the way for the entry into the Italian legal system of the notion of commons¹¹⁴.

Hence, nowadays, it has become outdated resting on dichotomy between public and private rights holders, facing the emersion of community interests (Mattei, 2012; Foster & Iaione, 2016; Macmillan, 2017)¹¹⁵. From this perspective, commons represent an attempt to piercing the veil regarding the dichotomies property/state, subject/object and public/ private (Mattei, 2012), by spreading decision-making power, regaining access and participation, instead of concentrating the whole power in the hands of a single or few actors, as it is in case of public or private ownership regimes (Dietz et al., 2003; Bellanca, 2011; Bailey & Mattei, 2013; Ostrom, 2015; Mattei, 2017a).

Indeed, in order to manage commons and avoid the tragedy of overconsumption (Hardin, 1968), it is not necessary to privatize them or to put them under State control, assuming that both State sovereignty and private ownership- regime would recall the conventional scheme of an exogenous rule (stemming from an individual, a company, the government) applied to an object (Hardin, 1968; Barnes, 2006; Mattei, 2012; Foster

¹¹⁴ Reference is made to a judicial contention regarding the usage of some fishing valleys of the Venetian lagoon. Specifically, on the one hand a private company claimed for the full ownership of the fishing valleys by counting on the regular sale and purchase titles dating back to the nineteenth century. Likewise, company denied that fishing valleys belonged to the maritime state property domain, given their morphological conformation that hindered direct connection with the sea. On the other hand, Public Administration stated that fishing valleys belonged to the state property domain and, therefore, it asked for their immediate acquisition.

Whilst the judgment at first instance declared the company as the sole owner, the Court of Appeal, ascertained the state ownership of the valleys. Joined Chambers of Court of Cassation, confirmed the judgement at second instance, while hoping for the entry of new legal categories within the Italian judicial system, which would have fitted in with the aim of preserving the community identity and guaranteeing a widespread access and enjoyment. To read more: <http://www.labsus.org/2011/08/sez-un-16-febbraio-2011-n-3811/> [2018].

¹¹⁵ After all, even Roman law principles had made a distinction between *res communes* and *res publicae* as different kinds of non-exclusive properties. In particular, *res communes* referred to things incapable by their nature of being exclusively owned, while *res publicae* referred to things open to the public by law (Rose 2003, Foster & Iaione, 2016; Macmillan, 2017).

& Iaione, 2016). Rather, communities may neutralize the over-consumption trap by establishing strong relationships of mutual trust and by establishing self-regulating organizations grounded in high skills, common interests, common practices, constant communication, trials and errors (Ostrom, 2015). Compared to State and private holders, communities have more interest in preserving and developing commons, given that the latter can represent for them essential resources. In addition, communities have direct experience, perhaps for generations, and therefore in general have the best competence to manage commons in a sustainable and agreed manner (Ostrom, 2015).

To increase the likelihood of cooperation in social dilemma cases, there are plenty variables that can come into play, such as: clearly defined boundaries; congruence between appropriation and provision rules and local conditions; collective-choice arrangements regarding operational rules; monitoring; graduated sanctions; conflict resolution mechanisms; rights of appropriators to devise their own institutions are not challenged by external Government authorities; definition of nested enterprises to cope with Governance activities, concerning common pool resources, which are parts of larger systems (Ostrom, 2015).

By way of example of commons-centered cooperation forms recorded in Italy, it is worthwhile mentioning the Valle Theatre case in Rome. Workers of Valle Theatre acted together as a social movement for the protection of cultural commons, by promoting the establishment of a commons-based foundation. The latter was created with a view to preserving the common good “Valle Theatre” as opposed to both public and private ownership, thus opting for a Governance model that could have been tailored to a collective process of cultural production (Bailey & Marcucci, 2013; Bailey & Mattei, 2013). Valle Theatre experience, although it has not ended well¹¹⁶, has been replicated in Venice (Marinoni Theatre), Catania (Coppola Theatre), Naples (Filangieri Kindergarten), Palermo (Garibaldi Theatre) and Milan (Bailey & Mattei, 2013; Ratclif & Catstelli, 2013).

¹¹⁶ Common-based foundation has not produced the expected end-results. Hence, occupation ended peacefully on 11 August 2014 with the free delivery of the theatre to the municipality of Rome.

Common thread of all these grass-roots movements is the attempt to catch a glimpse of culture under a commons-like perspective, by putting together three key dimensions: culture, space and community, including “commoning”, as the capability in contributing to the care of commons and the irrepressible desire of people to set up an organic fabric of social structures and processes, in order to meet every-day needs (Negri & Hardt, 2009; Bertacchini et al., 2012; Harvey, 2012; Bailey & Mattei, 2013; Vasudevan, 2015a; Valentino, 2017). By extension, a cultural common, as an idiosyncratic system of intellectual resources available on a given geographical or virtual area, could be thought as the evolution of the more traditional concept of cultural district (Santagata et al., 2011).

Recent developments in both European and national policies focus on the collective and social dimension of heritage, on development models in which communities play a leading role and on the possible synergies between the various stakeholders. EU Commission Communication, named “Towards an integrated approach to cultural heritage for Europe” (Com. n.477/2014) identifies heritage resources, regardless of their ownership, as commons (Da Milano, 2018). Hence, heritage resources require the adoption of a multi-stakeholder approach, in order not to overlook all the critical public and private actors and the rights of the groups of citizens concerned to actively participate in the protection, management and development of the common heritage.

Starting from the conception of cultural heritage as a *«group of resources inherited from the past which people identify, independently of ownership, as a reflection and expression of their constantly evolving values, beliefs, knowledge and traditions»*¹¹⁷ (Council of Europe, 2005); 2005 Faro Convention had already affirmed that parties

¹¹⁷ On this point, in 2014 Council of Europe integrated this definition. Therefore, cultural heritage *« consists of the resources inherited from the past in all forms and aspects - tangible, intangible and digital (born digital and digitized), including monuments, sites, landscapes, skills, practices, knowledge and expressions of human creativity, as well as collections conserved and managed by public and private bodies such as museums, libraries and archives. It originates from the interaction between people and places through time and it is constantly evolving»* (Council of Europe, 2014).

should have acted while bearing in mind the value attributed by each heritage community¹¹⁸ to the cultural heritage (Council of Europe, 2005).

Parties should promote actions to improve access to cultural heritage, especially for young and disadvantaged people and they should raise public awareness about the need to conserve and preserve the cultural heritage and the benefits arising from its long-lasting maintenance.

Overall, Convention acknowledges the participation of citizens and communities as the key driver to increasing the awareness of the value of cultural heritage and its contribution to the well-being and quality of life (Da Milano, 2018). By extension, cultural heritage management can fuel a sustainable development, only if it becomes clear that:

- the conception of cultural heritage as common good embodies the need of a mix of private-public decisions, which imply ‘governance’, as well as collaboration, partnership and mutual trust;
- the conception of cultural heritage as an ecosystem brings into focus the need to raise the awareness of the importance of heritage (including all forms of heritage, as a whole), since, only then, preservation policies can be understood and supported;
- the conception of cultural heritage as a driver for cohesion recommends the adoption of an integrated approach to local development, in order to find out the synergies among cultural, social and environmental aspects of human landscapes;
- reticular evaluation of heritage translates into carrying out an unceasing appraisal process in terms of monitoring, learning and mediation, in order to guarantee the right to culture’ of audiences (Greffé, 2012).

Such a positioning aligns itself with the afore-mentioned conception of heritage sustainability provided by UNESCO, whereby it is more and more needed engaging

¹¹⁸ Heritage community might be termed as «*a group of people who attribute value to specific aspects of cultural heritage, and who wish, in the context of public action, to support them and pass them on to future generations*» (Council of Europe, 2005).

local communities and indigenous people in decision-making and management related to heritage and raising their support by making agreements with civil society and the Private Sector concerning the protection and conservation of heritage (UNESCO, 2014).

3.5. Subsidiarity principle and bottom-up initiatives in Italy: collaboration pacts (*patti di collaborazione*).

In certain cases, attention towards the commons (civic involvement) has ended up with turning into an enactment of civic engagement initiatives, which, in turn are conducive to a progressive social capital building process (Putnam, 1993; 2000; Ekman & Amnå; 2012; Ciaffi, 2015; Marchetti, 2017). Social capital refers both to trust as general rule that regulate coexistence and to the networks of civic mobilisations that may influence the yield of the Local Authority performance and the economic development of certain territorial areas (Putnam, 1993; 2000).

Looking more closely at the Italian context, since 2001 constitutionalisation of subsidiarity principle, the struggle against the privatization of water and the above-mentioned occupation of the Valle Theatre in Rome have been witnessing an ever-growing civic awareness of the importance to preserve commons (Ciaffi, 2015).

Bottom-up initiatives have taken place to defend the commons and their physical-functional integrity, in the face of the end of the monopoly of Public Sector in general interest care and the today's crisis in the Welfare State model (Ciaffi, 2015; Giglioni, 2016; Marchetti, 2017; Perrone 2017a; 2017b). Specifically, the stringent budgetary constraints and the excessive bureaucracy have challenged the principle of the hegemony of the Public Administration in the care of general interests, while at the same time paving the way for bottom-up initiatives, in compliance with the aforementioned principle of horizontal subsidiarity (2nd subparagraph of the article n. 118 of the Constitution).

The horizontal subsidiarity principle sheds the light on the «*social use of freedom*» (Sen, 2014), namely the willingness of each person to put his own efforts freely at the service of social value purposes, thus fulfilling the solidarity duty arising from article n. 2 of the Italian Constitution (Giglioni, 2016).

Facing the willingness of citizens to be more engaged in general interest care, article n. 118 of the Constitution enshrines the parallel duty of Public Administrations to encourage and favour socially useful activities promoted by citizens (Ciaffi, 2015; Giglioni, 2016; LABSUS, 2017; Perrone 2017a; 2017b).

In the last decades, Public Administration *tout court* has been invested by two complementary pulses: polymorphism (understood as variety of organizational models to be adopted) and polycentrism (that is the emersion of different layers of Public Administration and of different public interest centres). Both of these pulses could have enabled Public Administration to gain a higher level of representativeness and efficiency and to cope with societal pluralism (Arena, 1997).

Such a pluralism is associated with the idea that society is made up of citizens who have different needs and they might be seen as potential providers of different kind of resources to be deployed for solving problems (Arena, 1997).

In order to make the pluralism of the administrative system and the pluralism of society converge each other, collaboration pact (*Patto di Collaborazione*) has gradually established itself as an un-precedented shared administration paradigm acting at a Municipality-level and characterized by two founding pillars: autonomy and responsibility (Arena, 1997). Underlying idea is to overcome the traditional view of the relationship between Public Administrations and citizens as an unceasing contrast between two opposite and conflicting poles (Arena, 1997; 2014). In fact, resorting to collaboration pact requires to consider citizen as an ally of Public Administration and a potential provider of resources, ideas, creativity and knowledge necessary for a timely, effective and efficient resolution of problems (Arena, 1997; Chiti, 2017; Marchetti, 2017; Muzi, 2017). Following in this vein, collaboration pact aims at building up a greater *«institutional density»* (Amin & Thrift, 1994), which accounts for a consolidated guidance of local institutions and the contextual emersion of a network of relationships and synergies involving citizens, with the aim of implementing a common project of territorial development (Colaizzo, 2015).

From an operational point of view, collaboration pact might be viewed as the means through which Municipality and active citizens agree upon everything necessary for implementing care and regeneration initiatives referred to commons.

By weighing up its structure and its purpose, collaboration pact can be considered as a contract in favour of the community (Tuccillo, 2017). Case by case, it may be led back to contracts typically provided for in the Italian Civil Code¹¹⁹, mixed contracts or atypical contract forms (Tuccillo, 2017). Anyway, whatever the contractual form assumed, once laid down, the collaboration pact would pop up as source of the obligation to regenerate the common good assigned.

As opposite, according to some scholars, collaboration pact should be framed as a legal transaction (*negotium*), since it stands out the will expressed by the Public Administration and by the private counterparty to make an agreement, to be preferred to the authoritative provision, if more suitable to pursue general interests (Giglioni, 2017). From this perspective, collaboration pacts should be led back to the agreements referred to article n.11 of the Law n. 241 of 1990. The latter are termed as agreements resulting from an ordinary administrative procedure, governed by Municipality regulations and grounded in the collaboration even since the beginning (Giglioni, 2017).

Going beyond the doctrinal debate, collaboration pact becomes established as a *pactum fiduciae* between each Municipality involved and citizenship, which assumes the adoption of a regulatory provision, namely the Regulation of Commons (*Il Regolamento dei Beni Comuni*) (Ciaffi, 2015; Chiti, 2017; Tuccillo, 2017; Muzi, 2017).

Regulation of Commons identifies the pact as the most eligible means to neutralize any informational imbalances or contrast between Administration and citizens, and, conversely, to foster an innovative regime of co-administration and co-production of public value (Arena, 1997; LABSUS, 2017; Marchetti, 2017; Muzi, 2017).

¹¹⁹ Among these contractual forms typically envisaged by the Code, it is worthwhile mentioning the contract for services, procurement contracts, rent-free contracts or *contratti di comodato*, delivery contracts or *contratti di somministrazione*, lease contracts in favour of third parties.

Widespread adoption of the Regulation of Commons was made possible by the commitment of an association named LABSUS (*Laboratorio per la Sussidiarietà*) (Ciaffi, 2015; Chiti, 2017; Di Lascio, 2017; Marchetti, 2017). LABSUS, since 2005, has promoted innovative active citizenship ideas and initiatives, capitalising all its efforts into the development of the prototype of Regulation of Commons. In fact, LABSUS has given significant support in the drafting of the Regulation of Commons adopted by the Municipality of Bologna, traditionally viewed as a benchmark for the subsequent regulations adopted by the other Municipalities¹²⁰(LABSUS, 2017). Such a Regulation hastens to enshrine, according to article n.3, that «*Administration and active citizens base their relationships on mutual trust and agree that their willingness to collaborate is oriented towards the pursuit of general interest purposes*»¹²¹.

Regulation of Commons of the Municipality of Bologna represents an indispensable reference point also because it introduces the definition of urban commons (article n.2).

Urban commons are defined as «*tangible, intangible and digital goods that citizens and the Administration, also through participatory and deliberative procedures, recognize to be suitable to both individual and collective well-being. For this reason, in accordance with art. 118, of the Constitution, citizens are willing to share with the administration, the responsibility of their care or regeneration in order to improve their collective enjoyment*». This definition turns out to be consistent with what has been already stated regarding the value of cultural heritage *tout court*. After all, as already mentioned, in the last years there has been a substantial convergence between cultural heritage enhancement and urban regeneration issues, especially occurred at a Municipality-level (Colaizzo, 2015; Manfredi, 2017).

¹²⁰ To date, according to the statistics available on LABSUS official website¹²⁰, 148 municipalities have already approved the regulation of commons, while 56 have just started the procedure for its approval. Looking at the Sicilian context, municipalities, which have already approved the regulation are the following: Siculiana; Sciacca; Ribera; Acireale; Paternò; Marineo; Misilmeri; Ragusa; Pachino; Noto; Salemi. Vice-versa, The Sicilian municipalities, which have started the procedure for the approval of the regulation are the Municipalities of: Palermo; Messina; Agrigento; Caltanissetta; Gela; Mirabella Imbaccari. To read more: www.labsus.org. [2018].

¹²¹ To catch a glimpse of Regulation of Commons of the Municipality of Bologna: <http://www.comune.bologna.it/sites/default/files/documenti/REGOLAMENTO%20BENI%20COMUNI.pdf> [2018].

Substantially, collaboration pacts may concern about urban assets and public spaces, insofar as public spaces, according to the Regulation of Commons of the Municipality of Bologna (article n.2), embrace «*green areas, squares, streets, sidewalks and other public spaces or open to the public, publicly owned or subject to public use*». Mostly, regulations have opted for a substantially common discipline for urban commons and public spaces, except for some specific provisions targeting the regeneration initiatives of urban commons (Giglioni, 2017).

Collaboration pacts may directly empower promoters of urban regeneration initiatives or, alternatively, they may require Public Administrations to identify via public procedures the subjects to whom to entrust the public space or the urban asset to be regenerated (Giglioni, 2017). As a general rule, direct entrustment, as clarified by the judgment n. 67/2014 issued by the Regional Administrative Court of Liguria Region (*Tribunale Amministrativo Regionale della Regione Liguria* or *TAR Liguria*), turns out to be an exemption to the public procedure. Such an exemption occurs whenever the Public Administration, as owner of the entrusted asset and in exercising its own discretion, can believe rightfully that the activity of particular subjects may deserve to be favoured because they pursue the community interest, especially in case the purpose of the private counterparty coincides with the objectives posed by the Public Administration. Anyway, not to adopt the public procedures, it is required that the entrusted asset has been recognized as not economically relevant and it is expected to be destined for non-commercial use (Composta, 2018).

While adapting to the variety and needs of regeneration interventions to be implemented, the collaboration pact, as a negotiating act, is intended to define at least: the objectives of collaboration; duration; the modalities of the agreed actions; mutual commitments; the requirements and limits of the regeneration intervention; the modalities of collective enjoyment of the regenerated asset; the responsibility for damage done and, in general, the overall rules of the cooperation as foreseen by article n. 5 of Regulation of Commons of the Municipality of Bologna (Giglioni, 2017).

Overall, common thread of all the collaboration pacts is the willingness to turn public spaces and mere degraded monumental sites into symbolic spaces and

aggregation poles ready to be used by the community (Di Lascio, 2017; LABSUS, 2017).

Once laid down collaboration pact, Public Administrations can favour bottom-up initiatives either directly (by granting sums of money), or indirectly (by providing structures that active citizens can use in carrying out their activities). In all the cases, economic support can never be considered as an economic reward, since otherwise it would fall into the controversial case of the “administrative barter” (*baratto amministrativo*) (Perrone, 2017a). Administrative barter would entail an exchange (the so-called “*synallagma*”) between the urban regeneration intervention carried out by active citizens and the economic support granted by the Local Authority, mutually recognised as equivalent economic benefits (Perrone, 2017a). Hence, such a reference to the administrative barter, beyond practical difficulties in ensuring this equivalence, should be rejected, since it would question the solidarity purpose, emerging from the horizontal subsidiarity principle (Perrone, 2017a).

In general terms, the exemptions or reductions of taxes provided for by the Regulation of Commons adopted by the Municipality of Bologna and by article n. 24 of the decree “*Sblocca Italia*” (Law Decree n. 133 of 12 September 2014) can be considered as perfect substitutes of direct public funding, since they are aimed at encouraging the emersion of bottom-up initiatives (Perrone, 2017a; 2017b). More in detail, tax reliefs are defined as implicit public expenditures (the so-called “tax expenditures”), circumscribed to a limited and defined portion of time, relating to specific taxes and activities identified by the Municipalities and legitimized by the subsidiary exercise of the activities carried out (Perrone, 2017a; 2017b).

By focusing on the Regulation of Commons adopted by the Municipality of Bologna, the latter, well before the already mentioned Decree, has planned the possible exemption from the fee for the occupation of public spaces and areas (COSAP or *Canone per l’Occupazione di Spazi e Aree Pubbliche*), at the benefit of all those activities carried out within the frame of a collaboration pact.

Vice-versa, article n. 24 of the Law Decree “*Sblocca Italia*”, named “Measures to facilitate the participation of local communities about protection and enhancement of

the territory” provides for exemptions and reductions of taxes for certain bottom-up initiatives. The latter may relate to the cleaning, maintenance and beautification of green areas, squares and streets or public interest interventions of urban refurbishments, recovery and reuse, regarding unused areas and unused properties, as well as the enhancement of urban or extra-urban areas (Perrone, 2017a).

In parallel to the above-mentioned provisions, article n. 189 of the Public Procurement Code (named “horizontal subsidiarity interventions”) states that urban public green areas and buildings of rural origin, reserved for social and cultural collective activities in the neighbourhood, can be entrusted, with regard to both the managerial phase and the maintenance, with a right of first refusal in favour of citizens constituted in *consortia* and residing in the areas on which the aforementioned assets or areas insist, in compliance with the principles of non-discrimination, transparency and equality of treatment. To this end, Municipalities can provide incentives for the direct management of the areas and buildings by the citizens constituted in *consortia* also by reducing their taxes.

Truth to be told, article n. 24 of the Sblocca Italia Decree was recently repealed because, *de facto*, its scope appeared to be circumscribed to the sole TOSAP or COSAP and also because it merged into the sphere of influence of the article n. 190 of the Public Procurement Code (the so-called “administrative barter”). However, as already mentioned, the synallagmatic conception, which is inherent to the barter, does not fit in with the subsidiarity principle. Indeed, subsidiarity principle echoes back to a spontaneous grassroots willingness of taking on a general interest care without seeking any form of economic compensation or reward. In parallel, reference to article n. 189 of the Public Procurement Code may require to acknowledge collaboration pacts as economically onerous contracts in all respects (Gigliani, 2018).

Therefore, both articles nn. 189 and 190 are bound not to be applied to the collaboration pacts, since they comply with a different logic, which does not fit in with the subsidiarity principle. By contrast, although Public Procurement Code, as a law, outranks the Regulation of Commons, the latter is meant to become established as the overriding normative guideline for collaboration pacts (Gigliani, 2018).

In any case, there are no doubts about the possibility of using “tax expenditures” as a powerful lever to enable bottom-up initiatives, such as collective cultural and social activities or associated forms of public buildings management and maintenance, provided that the tax reliefs granted by Municipality do not give the assignees any full economic compensation or reward (Perrone, 2017a; 2017b; Giglioni, 2018). Such a default scheme would confirm a sort of bi-directionality of the *subsidium*, in the light of the deep interpenetration existing between the tax relief and the horizontal subsidiarity and of the possibility of exploiting the former as a leverage point to promote or favour the second (Perrone, 2017a; 2017b).

3.6. Third Sector Organizations and their key role within Public Governance of cultural heritage.

The traditional reflection on market failure together with the afore-mentioned difficulties of Public actors in coping with general interests on their own have historically led to focus on the Non-profit Sector, as alternative institutional form that can be expected to deliver public or collective services (Salamon et al., 2000; Leon, 2013b; Defourny & Pestoff, 2014; Defourny et al., 2016; Maier et al., 2016; Salamon & Sokolowski, 2016).

Non-Profit Organization (NPO) is characterised by substantial voluntary contributions of time and money and the use of volunteer as well as paid staff (United Nations, 2003; Costa, 2005; Salamon & Sokolowski, 2016; Tricarico & Zandonai, 2018). Such a voluntary contribution would be fostered by common values and beliefs and by the reciprocity principle (Ouchi, 1980).

Briefly, Non-Profit Sector encompasses all the entities that are: a) organizations, that is, institutionalized to some extent; b) private, that is, institutionally separate from government; c) non-profit-distributing, that is, not returning profits generated to their owners or directors; d) self-governing, that is, able to control their own activities; e) voluntary, that is, non-compulsory and involving some meaningful degree of voluntary participation (Salamon & Anheier, 1998; United Nations, 2003).

Conventionally, NPOs have been placed between Public Bodies (because of the pre-eminent social purposes) and private companies (in the light of the specificities deriving from private autonomy) (United Nations, 2003; Costa, 2005; Grumo, 2014).

Unlike Public Bodies and private companies, rather than on explicit rules or prices, NPOs are rooted on traditions, as implicit rules selected as informational requirements governing exchange mechanisms (Ouchi, 1980).

Nowadays, following «*a shift in neoliberal public governance*» (Moore & McKee, 2014), in the Governance of society, next to the Market and the State, as well as to the associations, welfare mix accounts also for the weight attributed to the institution of community (Evers & Laville, 2004; Defourny & Pestoff, 2008; 2014; Pestoff, 2014).

It follows that Non-profit Sector, *rectius*, Third Sector as clearly intermediate sector, is intimately interrelated with the State, private for-profit companies and the informal sector, to such an extent that, by recalling the Figure 7 presented below, the actors who are located within the circle can take on varying degree of privateness/publicness, nonprofitness/forprofitness, formality and informality, depending on their closeness degree to one of the three other social sectors ((Defourny & Pestoff, 2008; 2014; Pestoff, 2014).

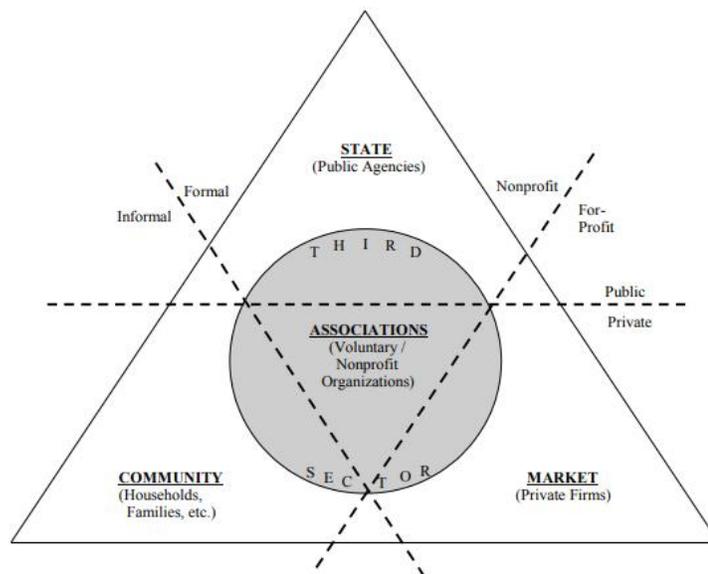


Figure 7. Source: Pestoff (2014), *Third Sector and the interplays with the other social sectors, within the “welfare triangle”*.

Basically, conceiving the Third Sector as an intermediate sector leads to a recognition of the great variety of ways in which intermediary organizations act as hybrids (Maier et al., 2016), depending on the way they combine different resources and they interact with the other social institutions (Evers & Laville, 2004; Pestoff, 2014). By extension, such a sector, termed as «*a contested and diverse terrain*» (Salamon & Sokolowski, 2014; 2016), encompasses a tremendous diversity of institutions, which only relatively recently have been perceived in public or scholarly discourse as a distinct sector, although with grave misgivings given the apparent blurring of boundaries among its supposed institutional components (Pestoff; 2014; Salamon & Sokolowski, 2014; 2016).

Historically, it has always been customary to allocate to the Third Sector all that, in a residual way, did not merge into the other social sectors and therefore to define the components of the Third Sector by difference (Guzzo, 2010). Scholars are used to fix the boundaries of such an intermediate sector on the basis of such factors as the source of organizational income, the treatment of their operating surplus, who the organizations serve, how they are treated in tax laws, what values they embody, how they are governed, their legal *status*, how extensively they rely on volunteers, or what their objectives are (Salamon & Anheier, 1998; Salamon & Sokolowski, 2014; 2016).

These conceptualizations end up with identifying this sector by using different terms, among which Civil Society Sector, Non-Profit Sector, Voluntary Sector, Charitable Sector, Third Sector, Social Economy. All these terms have been traditionally considered as interchangeable, although each of them underlines either a shift of paradigm or a privileged focus on some key aspects at expense of the others (United Nations, 2003; Salamon & Sokolowski, 2014; 2016; Defourny et al., 2016).

Third Sector conception, on its part, mirrors a privileged focus on the key aspect of non-distribution of profit. The latter, used to define “non-profit institutions”, might be relaxed somewhat to embrace, within Third Sector boundaries and next to NPOs and human actions (such as volunteering and participation in demonstrations and social movements that are undertaken without pay), organizations that permit some

distribution of profit, such as cooperatives, mutuals, and social enterprises¹²²¹²³ (Evers & Laville, 2004; Galera & Borzaga, 2009; Salomon & Sokolowski, 2014; 2016).

Hence, Third Sector is meant to embrace: (i) forms of individual or collective action outside of for-profit businesses, Government, or households; (ii) undertaken to create something of value primarily to the broader community or to persons other than oneself or one's family, and (iii) pursued voluntarily and without compulsion (Airoldi, 1996; Salomon & Sokolowski, 2014; 2016).

Within Third Sector Organizations (TSOs), an outcome-based approach is meant to become a very important concern, since these organizations are aimed at pursuing institutional goals linked to the socio-economic welfare of the community, by

¹²² Given that in Europe the policy and legal context appears to be much more conducive to the development of social enterprises, cooperatives and mutuals as welfare actors, European concept of third sector seems to be broader than the American one (Evers & Laville, 2004; Galera & Borzaga, 2009).

¹²³ According to the current Italian legislation (Legislative Decree n. 112 of 2017), the social enterprise is a “qualification” acquirable, at least in principle, by all private entities regardless of the starting legal form established, including the legal company form. The result is the possibility of having associations “social enterprises”, foundations “social enterprises”, cooperatives “social enterprises”, joint-stock companies “social enterprises” and so on. Such a qualification is reserved for entities who have completed the preliminary registration in the appropriate section of the business register and that operate in compliance with the provisions of the present decree, that is, they observe and respect all the rules contained therein, such as those relating to the activity to be exercised (article n.2), those related to the absence of profit (Article n.3), those relating to the drafting and filing of the social report (Article n.9, paragraph 2) and those ones pertaining to the involvement of workers and users (article n.11). Basically, the social enterprise exercises in a stable and principal way one or more business activities of general interest for the pursuit of civic, solidary and socially useful purposes. By law, social enterprise allocates any profits and operating surpluses either to the implementation of the statutory activity or to increase its wealth. It is forbidden the distribution, even indirect, of profits and management surpluses, funds and reserves to founders, shareholders or associates, workers and collaborators, directors and other members of the corporate bodies, even in case of individual termination of the relationship. They are considered as indirect distribution of profits cases, for example, the payment to subordinate or self-employed workers of remunerations, which are higher by forty percent compared to those envisaged for the same qualifications by collective agreements or the payment to directors, auditors and anyone who takes on a place in the enterprise directorship of an individual compensation not proportionate to the activity performed, to the responsibilities assumed and to the specific competences or in any case superior to those envisaged in entities operating in the same or similar sectors and conditions. Nevertheless, according to paragraph n.3 of the article n. 3 of the Legislative Decree under scrutiny, in order to promote access to risk capital of the social enterprise, in case it takes on one of the legal company forms listed in the fifth book of the Civil Code, social enterprise is allowed not only to re-evaluate the capital subscribed by the shareholders, but also to assign dividends to them, while incurring two limits: only a portion of less than fifty percent of annual profits and surpluses can be allocated, less any accrued losses in previous years and the capital actually paid cannot be remunerated to a greater extent than the maximum interest of the postal savings bonds, increased by two and a half points. To read more: <http://www.rivistaimpresasociale.it/rivista/item/183-nuova-disciplina-impresa-sociale-prima-lettura-sistemica.html> [2018].

leveraging on assets management, fundraising and production (Guzzo, 2010). It follows that the focus shifts at the same time on the economic outcome, as effects on the environment deriving from economic flows, which can be quantified, and on the social outcome, as a change in the community welfare arising from the organization's activities that is potentially subject to various qualifications but not to monetary quantification (Salamon et al., 2000; Evers & Laville, 2004; Guzzo, 2010; Bailey et al., 2012; Byrnes, 2014; Salamon & Sokolowski, 2014, 2016).

To date, sustainability, effectiveness, and efficiency have been increasingly establishing themselves as indispensable constraints to ensure the attainment of the TSOs institutional purposes over time (Costa, 2005; Guzzo, 2010; Cottino & Zandonai, 2012; Singh & Bodhanya, 2014; Caroli, 2017).

Sustainability issue leads to consider the TSOs contact points with business-like organizations (Maier et al., 2016). In this sense, even the simple NPOs are more and more prone to the so-called “economization”, which encompasses both commercialization and conversion issues and accounts for the fact that NPOs are increasingly driven by monetary concerns (Jäger & Beyes, 2010; Hoffmann, 2011; Maier et al., 2016). Going in detail, commercialization captures NPOs’ increasing emphasis on revenues from sales of goods and services to build up a revenues diversification strategy (Froelich, 1999), while conversion refers to the capacity to own assets, incur liabilities, or engage in transactions. Moreover, conversion encompasses a meaningful degree of financial autonomy, including the ability to refuse funding from an external source and the ability to determine the basic mission and purpose on their own. All those aspects require taking on business-like structures, also to meet accountability needs (Harmer et al., 2013; Salamon & Sokolowski, 2014; Maier et al., 2016).

Depending on the origin and the destination of resources produced and the formation of profit, it is possible to make a distinction among the philanthropic organization, the self-production organization and the social enterprise (Capaldo, 1996). Philanthropic organizations (such as foundations or voluntary organizations) allocate for free the wealth produced in favour of third parties, that are in economic and social hardships.

Concretely, philanthropic organizations pick up the needed resources for production by primarily counting on donations. Traditionally, such organizations are used to acquire and release resources without gathering any monetary compensation and within the boundaries of non-market transactions. Nevertheless, they can achieve an operating surplus or deficit (Guzzo, 2010). Self-production organizations (such as associations), on their part, allocate the wealth produced to certain people on more favourable terms than those of the market and they obtain the resources necessary for the production of wealth from the same people. So, conventionally, they acquire and release resources with a view of getting a monetary compensation, that can remunerate the production costs, according to a non-market exchange and without getting any operating surplus (Guzzo, 2010).

Vice-versa, social enterprises allocate the wealth produced to the market, and they acquire the resources necessary for the production of wealth from the market, as well. In other words, they generally acquire and release resources against monetary compensation, with the view of achieving a profit, which however aims to give employment to subjects excluded from the market or to offer goods and services not produced by the State or the market (Guzzo, 2010; Salamon & Sokolowski, 2016).

Social enterprises, more than others, claim for a contextual close interdependence between production and consumption, where production refers to the acquisition of resources, the coordination of combined production factors to carry out the management, as well as the flow of income to be devolved to consumption expenses for present and future needs (Zappa, 1956; Rossi, 1962), while consumption refers to the mere service delivery and therefore to the usage of production factors in order to carry out the managerial phase (Guzzo, 2010).

Nevertheless, even a philanthropic organization should be viewed as a kind of organization characterised by both production and consumption phases.

At large, all the TSOs might be termed as direct production entities (*aziende di produzione diretta*), since they are aimed at directly meeting needs through the production of goods and services and therefore by carrying out productive

transformation and acquisition activities and, if necessary, sale activities looking for some monetary compensation form (D'Ippolito, 1963).

Assuming that artistic and cultural adjectives cannot be considered synonyms because not everything produced by an artist can be considered cultural and not all that is cultural is the product of an artist's work (Magnani, 2017); cultural organizations are bound to produce and distribute, through complex and non-repetitive creative processes, artistic and cultural goods (both tangible and intangible) and services (Leon, 2013b; Magnani, 2017).

The cultural vitality of a place must be seen as a function of various factors, including the usage of historical and artistic heritage, the promotion of new artistic production, the diversification of genres and the ways in which culture is enjoyed (Leon, 2013b). Therefore, cultural heritage can be seen as a pivot of a territorial system (Golinelli, 2008; Caroli, 2017), called to face a demand made up of subjects for whom heritage can produce cultural, competitive or economic values. Precisely, because it is a value-laden factor, community is prone to provide both financial and non-financial resources, to boost its development. Anyway, interplay emerging between the demand and the offer does not necessarily have to be ascribed to the field of monetary exchanges, equipped with a price-revenue to regulate them (Caroli, 2017).

Although cultural organizations that manage cultural assets generally do not have an economic purpose, revenue stream should be considered crucial in their business model because it is one of the ways in which economic value can be generated for the benefit of the territory and also because public funding granted to cover the costs of management and conservation of cultural assets tend to be increasingly lower (Bailey et al., 2012; Moore & McKee, 2014; Caroli, 2017). Underlying idea seems to be that cultural enterprise should be kept in a dynamic and sustainable balance between the non-profit archetype of associations and foundations and that one profit-oriented of cultural organizations, in a broader sense, which operate in the cultural industry, with a view to meeting cultural needs of users (Leon, 2013b, Magnani, 2017; Venturi & Zandonai, 2018).

Broadly, cultural organizations are likely to flow into primarily the domain of Public Organizations or NPOs (Magnani, 2017). By looking at the sole non-profit cultural organizations, they are distinguished by: a prevalence of non-economic purposes (reflected in the mission and in the vision), so that the satisfied needs are cultural ones; the breadth of the recipients, who may be members of the organization or reference community; freedom to choose governing bodies; the possibility-need to collect the necessary both financial and non-financial resources from subjects who do not expect immediate reward; the ability to establish a trust-based relationship with the reference community concerning both services and funds received; the governing bodies are not an expression of ownership, as it is in a profit-oriented company, because organization does not include risk capital providers who expect an economic reward for the capital provided; the proximity between politics and culture, as a blend of interests and expectations; the ever-increasing importance of technologies (Byrnes, 2014; Grumo, 2014; Magnani, 2017).

Non-profit cultural organizations represent a legal form acknowledged and encouraged by the State, since such organizations are meant to pursue four major stabilization objectives: a) the protection, conservation and active exploitation of cultural assets, as well as the implementation of the activities that otherwise would be lost, since the State does not take charge of them; b) the safeguard of the artistic and creative job opportunities; c) the preservation of the capital factor, especially by referring to the *ad hoc* foundations created for the purpose of managing the historical-artistic heritage; d) the firm reaction against the cultural monopoly of public and private organizations, for the purpose of guaranteeing the broadest cultural pluralism and the widest freedom of expression (Leon, 2013b).

Starting from the distinction between an organization whose non-profit supply is meant to meet a solvent demand (reference is essentially made to those enterprises that convert partly income into wages), and an organization whose demand should be reckoned as non-profit, since it does not have any basis of solvency (Leon, 2013b); in the next step it should be appropriate to shed light on the distinction between mutual benefit organizations and the public benefit ones, given that the former provide benefits

to their members, while the second ones provide benefits to users outside the boundaries of the organization (Leon, 2013a; 2013b; Defourny et al., 2016; Tricarico & Zandonai, 2018). In practical terms, it is not so easy to clearly detect a mutual or public benefit organization, also because a public benefit organization may become a mutual benefit organization, in case of club good, as well as a mutual benefit organization, in practical terms, in the light of its outcome-oriented approach and its non-profit purpose, is meant to generate a multi-faceted value (cultural, economic and social), spilling over for the benefit of the overall reference community (Leon, 2013a)¹²⁴.

Given that State has been intervening sporadically and fragmentarily to support cultural organizations¹²⁵, in recent years in Italy foundations (both bank foundations and those ones managed by profit-oriented companies) have increasingly funded, through *ad hoc* public calls, non-profit cultural organizations, especially those ones run by young people, provided that such organizations are: highly creative; able to make artistic demand and offer match each other; they are prone to educate people to spread art and culture; they are devoted to the local-level promotion of cultural creativity; they are able to carry out social innovation-oriented projects (Leon, 2013b; Il Giornale dell'Arte, 2014; Battelli, 2017).

In general terms, TSOs are more and more involved in PPPs aimed at producing far-ranging social effects or protecting general interests at stake (Fidone, 2012; Mannino & Mignosa, 2017; Rossi, 2018)¹²⁶. With this regard, depending on the ends (goals) to be pursued and the means to achieve them (strategies) selected within the same “community welfare” policy stream, governmental actors and TSOs are bound to bump into each other in one of these four possible combinations: a) seeking similar

¹²⁴ Overall, mutual benefit cultural enterprises would seem to better defend the labour factor, guaranteeing workers' participation in company decisions and a fair distribution of profits (Leon, 2013a).

¹²⁵ Reference is made to regional and local public funds, as well as national funds, such as the Single Fund for Performing Arts (*Fondo Unico per lo Spettacolo* or FUS) managed by MIBACT and aimed at supporting production and programming activities in the following areas: music, theatre, dance, circus and traveling show.

¹²⁶ For instance, the private association “*Officine Culturali*” cooperates with the University of Catania to facilitate the enhancing activities related to a heritage asset which hosts one of the university's departments and it is included in UNESCO's World Heritage List (Mannino & Mignosa, 2017).

ends with similar means (cooperation); b) seeking dissimilar ends with dissimilar means (confrontation); c) seeking similar ends but preferring dissimilar means (complementarity); d) preferring similar means but for dissimilar ends (co-optation) (Najam, 2000).

Herculaneum Conservation project (HCP), on its part, starting from a Memorandum of Understanding laid down by Packard Humanities Institute (hereafter, PHI) a non-profit U.S.-based foundation committed to funding cultural projects and the in charge Superintendence, had already shown to what extent non-profit partners, instead of playing an auxiliary role (Macdonald & Cheong, 2014), might contribute directly in “getting things done”¹²⁷ (Dubini et al., 2012; Ferri & Zan, 2015). Going in detail, PHI had been conducive to the effectiveness of conservation initiative by improving procurement procedures, overcoming rigidities in human resource management and building up trust-based relationships (Ferri & Zan, 2015; 2017).

To enlighten further Third Sector contribution to the cultural heritage conservation and enhancement, it is worthwhile mentioning also the work of “*Fondo Ambiente Italiano* (FAI)¹²⁸”, an Italian NPO, which has been more and more taking care of restoring and opening to the public a series of buildings and gardens of historical and architectural value belonging to private citizens or owned by the Government (Dubini et al., 2012). Likewise, the NPO “*Italia Nostra*” has invested itself of advocacy policy tasks, that is monitoring, raising public awareness, stimulating legislative provisions and promoting initiatives to recover abandoned sites¹²⁹.

¹²⁷ PHI intervention within HCP had been phased in three stages: a) reimbursement of a series of conservation works planned and implemented by the Superintendence; b) on-field research regarding how to keep a sub-section of the site, the *Insula Orientalis I*, safe; c) eventually, an exit strategy concerning above all the completion of interventions already started in the previous stage and the gradual transfer of maintenance work to the public partner (Ferri & Zan, 2014; 2015; 2017).

¹²⁸ To get more information about FAI: www.fondoambiente.it [2018]

¹²⁹ With this regard, “Red List” (*Lista Rossa*) is the national campaign of *Italia Nostra Onlus*, through which they are collected warnings regarding common goods or landscapes in neglect or in need of protection, less known archaeological sites, historical centres, villages, castles, single monuments in danger. Moreover, *Italia Nostra* is going to launch the first “National Day of the Commons” (*La Giornata Nazionale dei Beni Comuni*) so that all sections of *Italia Nostra* locally acting are called to identify a common good in degradation and / or in danger in their territory and to stimulate initiatives of protection, cleaning, raising public awareness and recovery by involving also local communities. To read more information about *Italia Nostra*: <http://www.italianostra.org/le-nostre-campagne/prima-giornata-nazionale-dei-beni-comuni/> [2018].

To date, a favour regime for Third Sector has been triggered by Law n. 106 of 6 June 2016 named “Delegation to the Government for the reform of the Third Sector, of the social enterprise and for the regulation of the universal civil service”. This Law explicitly defines the Third Sector as *«the complex of private entities established for the non-profit-making pursuit of civic, solidarity and social utility purposes which, by looking up to the subsidiarity principle and complying with their bylaws, promote and implement general interest activities through forms of voluntary, free of charge or mutual actions, production and exchange of goods and services»*.

Broadly, the afore-mentioned Law stresses a close interplay among the Third Sector and the support for the autonomous initiative of citizens who are prone, also in an associated form, to pursue the common good. Such a close relationship should be read in the light of the willingness to raise levels of active citizenship and social cohesion by encouraging participation, the inclusion and full development of the person.

Ultimate aim is to enhance the potential for growth and employment, in implementation of Articles 2, 3, 4, 9, 18 and 118 of the Constitution (Arena, 2017).

Among the activities to be considered as general interest activities to be entrusted to Third Sector, Law n. 106 of 2016 also lists the redevelopment of unused public goods and assets confiscated from organized crime. Both of these assets pop up as examples of commons (Arena, 2017). Indeed, conception of TSOs as natural assignees of commons is strictly linked to the theory of the commons (Lohman, 1992), according to which these organizations present the following features: participation is uncoerced; purpose is to advance common good; resources are common; participation involves mutuality; social relations are fair (Lohman, 1992).

Given their nature, TSOs are expected to make up for governmental inadequacies in the provision of public goods, club goods, trust goods (Ferris, 1998; Brinkerhoff, 2002; Leon, 2013a; 2013b; Singh & Bodhanya, 2014). Trust goods, in turn, put in the foreground the potential role of any TSO as trust-worthy organization, serving as buffer to regulation of the production and distribution of goods characterized by information asymmetry and forming an institutional alternative to the proprietary for-profit organization (Ferris, 1998). Moreover, by encouraging social interaction, TSOs help to

create habits of trust and reciprocity that, in turn, contribute to building up a community-sense and supporting democratic values (Salamon et al., 2000; Salamon & Sokolowski, 2014; 2016).

Within such a context, cultural community-borne enterprise (*impresa di formazione comunitaria*) has been becoming established as a new overwhelming paradigm stressing the renewed central role of culture, defined both as production and protection of heritage. In particular, culture has been establishing itself as a crucial catalyst for growing regeneration processes of buildings affecting both their structure and their intended use (Garcia, 2004; Impacts 08, 2010; Richards & Palmer, 2010; Liu, 2014a; 2014b; 2016; Venturi & Zandonai, 2018).

Culture led-regeneration processes throughout the latest years have been throwing light on the attempt to combine the individual outcomes (well-being, personal development, imagination and vision) and the collective ones potentially stemming from a cultural development (social cohesion, local image and identity; community empowerment and self-determination) (Matarasso, 1997; UNESCO, 2012; 2014; Cicerchia, 2015), with the possible outcomes arising from urban regeneration processes and the emersion of new economic opportunities (Garcia, 2004; Impact 08, 2010; Liu, 2014a; 2014b; 2016; Ratti, 2015).

Basically, community-borne enterprise is meant to put its efforts to regenerate community assets and reshape the public service provision by exploiting local activities and traditions capable of intercepting external economies (Bailey, 2012; Macdonald & Cheong, 2014; MISE et al., 2016; Tricarico & Zandonai, 2018; Venturi & Zandonai, 2018). In detail, cultural community-borne enterprise has the following characteristics: a) it produces goods or services in a stable and continuous manner, including "common" or public property, while keeping in mind the need to preserve its own sustainability; b) it is owned and managed, totally or largely, complying with inclusive and democratic principles; c) it is rooted on a community, since its ultimate goal is not the improvement of individual aspects of personal and social life but the integral human development; d) it is open and development-oriented, since it is bound to ensure non-discriminatory access to goods and services to all members of the community,

complying with the governance model of commons (Bacchiega & Borzaga, 2004; Bailey, 2012; Cottino & Zandonai, 2012; Moore, & McKee, 2014; Venturi & Zandonai, 2018).

As witnessed by Locality, as a network of community organisations spread out across England that is committed to coordinating and promoting all the bottom-up projects of local development carried out by community enterprises¹³⁰(Bailey, 2012; Tricarico & Zandonai, 2018); community enterprises aim at solving local problems and rationalizing the services, by managing activities and shared resources according to a self-determination logic and embodying somehow an entrepreneurial approach (Locality, 2016; McMullin & Skelcher, 2018).

To elicit in a nutshell the pivotal role played by community enterprises, it is exemplifying the paradigm of the Community Development Trusts (CDTs). The latter present the following key features: a) they operate in both rural and urban areas, often in neighbourhoods, which have experienced an economic decline; b) they are independent, but work with the Public Sector, private businesses and with other community groups; c) they are community-anchored organisations, delivering services and facilities, finding solutions to local problems and helping other organisations and initiatives succeed; d) they create wealth in communities and keep it there, by redeploying locally any surplus gained (Development Trusts Association Scotland, 2011; Bailey, 2012).

Depending on the interplay between the management of the resources held and the functions performed, it is possible to find out three kinds of community enterprises:

a) stewards, as small organizations mainly trained by volunteers, with a single, long-standing asset (such as a village hall) largely for hiring out to local community groups and residents. Such organizations have a low income and rarely employed staff (Aiken et al., 2011);

¹³⁰ In 2011 Development Trust Association (DTA) merged with the British Association of Settlements and Social Action Centres (bassac) to form a new organisation called Locality. To get more information about Locality: <http://locality.org.uk/about/> [2018].

b) community developers, as medium-sized organisations, often with a range of assets, involved in local service delivery and local partnerships. These organisations normally have paid staff and a mix of sources of income (Aiken et al., 2011);

c) entrepreneurs, as organisations running larger, more professionally styled social enterprises. Although still community based, they have a mix of assets for social and commercial purposes and a business model. Because of the amount of resources managed, these organizations are defined capital-intensive (Aiken et al., 2011) and while working in partnership with other actors, they are wholly financially independent (Bailey, 2012).

At large, community enterprises are called to safeguard and to regenerate empty or derelict community assets, while acknowledging that these assets might ensure them independent revenue streams, which can contribute to the long-term sustainability of projects and which can allow to maintain and increase their impact on community (Moore, & McKee, 2014; Locality, 2016). Moreover, the today's start-ups of community cooperation arising spontaneously within local areas filled with critical issues but also with entrepreneurial opportunities, are no longer keen on the sole cultural production.

Instead, they are geared towards the broader social innovation (Pestoff, 2013; Voolberg et al., 2013; Bovaird & Loeffler, 2016; MISE et al., 2016; Venturi & Zandonai, 2018), termed as *«the creation of long-lasting outcomes that aim to address societal needs by fundamentally changing the relationships, positions and rules between the involved stakeholders, through an open process of participation, exchange and collaboration with relevant stakeholders, including end-users»* (Voolberg et al., 2013).

Ultimately, as a reaction to the crisis of the State-centred general interest care model and the weakening of the Welfare State, both the choices made by the Legislator and the doctrinal debate seek to bring out the work of TSOs as a free expression of civil society geared towards the pursuit of general interests (Zamagni, 2011). As a matter of fact, TSOs could represent an entrepreneurial environment oriented towards

productive efficiency, where to support a social policy design process characterized by an optimal use of human and material resources (Leon, 2013b).

Basically, TSOs do not exist only to deliver services, but they may also allow citizens to advance their interests in public policy, according to the policy advocacy function and they may also replace Government in terms of Government's governing function within a more and more self-governing society (Ferris, 1998; Salamon et al., 2000; Maier et al., 2016; Salamon & Sokolowski, 2016; Venturi & Zandonai, 2018).

It follows that TSOs might be the most eligible actors to exploit the commoning (Lohman, 1992; Barnes, 2006; Bellanca, 2011; Bertacchini et al., 2012; Bailey & Mattei, 2013; Salamon & Sokolowski, 2016; Valentino, 2017) as a grassroots attitude, in order to transform commons into drivers of a socio-economic development for the benefit of community (Cottino & Zandonai, 2012; SII Task Force, 2014; Zandonai, 2014; Venturi & Zandonai, 2018).

4. Research Methodology.

4.1. Type of research, research methodology layers and data collection.

In the light of the critical issues affecting the publicly-owned cultural heritage assets management, the operating hurdles and the cultural resistance forms compromising the yield of the Private Sector intervention into the cultural heritage care, it seems to be appropriate thinking about further organizational schemes, while always complying with the well-founded need of adopting a Public Governance perspective. These organizational schemes are expected to internalize the two macro-trends recorded, namely the end of Public Sector monopoly of general interests care due to the more and more stringent budgetary constraints and the corresponding increase of bottom-up initiatives, in line with the subsidiarity principle and with the view of cultural heritage as a common good. That being said, from this point on, this research will try to solve a research problem, while respecting the consolidated doctrinal guidelines.

Before diving into the research problem solving, the present chapter is expected to clarify which type of research has been carried out, the research methodologies employed to achieve the research objectives and the data sources that have been used.

Research, in itself, is the process of arriving, through the planned and systematic collection, analysis and interpretation of data, as dependable solution to a problem, stemming from observation, extant literature, experience or serendipity (Searcy & Mentzer, 2003; Khotari, 2004)¹³¹.

In the present case, research will turn into an applied research, which aims at finding a solution for an immediate problem facing a society through the construction of model, in compliance with a constructive approach (Kasanen et al., 1993).

Applied research, as it is, requires researcher first to provide himself with a working hypothesis or guess as to the probable results. Then, researcher will work to get enough facts or data to prove or disprove his hypothesis (Kothari, 2004).

¹³¹ In this sense, research might be framed as an inquiry resulting from the application of scientific method in its broadest sense (Searcy & Mentzer, 2003).

Being an applied research, the present research shows up as a data-based research, coming up with conclusions which are capable of being verified by following observation or experiments (Kothari, 2004).

In parallel, the following research can be viewed as simulation-based research.

Simulation-based approach involves the construction of an artificial environment within which relevant information and data can be generated. In other words, researcher is allowed to observe the dynamic behaviour of a system or its sub-systems, under controlled conditions (Kothari, 2004; Panneerselvam, 2014).

As a general principle, research methodology should be seen as «*a system of models, procedures, techniques used to find the results of a research problem*» (Panneerselvam, 2014). This means that, research methodology does not comprise only the research methods, but also it embraces the logic behind their usage in the research study context (Kothari, 2004). Following in this vein, research methodology should explain why researcher is using particular methods or techniques and why he is not using others, so that research results can be evaluated either by the researcher himself or by others (Kothari, 2004).

To the case at issue, research has deployed a normative view by selecting a case study research as the research strategy. Case study has been integrated by a SD model framed by a DPM Chart, designed to keep track of some critical issues related to the management of the cultural heritage belonging to the Municipality of Palermo and to overthrow this state of art by encouraging a «*productive use*» of currently-degraded cultural goods (Clemente et al., 2012) thanks to a higher engagement of community-anchored TSOs. City of Palermo, on its part, has been reckoned as suitable case study to pursue the pre-set research objectives because of:

- its richness of cultural heritage, as a reflex of its thousands of year-history as “crossroads” of cultures and people;
- the difficulties recorded about the cultural heritage management (both publicly-owned and privately-owned), as witnessed by the sizeable amount of degraded or abandoned cultural assets cumulated over time;

- some bottom-up initiatives already spread out, in line with the conception of cultural goods as commons.

In order to build up both SD model and DPM Chart, different sources of data, both primary and secondary, have been used. Specifically, kinds of data employed have been the following:

- crowdsourced data underlying the “Map of Abandoned Monuments of Palermo”;
- data gathered from the Financial Statements of the Municipality of Palermo or by the Managerial Report;
- data available on the website of the Municipality of Palermo;
- data related to local taxes taken out from regulations adopted by the Municipality of Palermo;
- secondary data derived from studies carried out by research institutes such as ISTAT or by prominent daily newspapers, such as “*Il Sole 24 ore*”;
- data gathered from the public calls already promoted by “*Con il Sud*” Foundation with the aim of empowering TSOs to cater for the recovery and the enhancement of degraded cultural heritage, viewed as common good;
- semi-structured interview to an officer of the “Historic Centre Office (*Ufficio Città Storica*)” belonging to the Municipality of Palermo;
- semi-structured interviews to members of TSOs in charge for launching projects to restore degraded cultural assets, within the frame of a public call promoted by “*Con il Sud*” Foundation;
- semi-structured interviews to any other key actor whose point of view has been reckoned as crucial to frame the topic.

As it will be seen later, to define some key variables it has been required to combine different kinds of data in order to come up with an estimate, such as in the case of the recognition of the amount of degraded cultural heritage belonging to the Municipality of Palermo. With this regard, at times interviews to key actors at stake have been conducive to overcome the difficulties tied to the lack of easily-available accurate data.

All the interviews made have been first transcribed, then sent to each interviewee to confirm the accuracy of what had been recorded and eventually they have been published after their consent.

That being said, both SD Model and DPM Chart have been aimed at explaining the main key factors (in terms of policy levers) leading to the expected outputs (in terms of reduction of the degraded cultural heritage owned by the Municipality of Palermo and the corresponding increase of heritage restored), as well as at explaining which outcomes may derive from recovering and enhancing the currently-degraded cultural heritage. Moreover, both SD Model and DPM Chart have been geared towards clarifying how such a virtuous cycle fostered by the Institution of Trust and by its key features may persist over time.

Ultimately, SD Model framed by a DPM chart, as it will be seen, becomes established as the perfect completion of the case study research strategy, as it allows to test different policies and to look into a real-life phenomenon in an environment based on a computer. DPM Chart, as theoretical framework, would steer SD methodology towards detecting the possible outcomes resulting from any policy and the key performance variables driving to the success or failure of any outcome-oriented public policy (Bianchi,2016). Expected end-result achieved by combining the selected research methodologies is to abstract from a specific case a possible theory awaiting to be subsequently confirmed or falsified in time or space.

4.2. Case study as a research strategy.

Case studies focus on understanding the dynamics within single settings concerning a particular issue, a limited number of events or conditions and their relationships, rather than a whole organization (Yin, 1981; 1984; 1989; Eisenhardt, 1989; Dooley, 2002; Hays, 2004; Noor, 2008). Specifically, case study is the strategy to be preferred when: researcher has little control over events; the focus is on a contemporary phenomenon within some real-life context whose set of outcomes is not clearly identified; the boundaries between phenomenon and context are not clearly evident; multiple sources of evidences are used (Yin, 1981; 1984; 1989).

Case studies can be used to accomplish various aims, such as to provide description or to test or to generate a theory (Eisenhardt, 1989). Regardless of how they are used, for either theory building or theory testing, their underlying purpose is to create new knowledge and to understand a specific phenomenon completely, by shedding light on how things are taking place and why (Patton, 1987; Anderson, 1990; Herling et al., 2000; Dooley, 2002). In particular, they can be useful to provide information for decision making process or to discover causal links in settings where cause-and-effect relationships are complicated and not readily known (Yin, 1981; 1989).

Nevertheless, someone argues that case study research generally does not lend itself well to generalization or prediction because it lacks scientific rigour and reliability, given that it does not recommend standard methodological procedures (Johnson, 1994; Patton & Appelbaum, 2003).

To confirm the alleged scarce consistency of case study with any research objective, someone argues that case study should be strongly faulted for its lack of representativeness as a point of observation for a social phenomenon and its lack of rigor in the collection, construction, and analysis of the empirical materials that give rise to the study (Hamel, 1993). Furthermore, some scholars have stated that influence of researcher identity on the study, in terms of access and preunderstanding cannot be ignored and this might complicate further the case study adaptability to the research purpose (Gummesson, 1991).

Remaining on the influence of researcher identity, on the one hand, access refers to the ability to get close to the object of study in order to truly find out what is happening by relying on both gatekeepers, who can open or close the gate for the researcher and informants who can provide valuable information and pave the way (Gummesson, 1991). On the other hand, preunderstanding refers to people's knowledge, insights, and experience, that are pre-existing respect to any engagement in a research project (Gummesson, 1991). Although preunderstanding can be a serious threat to the objectivity of a study (Gummesson, 1991), detail and depth of the context description may ensure the understanding of the empirical foundations of the theory (Hamel, 1993). More in depth, by embracing multiple cases, multiple research paradigms and multiple

sources of data, case study research can contribute in a holistic way to all phases of theory development concerning complex real-life activities (Dooley, 2002; Noor, 2008).

Concerning data collection phase, such a holistic approach translates into the chance to use either qualitative or quantitative evidences or both. All these evidences may come from fieldwork, archival records, verbal reports, interviews, observations, or any combination of these (Yin, 1981; Eisenhardt, 1989; Dooley, 2002).

Moreover, it should be added that, from a single observation the start of a theory may be formed and this may provoke the researcher to study the same phenomenon within the boundaries of another case as the theory begins to take shape (Dooley, 2002).

From this perspective, ongoing replication and refinement of findings from case to case may lead to a generalization of theory (Dooley, 2002; Noor, 2008). In practical terms, relying on the ongoing comparison of data and theory (Glaser & Strauss, 1967) and the continuous refinement between theory and practice (Lynham, 2000), observation of similar phenomena in multiple settings will confirm or disconfirm the emerging theory, in compliance with the Kuhn's paradigm (Dooley, 2002).

From an operational standpoint, case study research implementation should follow a precise roadmap:

- getting started, as the initial definition of the research questions, in at least broad terms. This turns out to be a crucial starting point in building theory from case studies. Research focus and a priori construct can be defined, only following an intensive literature review and an accurate problem identification (Dooley, 2002);
- selecting a case, which is consistent with the object of study. In particular, research questions, together with the theoretical framework underpinning the research, will define the characteristics of the cases to be studied, and the researcher should try to select cases that display those characteristics (Scapens, 2004);

- crafting instruments and protocols, covering the choice of data-gathering and analysis techniques, reflecting the pre-set research questions. In this case, using multiple data-gathering techniques can enhance the validity of case study findings through triangulation (Dooley, 2002);
- entering the field, by overlapping data collection and analysis;
- within-case data analysis, as the heart of building theory from case studies. This implies gaining familiarity with data and preliminary theory generation;
- shaping hypotheses, confirming, extending or sharpening theory;
- enfolding Literature, as a comparison of the emergent concepts, theory, or hypotheses with the extant literature. This involves asking what the similarities are, what the contradictions are and why they occur;
- reaching closure, enacting a theoretical saturation, when possible (Eisenhardt, 1989).

Ultimately, case study takes shape as part of an inductive approach where the empirical details that constitute the object of study are considered in light of the particular context (Hamel, 1993). Such a characterization of case study recalls the Gadamer's hermeneutic circle conceptualization, according to which the scholar is meant to compare the a-priori resulting from his own background and from an initial theoretical framework to the social reality observed, in order to reach a general abstraction. The latter is just the end-result of both a continuous transition between theory and experience and of the “fusion of horizons” between scholar and the reality observed (Gadamer, 2004; Costa, 2017). Moreover, the holistic view of a process, which is inherent to case study, instead of a reductionist-fragmented view, leads to assess the whole as something more than the sum of its parts. Consequently, the whole can only be understood by treating it as the central object of the study (Gummesson, 1991).

In the light of the common problem-based perspective (Geyer, 1995)¹³², the attempt to explain the causal links in real-life interventions that are too complex for the survey or experimental strategies and the emphasis on interactions among various parts of a system (Patton & Appelbaum, 2003); case study research and the System Dynamics methodology can be easily combined, in order to enact an analytic theoretical generalization, (Yin, 1981; 1984; 1989). Theoretical generalization does not refer to *«theorizing about the case organization per se but about “transcendental” – “chronic” behavioral/social issues that are exemplified in and by the organization under scrutiny»* (Baxter & Chua, 1998). More precisely, analytic theoretical generalization stresses the usage of theories to explain case study observations (Scapens, 2004), following a circular scheme: from general, considering a starting theoretical framework to local, by observing and interpreting the case dynamics, to eventually come back to general, with the view of supporting, modifying and enriching the starting theoretical framework (Chiucchi, 2017).

4.3. System Dynamics as a baseline methodological layer.

System Dynamics (SD) methodology, as it was conceived by J.W. Forrester, might be seen as both a worldview and a Kuhn's paradigm, grounded in the feedback control theory and the modern theory of nonlinear dynamics (Forrester, 1961; 2009; Sterman, 1994; 2000).

SD methodology advocates the development of systems thinking skills (Sterman, 1994; 2000), starting from the assumption that assessing system cohesion, in a broad sense, implies focusing on the interactions of the component elements (Von Bertalanffy, 1950; 1972).

Within the frame of a DPM Chart (Bianchi, 2016), SD model building is expected to improve the quality of dynamic decisions (Doyle & Ford, 1998; Forrester, 2009).

Indeed, all decisions are based on models. Mental models comprise all those causal maps, beliefs about the network of causes and effects that describe how a system operates, as well as its boundaries (the exogenous variables) and the time horizon

¹³² *«The way system boundaries are drawn is obviously observer dependent, time dependent and most importantly problem dependent»* (Geyer, 1995).

reckoned as relevant in order to frame or articulate a problem (Forrester, 1961; 2009; Sterman, 1994; 2000; 2002; Doyle & Ford, 1998). However, all these models are incomplete and wrong, since they are just simplifications of reality affected by human bounded rationality (Forrester, 1961; Simon, 1979; Sterman, 1994; 2000; 2002).

Conversely, SD methodology is expected to help decision maker expand the boundaries of his mental models, by figuring out the feedbacks deriving from his decisions. To this end, SD methodology is bound to take advantage of a formal model-based approach, which comprises also multiple tests to increase its validation (Forrester & Senge, 1979).

SD methodology emphasizes the involvement of all the key actors at stake and the usage of all types of data, not only statistical tests or numerical data (Forrester, 1961; Sterman, 1994; 2000). In this sense, information about the structure and relationships in dynamic systems gleaned thanks to the explication of the mental models allow SD models to be constructed in the absence of written and numerical data (Forrester 1961; Doyle & Ford, 1998). After all, integrating statistical tests and numerical data with mental model explication is consistent with conceptualization of research methods as existing on an interactive *continuum*. This implies to reject the belief that qualitative and quantitative methods are conflicting (Newman & Benz, 1998; Johnson et al., 2007; Creswell, 2014.). Besides, not to include some key variables because there are not any available numerical data would be one of the main factors in charge for SD model unsuitability to the purpose, in the same way of the failing inclusion of critical feedbacks, the failing explication of critical basic assumptions or the lacking inclusion of important stakeholders in the model building process (Forrester, 1961; Sterman, 1994; 2000; 2002).

SD methodology aims at pointing out a problem focus, instead of jumping to solutions straightforward. Going in detail, typically SD methodology looks for the cause of a problematic behaviour within the system structure and it detects, rather than external causes, leverage points within the system, viewed as policy levers that can be toggled by decision-makers (Stave, 2002). To this end, SD methodology resorts to the simulation, defined as «*driving a model of a system with suitable inputs and observing*

the corresponding outputs» (Bratley et al., 1987), with a view of pursuing different purposes such as prediction, performance, training, entertainment, education, proof and discovery (Axelrod, 2005).

Once defined, SD model would be capable to overcome the human inability to simulate mentally the dynamics of complex nonlinear systems (Sterman, 1994; 2000) and it would allow to explain how that structure leads to that behaviour (Forrester, 1961; Sterman, 2000).

As shown by Figure 8, SD methodology encourages reasoning in terms of stocks (states) and flows (changes) in accordance with the principle of accumulation and taking into account time delays (Forrester, 1961; Sterman, 2000). Assuming that stocks have four important characteristics (they have memory; they change the time shape of flows; they decouple flows; they create delays), they are bound to accumulate the net rate of change, which is equal to the sum of all its inflows less the sum of all its outflows. Mathematically, stocks integrate their net flows, which, in turn, represent the derivatives of the stocks (Forrester, 1961; 2009; Sterman, 2000).

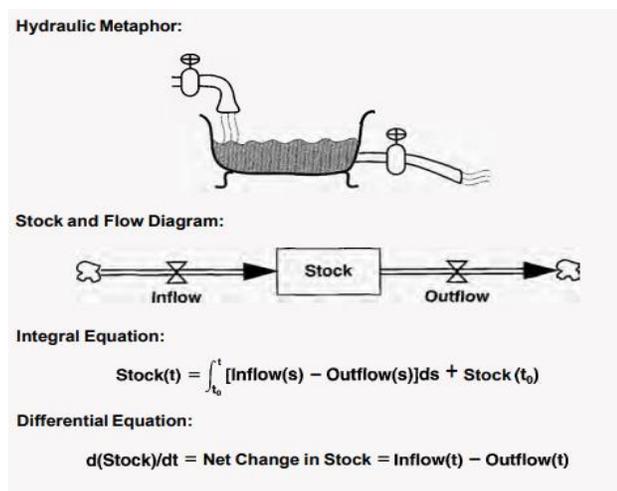


Figure 8. Source: Sterman (2000), *Four equivalent representations of stock and flow structure.*

Next to the stocks and flows structure, it should be mentioned the causal loops diagramming, as the other pillar of SD methodology (Sterman, 2000). Causal loops diagramming hints at the possibility of mapping the system in terms of causal links between coupled system variables. The latter ones, when linked, form closed loops that feed back to the structure altering the relative importance of each of the variables listed

in the system. Graphically, a causal diagram consists of variables connected by arrows denoting the causal influences. Each causal link is assigned a polarity, either positive (+) or negative (-) to indicate how the dependent variable changes facing a change of the independent one. A positive link means that if the cause increases, the effect increases above what it would otherwise have been, and if the cause decreases, the effect decreases below what it would otherwise have been. Vice-versa, a negative link means that if the cause increases, the effect decreases below what it would otherwise have been, and if the cause decreases, the effect increases above what it would otherwise have been. Overall loop identifier resulting from the multiplication of the polarities assigned to each causal link could be either positive (or reinforcing, since it reinforces the change) or negative (or balancing, since it is self-correcting and it counteracts and opposes disturbances). Anyway, link polarities do not explain the actual behaviour of the variables, since they just shed light on the logical interplays related to the structure of the system¹³³ (Sterman, 2000).

At large, there have been plenty of SD studies upon public management issues (Bianchi, 2010, 2016; Ghaffarzadegan et al., 2011; Kennedy, 2011; Bianchi et al., 2017). Despite this, SD potential in Government policy making has not been fully exploited yet (Forrester, 2007; Ghaffarzadegan et al., 2011).

Concerning the application of SD in the field of cultural heritage management and urban regeneration process, there are at least two SD-based studies that are worth to be cited. The first emphasises the role of SD as a useful aid in sorting out the cultural offer of an organisation system – the Massimo Theatre of Palermo – with the view of attaining a recovery of efficiency and effectiveness (Bianchi et al., 2010). The last, facing the negligent upkeeping of many abandoned industrial sites (the so-called “brownfields”), spread in the American and European cities, aims at building up a model framework capable to boost a sustainable urban revitalization strategy, while taking into account also the community perceptions (BenDor & Metcalf, 2005).

¹³³ This means that link polarities do not describe what actually happens. They just describe what would happen if there were a change (Sterman, 2000).

5. Applying the institution of Trust to the cultural heritage management: the case of Palermo.

5.1. The relationship between Palermo and its cultural heritage and its effort to become a “normal city”.

In the present chapter DPM approach is applied to a case study, for the purpose of explaining how the Trust could be a suitable institutional vehicle to lead to the recovery and enhancement of degraded cultural heritage belonging to any Municipality by exploiting a higher empowerment of Third Sector Organizations anchored to a community.

Before applying DPM approach to the case study, it will be shown how the relationship of Palermo with its cultural heritage has been changing over time and how it has been possible to draw up the estimate of currently-degraded cultural heritage belonging to the Municipality of Palermo. Subsequently, it will be discussed the recent cultural event-led renaissance of the city of Palermo primarily endorsed by the Municipality and the already recorded managerial experiences inspired by commons. These experiences might be viewed as a “breeding ground” where bottom-up pushes may thrive up, thus integrating top-down impulses.

By looking up to some peculiar commons-inspired urban regeneration cases concerning some cultural assets *lato sensu*, focus will be shifted to the institution of Trust, in the light of the similar organizational scheme followed. Specifically, there will be brought out the key properties of Trust, its interplays with Public Governance and collaboration pacts and its impact on each of the phases related to the management of cultural heritage conceived as a common good. Eventually, a SD model framed by a DPM chart will explain how the Trust might lead to the recovery and enhancement of the currently-degraded cultural heritage by counting on a higher TSOs involvement.

Going in depth, DPM approach is first expected to highlight the policy levers fuelled by key properties of Trust that might be toggled to boost the TSOs engagement. Eventually, DPM approach is called to identify the expected outcomes deriving from

the recovery and enhancement of the degraded cultural heritage and to clarify how such a virtuous cycle could persist over time.

Once identified the objectives of the study, first of all it turns out to be appropriate to provide a description of Palermo.

Palermo is the capital of the autonomous Region of Sicily and the fifth Italian city by demographic size. Palermo is historically renowned as a Mediterranean cultural melting pot at the edge of Europe, whose openness to other traditions stretch back almost a millennium. As reminded by the Guardian, a memorial stone on display in the Moorish Zisa Palace records the interment of a noble lady's remains in four languages: Latin, Greek, Arabic and Hebrew¹³⁴. Such a thousand-year history and the succession of dominations (from the Phoenicians to the Romans, from the Arabs to the Normans and Swabians, from the Angevins to the Aragonese up to the Bourbons and the subsequent annexation to the Kingdom of Italy) gave Palermo a huge and composite monumental artistic heritage.

Despite the massive cultural legacy inherited from its character as a "crossroads" of cultures and peoples, its cultural heritage has not always been fully preserved and enhanced, because its holders (ranging from the Municipality up to Sicily Region, The *Curia* and private holders) have not promptly catered for its maintenance over time.

In general, protecting national cultural heritage has called for an exercise of discretion in selecting what has been primarily conducive to its constitution. Many publicly-owned cultural sites, despite being recognized by the community as sites of cultural interest for what is their value, for what they evoke or for the experiences connected to them, have not received a positive feedback in the cultural interest verification process carried out by the Superintendences¹³⁵. As a result, many cultural sites have been getting away from a strict protection regime.

¹³⁴ To read more: <https://www.theguardian.com/travel/ng-interactive/2018/jan/06/where-to-go-on-holiday-in-2018-the-hotlist> [2018].

¹³⁵ While, as already seen in chapter 1, concerning immovable cultural properties owned by the State, the Regions and local authorities and non-profit entities resulting from the work of an author no longer living and whose execution dates back to over seventy years, it is assumed that they are endowed with historical and artistic interest until the negative outcome of the procedure for verification of the existence of cultural interest; with reference to the cultural heritage owned by both private holders and for-profit

In many cases, the ever-growing stringent budget constraints have prevented the Public Administration *tout court* from taking care equally of all its cultural sites or from expropriating privately-owned sites of historical and artistic interest that became abandoned or increasingly degraded due to inertia or negligence of the private holders.

Likewise, financial shortfalls have hindered the exercise of right of first refusal, in case of sale of valuable privately-owned buildings¹³⁶.

In other cases, long-lasting inaction of Public Administration has led to a worsening situation, before which Public pressure has thrown light on the need to remedy it as soon as possible. By way of example, it is worthwhile to briefly outline the Utveggio Castle (*Castello Utveggio*) case. *Castello Utveggio* is an historic castle owned by Region of Sicily and located on *Monte Pellegrino*, the mount that surrounds Palermo. More than one year after the failure of the public training and research institute that managed it, the Cerisdi, the castle was still abandoned and exposed to the vandalism risk. Through the establishment of the association “*Salviamo Castello Utveggio*”, citizens and people acting in the field of politics, culture and law, repeatedly asked for its recovery.

Even at the national Parliament, it was raised a parliamentary question aimed at asking for setting up a round-table involving the Region of Sicily and the Municipality of Palermo. Region of Sicily, as a response, authorized the work to make the structure safe and it restored the lighting system that had been destroyed after a huge fire in June 2016.¹³⁷

entities, resulting from the work of an author no longer living and whose execution dates back to over seventy years, such presumption and verification of cultural interest are not foreseen. Conversely, it is envisaged the cultural interest declaration procedure governed by the Code. Once obtained the declaration, private holder is required to guarantee the conservation of the cultural asset and the latter cannot be exported except on a temporary basis. Also, the exhibition loan, the temporary transfer of goods and the execution of restorations works must be previously authorized by the Superintendence. Eventually, any transfer of ownership or possession must be reported to the Superintendence, which, in turn, can carry out inspections to ascertain the state of conservation and custody of the property with a notice no lower than five days.

¹³⁶ With this regard, recently, Region of Sicily exercised its right of pre-emption on *Villa Alliata di Pietragliata*, a valuable private building in neo-gothic style, which has long been degraded. To read more:

http://palermo.repubblica.it/societa/2018/03/23/news/villa_alliata_di_pietratagliata_la_regione_esercita_il_diritto_di_prelazione-192073039/ [2018].

¹³⁷To read more:

Nevertheless, to revitalize fully the Castle, according to the president of the UNESCO Foundation of Sicily¹³⁸, it would be advisable implementing a serious and self-sustainable project capable of making income by exploiting the potential hidden in the entire area between the park of *Favorita* and the nature reserve of *Monte Pellegrino*, where the Castle is located.

Vice-versa, civic committees hope for entrusting the Castle to a local cultural association, facing the stringent budgetary constraints that would prevent the Regional Councilorship from providing for the maintenance of a protected cultural site and even from guaranteeing a permanent presence of guards, since there are not resources even to pay overtime¹³⁹.

In parallel to the difficulties of the Public Administration *tout court*, citizenship seemed not to be fully aware of the richness and vastness of cultural heritage, as shown by the persistent state of degradation affecting the historic centre of Palermo for a long time. Furthermore, construction boom (the so-called “*Sacco di Palermo*”) took place even sacrificing with the consent of citizens valuable artefacts inherited from the past (Butera, 2010; Coco, 2010; Inzerillo, 2017).

Since the end of the Second World War, the northern area was elected as privileged venue of the housing development, while the historic centre, particularly damaged by the bombs of the Second World War, was gradually abandoned, up to become a marginal area (Butera, 2010; Coco, 2010). In this context, the Prince Lanza of Scalea without any regard about the architectural value, as owner, asked for – and he obtained in a day – the removal of the bond of protection and consequently the permission to demolish the *Villa Deliella*, built in *Piazza Croci* in the early twentieth century and

http://palermo.repubblica.it/cronaca/2018/01/23/news/castello_utveggio_si_ilumina_con_un_nuovo_impianto_a_led-187116927/ [2018].

https://www.huffingtonpost.it/michele-anzaldi/castello-utveggio-una-ferita-insostenibile-per-palermo-capitale-italiana-della-cultura-2018_a_23280854/ [2018]

¹³⁸ Foundation contributes to the promotion of the protection, enhancement and management of sites recorded in the “UNESCO World Heritage Site” List, and it also works on the candidacy of new sites to be included in the List. To read more: <http://unescosicilia.it/wp/la-fondazione/> [2018].

¹³⁹ <http://palermo.meridionews.it/articolo/60661/castello-utveggio-da-un-anno-e-mezzo-in-abbandono-unesco-con-progetto-credibile-si-rilancerebbe-larea/> [2018].

designed by the liberty master Ernesto Basile¹⁴⁰ (Butera, 2010; Coco, 2010; Inzerillo, 2017). Although the building was listed in the masterplan as a “monument to be preserved”, Municipality ceased to claim for its protection (Coco, 2010). From that moment, facing the claims promoted by citizens, variants of the masterplan were approved. Such variants would have allowed the aristocracy and the upper bourgeoisie to swap villas and art nouveau villas along *Via Libertà* and the North West line with huge blocks, equipped with reached ten, twelve, thirteen floors and resulting from an impressive building development (Butera, 2010; Coco, 2010; Inzerillo, 2017). Later, it would have been found out that most of such building development arose from the intertwining of the mafia and politics (Butera, 2010; Coco, 2010; Inzerillo, 2017).

Basically, 1992 is a turning point in the recent history of the main Sicilian city. From that point on, it started out a season of social mobilisations shaking Palermo as a reaction to the violent attacks against institutions put in place by the mafia organisation of *cosa nostra*. These mobilisations represent the second wave of uprisings against the criminal organisation after the “Palermitan spring (*Primavera di Palermo*)” of the mid-80s (Vinci, 2017; Pecile, 2018).

In 1993, Leoluca Orlando became mayor for the second time with the support of the antimafia platform La Rete. Main slogan of Leoluca Orlando, during the election campaign and, later, was to make Palermo “a normal city” (Azzolina, 2009; Vinci, 2017). To do this, some of the most effective levers Municipality has sought to take advantage of have been the urban programmes funded by EU structural funds, among which mainly first urban programme (1994-1999) deserves to be put in the foreground. In particular, this programme has sought to improve the urban quality, by recommending, among other things, a new masterplan and a deep reorganisation of the Government structure of the Municipality (Vinci, 2017). The first would have been useful to restore the territorial identity and to remove the distortions caused by decade of uncontrolled building development, while the second would have been reckoned as an overriding lever to strengthen the policy-making process (Vinci, 2017).

¹⁴⁰ Ernesto Basile was Giovanni Battista Filippo Basile architect’s son. Among other things, Ernesto Basile completed construction works of the well-renowned Massimo Theatre of Palermo.

As a result, in 1993 it was created the “Historic Centre Office (*Ufficio Città Storica*)”. The latter has been conceived as a special unit committed to overseeing the planning, designing, procurement procedures and concessions of public works for the restoration of the Municipality heritage subject to the protection and recovery bonds, in accordance with the Code of cultural heritage¹⁴¹.

Within first urban programme, physical interventions absorbed more than a half of the total budget (54%). Such interventions were addressed mainly on the restoration of buildings to be hosting new public and cultural activities (Butera, 2010; Vinci, 2017), such as in the case of the flagship project of the *Spasimo* complex, converted into a music and theatre centre in the heart of the ancient *Kalsa* neighbourhood. Other important projects regarded the recovering of abandoned public spaces, including the walking over the walls on the waterfront (*Mura delle Cative*), which became soon one of the most popular places of the old town (Vinci, 2017). Basically, underlying belief behind these interventions was that widespread degradation experienced by the urban area was considered not only the consequence but also the reason for illegality, lack of development and social deprivation, so that slowing urban decay process would have allowed to counteract all those factors, which had prevented Palermo from appearing as “a normal city” (Vinci, 2017).

In recent years there have followed each other some recovery interventions of buildings of historical value carried out both at the initiative of the Private Sector (as in the case of *Palazzo Butera*¹⁴²), and at the initiative of the Public Sector (as in the case of *Palazzo Ajutamicristo*¹⁴³) as well as restyling initiatives of entire urban contexts

¹⁴¹ To get more information: <https://www.comune.palermo.it/settori.php?func=setto&set=103> [2018].

¹⁴² It turned out to be a restoration project entirely promoted by private actors, without any public contribution. In 2015 Massimo Valsecchi, a well-known art collector, decided to buy *Palazzo Butera*, located in the historic neighbourhood of *Kalsa* and overlooking the waterfront of Palermo. Valsecchi decided to make *Palazzo Butera* the headquarters of its massive collection of contemporary and ancient art and to make it available to citizens. *Palazzo Butera* has been one of the venues involved in the program of events organized by Manifesta 12th. To read more: <http://m12.manifesta.org/palazzo-butera/> [2018].

¹⁴³ In 1995 the Sicilian Region acquired a wing of *Palazzo Ajutamicristo* through an expropriation procedure. This wing has been undergone some restoration works, mostly financed by European funds. Overall, the restoration work developed over more than 10 years cost almost 4 million euros. Currently, the wing of the Palace owned by the Region houses the Superintendence of Palermo.

such as *Piazza Garraffello* in the *Vucciria* neighbourhood, with the involvement of both public and private actors¹⁴⁴. It follows that, as shown also by the establishment of a Municipality Councilorship devoted to the urban regeneration, the recovery of real estate and its enhancement has increasingly been interpreted as a strategic asset for a renaissance of the city under the banner of a “zero consumption of soil”.

5.2. Estimate of the Degraded cultural heritage owned by the Municipality of Palermo: the process and data behind its calculation.

The identification of the abandoned sites owned by the Municipality of Palermo was a complex operation. Specifically, easy retrieval of data was essentially prevented by a chronic informational gap, that is the incomplete documental inventorying of the real estate belonging to the Municipality. Such a shortfall represents a persisting critical issue the Municipality has been seeking to tackle through the digitalization only in the latest years.

Under these circumstances, a starting point to detect the quota of degraded cultural heritage owned by the Municipality was the Map of the Abandoned Monuments of Palermo. As reminded by its creator Giuseppe Mazzola «*The idea of the Map of the Abandoned Monuments of Palermo was born about 6 years ago by an initiative of “Palermo Indignata”, a voluntary association devoted to raising public awareness and drawing the Local Administration’s attention to the problems of the city. However, little by little, the project, thanks to the interest aroused, has become a standalone initiative*».

¹⁴⁴ Reference is made to the action plan carried out by about fifteen citizens of Palermo. The latter have already invested on their own to buy 90% of the buildings in the square and have planned a total investment of seven million. In detail, group of investors aims at restoring the three building units (*Palazzo Rammacca, Palazzo Sperlinga, Palazzo Mazzarino*), forming a sort of “scenic frame” in *Piazza Garraffello*. Investors would like to trigger not only the recovery of individual building units but also an urban redevelopment process in a highly degraded area, as well as a possible economic and social development of the neighbourhood. Indeed, once restored, properties will host residences and commercial and tourist activities. The works promoted by the investors are additional to those made by the Municipality of Palermo. Specifically, Municipality intervened to safeguard buildings of artistic and cultural interest and it took care of the extraordinary maintenance works of the “*balate*” (the typical road pavements of *Vucciria*), the development of underground technological networks and the restoration of the sixteenth century fountain of *Piazza Garraffello*. To read more: <http://www.ilsole24ore.com/art/impresa-e-territori/2017-05-11/a-palermo-privati-campo-recuperare-cuore-vucciria--173355.shtml?uuiid=AEfm2iKB> [2018].

This map deals with the census of sites perceived as being abandoned or degraded, regardless of their being publicly-owned or privately-owned. To do this, map was rooted on a crowdsourcing blueprint, since it has been developed by relying on the spontaneous grass-roots mobilization of many people brought into connection through the Facebook social network. According to Giuseppe Mazzola, « *Richness of Palermo lies in the fact that it is one of the few cities in the world where there are artistically interesting monuments dating back to any historical period, from prehistory to the modern age. If we want to succeed in enhancing such a richness the first step to make is to raise awareness of citizens of Palermo (and not only) concerning historical heritage that the city owns, above all the least known. Therefore, the main purpose of this project has been to create a mapping of the places of historical interest in Palermo that are either degraded or have been forgotten by institutions and citizens, to preserve their memory by studying and telling their story. To do this, it was created a group on Facebook, named “The Abandoned Monuments in Palermo (I Monumenti Abbandonati di Palermo)” which today has more than 18.000 members. Vision toward which we have sought to tend has been to create an expert and enthusiast community, where curious people eager to learn more about the history and the traditions of the city would have been allowed to get in contact with those who would have been willing to share their knowledge*».

As stressed by Giuseppe Mazzola, «*the map has become the object of study and interest of many journalists, students and enthusiasts, not only locally but also nationally and internationally. Each monument reported is geolocated (i.e. inserted in a map, in the geographical position in which it is located) and it has a card including a photo and some information on its history resulting from both group discussions and a literature research. Map currently consists of about 200 monuments recorded and documented. Its results are public and freely available on Google Maps*».

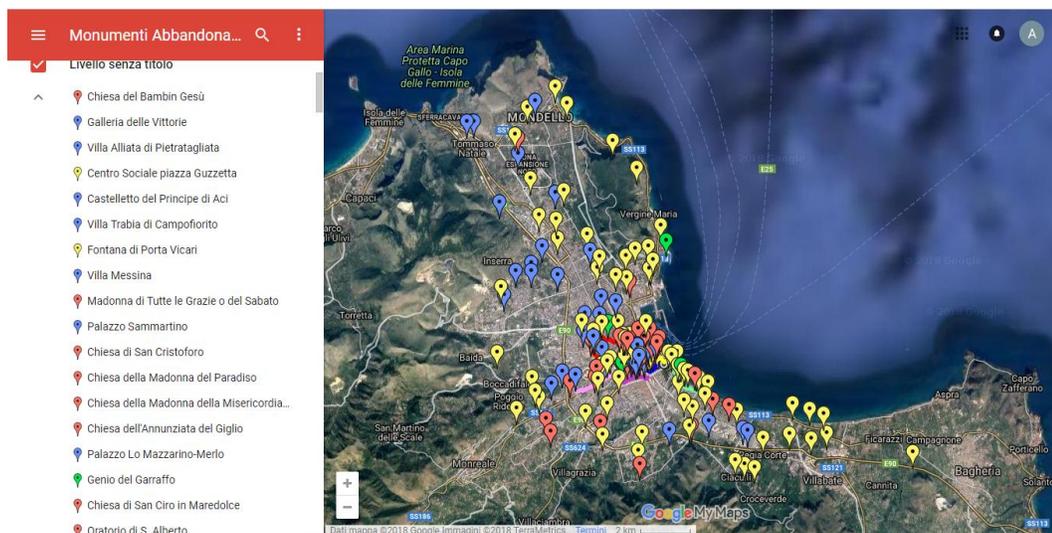


Figure 9. Map of abandoned monuments of Palermo.

Under these circumstances, project has assisted to forming a social capital, since everyone has been allowed to feel like a member of a community where to express their own opinions, to play an active role in detecting and monitoring monuments that might be added to the Map and where to take part freely in group activities (Putnam, 2000; Ekman & Amnå; 2012; Ciaffi, 2015; Marchetti, 2017). With this regard, *«in the past, informal and free walks were organized to tell the story of the monuments reported. A dozen different itineraries have been proposed, both inside and outside the historic centre, with a very positive response both in terms of the number of participants (on average about eighty people per event) and feedback received. In addition, the project has been enriched by a network of contacts with the main companies operating in the field of tourism and culture in Palermo and also with the Municipality of Palermo, with whom a collaboration has been established for the organization of some editions of the event "Panormus - the school adopts the city (Panormus- la scuola adotta la città)"¹⁴⁵»*.

¹⁴⁵ It is an initiative at the twenty-third edition aimed at recovering the memory by letting the young students “adopt” and tell the story of the sites and monuments spread out in Palermo. To read more on “Panormus- la scuola adotta la città”:

https://www.comune.palermo.it/appuntamenti_det.php?id=17923 [2018].

To identify the portion of degraded cultural heritage belonging to the Municipality, it was required to combine data collected from the Map with different kinds of source of data. In particular:

- concerning the cultural heritage already inventoried; data gathered from the Map were combined with those data gathered from the “List of real estate belonging to the Municipality of Palermo updated at 31 December 2016 (*Elenco Immobili Comunali aggiornato al 31/12/2016*)”, reported in “*Amministrazione Trasparente*” section related to the official website of the Municipality of Palermo¹⁴⁶;
- concerning the quota of abandoned or degraded cultural sites owned by the Municipality of Palermo, which have not been inventoried yet, data arising from the Map were crossed with the knowledge on ground of the public official asked belonging to the “Historic Centre Office”. In other words, at this stage, the public official – who requested his identity not to be disclosed – limited himself to ascertain which cultural assets identified in the Map of Abandoned Monuments were owned by the Municipality of Palermo, although devoid of any inventorying sheet, by simply counting on his expertise and his knowledge on the ground.

Given that there is no any exhaustive documental confirmation and a robust inventorying activity about the overall amount of real estate *tout court* owned by the Municipality, public official has hastened to specify that such a list deriving from the Map would have not comprised all the abandoned sites of cultural interest owned by the Municipality of Palermo and surely some other cultural sites have been overlooked.

Eventually, as shown by Table 3 reported below, it has been possible to keep track of the following degraded cultural assets owned by the Municipality¹⁴⁷:

¹⁴⁶ To go through the List:

https://www.comune.palermo.it/amministrazione_trasparente.php?sel=14&asel=70 [2018].

¹⁴⁷ To catch a glimpse of the cards of all the cultural assets listed:

https://www.google.com/maps/d/viewer?msa=0&mid=1bMWf6Rj1KqtfNgIYR_0KSanDOIU&ll=38.11941388435075%2C13.341809671302826&z=18 [2018].

1.	<i>Fountain of “Porta di Vicari”</i>	Owned by the Municipality
2.	<i>Palazzo “Sammartino”</i>	Degraded cultural site owned by the Municipality
3.	<i>Sculpture of “Genio del Garraffo”</i>	Owned by the Municipality
4.	<i>Englishs Cemetery</i>	Degraded cultural site owned by the Municipality
5.	<i>Palazzo of “Giallongo di Fiumetorto”</i>	Partly owned by the Municipality, safety works carried out
6.	<i>Public Garden “Villa Giulia” and custodian’s rooms</i>	Owned by the Municipality
7.	<i>Statue of “Santa Rosalia”</i>	Owned by Municipality
8.	<i>Punic or Sican Well</i>	Located in an area belonging to the Municipality
9.	<i>Walls of Peace and Church of “Santa Venera”</i>	Walls are owned by the Municipality, while the church is privately-owned
10.	<i>Baglio “San Gabriele”</i>	Degraded site passed into Municipality’s hands, after being confiscated to mafia
11.	<i>Villa “Rossi”</i>	Owned by the Municipality, safety works partially carried out
12.	<i>Baglio “Scorzadenaro”</i>	Owned by the Municipality, safety works already carried out
13.	<i>Church of “Madonna dell'Oreto”</i>	Owned by the Municipality
14.	<i>Fountain of the Two Dragons</i>	Owned by the Municipality, currently not degraded according to the Municipality
15.	<i>College of “Santa Maria della Sapienza”</i>	

Degraded site owned by the Municipality
16. <i>Former Convent of “San Basilio”</i> Owned by Municipality currently occupied, safety works carried out
17. <i>Palazzo “Ogliastro”</i> Wing of the Palace owned by the Municipality has been restored and currently it hosts the offices of the library of the Municipality
18. <i>Garden located in “Piazza Principe di Camporeale”</i> Owned by the Municipality, abandoned
19. <i>Palazzo “Cefalà”</i> Partially owned by the Municipality
20. <i>Palazzo “Rombao”</i> Degraded site owned by the Municipality – restoration works partially carried out, interrupted by termination of the public procurement contract and never started again
21. <i>Former Municipality slaughterhouse</i> Owned by the Municipality, currently assigned to offices and warehouses
22. <i>Former Chemistry Factory “Chimica Arenella”</i> Degraded site owned by the Municipality
23. <i>Palazzo of “Fiore”</i> Degraded site owned by the Municipality
24. <i>Roman Villa</i> Archaeological remains located on an area belonging to the Municipality
25. <i>Walls of “San Vito”</i> Owned by the Municipality
26. <i>Rec center and Park “La Città dei Ragazzi”</i> Owned by the Municipality
27. <i>Exhibition area “Fiera del Mediterraneo”</i> Owned by the Municipality
28. <i>Church of “Santa Maria di Piedigrotta”</i>

Ruins located in an area where currently fish market lies
29. <i>Archaeological area “Piazza della Vittoria”</i> Archaeological remains located on an area belonging to the Municipality
30. <i>Ecce Homo al Capo</i> Degraded ruins owned by the Municipality
31. <i>“Ingastone” Tower</i> Degraded site owned by the Municipality
32. <i>Market of Aragonese</i> Ruins of its demolition owned by the Municipality
33. <i>Public Wash-room “Acqua dei Corsari”</i> Degraded site owned by the Municipality
34. <i>Villa “Pantelleria”</i> Degraded site owned by the Municipality

Table 3. Abandoned and degraded Cultural heritage owned by the Municipality of Palermo.

According to the public official asked, the accumulation of degraded cultural heritage belonging to the Municipality has been determined by the following reasons:

- historically, there has been a lack of interconnection among the Municipality-level Councilorships involved in the protection and enhancement of cultural heritage. Going in depth, the management of cultural heritage provides for the involvement of at least three Councilorships: Budget and Resources (*Assessorato al Bilancio e Risorse*), Urban Regeneration (*Assessorato alla Rigenerazione urbana ed urbanistica*), to which belongs the afore-mentioned “Historical Centre Office” and the Councilorship for Cultural Activities and Heritage (*Assessorato alle Attività e Beni Culturali*). The first is committed to inventorying all the real estate belonging to the Municipality (including the cultural heritage); the second one is required to deal with the recovery and revitalisation of Municipality Heritage, while the third one is engaged in the promotion and management of sites, exhibition spaces and museums;

- the absence of an accurate estimate about the size of real estate belonging to the Municipality. As said before, it is a matter of a chronic informational gap Municipality has been trying to fill in only in the latest years. As a proof that Municipality has not fully acquaintance with the size of its real estate, as referred by the public official, in the past there have even been acts of transfer in favour of private holders concerning properties owned by the Municipality, which, as such, should not have taken place and are to be considered in all respects void. Such transfers would account for some inefficiencies concerning the work of “Territorial Control Office (*Ufficio Controllo del Territorio*)”, belonging to the Councilorship devoted to the Urban Regeneration;
- insufficient availability of both own and external financial resources;
- lack of personnel to guarantee public enjoyment;
- lack of well-thought-out regeneration proposals that could have ensured a suitable intended use for valuable properties and that could have certified their recovery and enhancement. Indeed, according to the public official, *«it is unthinkable to sort out a cultural offer by enabling the opening of redundant museum spaces. Rather, it becomes crucial to find out further intended uses that can fit in with those sites, while respecting their valuable form»*.

List of abandoned and degraded cultural sites owned by the Municipality, as it is, next to sites characterized by a self-evident historical and artistic interest, is bound to encompass also sites that for the community have an undoubted symbolic and experiential value for what they evoke in the collective memory, in line with the wider conception of cultural heritage nowadays widely accepted (UNESCO, 1972; Klamer, 2003; Throsby, 2003, 2010; Vecco, 2010; Dümcke & Gnedovsky, 2013; Getzner, 2017; Macmillan, 2017).

It is also interesting to notice that in the list, among the absolutely degraded sites, there are also sites whose intended use has been questioned (like the former Slaughterhouse) or whose public enjoyment degree has been reckoned as unsatisfying (as in the case of *Villa Giulia*, *La Città dei Ragazzi* or *Fiera del Mediterraneo*).

In general, all the sites listed are not perceived as fully protected and enhanced. This may trigger a reflection on how to intervene to stimulate a change in the citizen perceptions. In this perspective, it could be proper enacting a remarkable disclosure work to raise public awareness of possible steps forward made in the protection and enhancement of sites or enabling citizens –for instance, by patronizing or promoting some context-consistent events– to access and “to take possession” of these sites.

Further efforts made by Public Administration in this direction would prevent from considering these sites as detached from the urban context and may fuel their stable “productive use”. Productive use of cultural goods acts as positive catalyst for the protection of the asset itself, by embodying the development of a common, shared responsibility for the heritage and by revealing the role of cultural heritage as sustainable tool for economic development (Clemente et al., 2012).

Given that the advent of social media, ubiquitous mobile connectivity and web 2.0 interactivity have been promising to enable coproduction on an unprecedented scale (Dunleavy et al., 2006; Dunleavy & Margetts, 2010; Linders, 2012), it may be appropriate opting for a “citizen-sourced co-production scheme”, where citizens may help Government be more responsive and effective, by influencing direction and outcomes and by improving the Government's situational awareness (Linders, 2012).

In the present case, Government may turn to its own advantage (*rectius*, to the advantage of community) the prior crowdsourcing effort represented by the development of the Map by tapping into the skills and knowledge of citizens and by taking into consideration their suggestions and ideas in selecting the most eligible intended use of cultural asset to best fit their needs (Linders, 2012).

Concerning self-evident cases of decay of cultural heritage, it can be useful to come up with further organizational solutions to be adopted, in addition to what has already been done. These organizational solutions may look up to “Do it Yourself Government” scenario (Dunleavy & Margetts, 2010; Linders, 2012). Specifically, considering the number of advantages offered by social media and online collaboration platforms to fostering collective action over its “off-line” variant – one thinks, for instance, about the advantages related to exchanging information, integrating

individual contributions and supervising a group with less need for hierarchy (Amichai Hamburger, 2008)–“wired” citizens can effectively self-organize, setting up potentially an alternative against the traditional Government responsibilities (Linders, 2012). In such an informal arrangement, Government would not play an active role in day-to-day activities but it may provide a facilitating framework (Linders, 2012). These organizational solutions may capitalize the renewed interest to the life of *polis* and the ever-growing grass-roots willingness to contribute to building common well-being and social capital (Putnam, 2000; Ekman & Amnå; 2012; Ciaffi, 2015; Marchetti, 2017), thus allowing to overcome the budgetary and staff constraints borne by the Municipality and paving the way for valuable outcomes (Bovaird et al., 2016).

5. 3. Palermo and a cultural event-led renaissance.

Today, Palermo is increasingly becoming a world-class tourist destination in the Mediterranean area. A further push seemed to be derived from the fact that the so-called “Arab-Norman Palermo and the cathedral churches of Cefalù and Monreale (*Palermo arabo-normanna e le cattedrali di Cefalù e Monreale*)”, as a set of civil and religious buildings dating back to the Norman Kingdom of Sicily, has been acknowledged as UNESCO World Heritage Site, since 2015¹⁴⁸.

As stated in the candidacy dossier to ask for the inclusion of the site in the UNESCO World Heritage List, «*The set of buildings listed within the “Arab-Norman Palermo and the Cathedrals of Cefalù and Monreale” is a tangible example of coexistence, interaction and interchange among different cultural components of heterogeneous historical and geographic origin. This syncretism has generated a unique architectural and artistic style of outstanding universal value, where Byzantine, Islamic and Latin*

¹⁴⁸ In particular, since 3 July 2015 the Arab-Norman route of Palermo, comprising the Royal Palace and Palatine Chapel, the Zisa Palace, the Palermo Cathedral, the Church of *San Giovanni degli Eremiti*, the Church of *Santa Maria dell’Ammiraglio*, the Church of *San Cataldo* and Admiral’s Bridge, as well as the cathedrals of Cefalù and Monreale, has been listed in the UNESCO World Heritage List. To read more on each of the cultural asset included in the UNESCO site under scrutiny: <https://whc.unesco.org/en/list/1487> [2018]. It should be added that there is an ongoing attempt to enlarge the scope of the UNESCO site “Arab-Norman Palermo and the Cathedrals Churches of Cefalù and Monreale” by proposing other eligible cultural assets to be merged in with the prior ones. To read more: http://www.ansa.it/canale_viaggiart/it/regione/sicilia/2018/03/29/progetto-unesco-ampliare-siti-palermo_deaed8fe-ff39-4983-9bab-535075bb5d46.html [2018].

elements are admirably fused each other, capable each time to be produced in unique and extraordinarily unitary combinations of excelled artistic value. The Arab-Norman syncretism had a strong impact in the Middle Ages, contributing significantly to the emergence of a common Mediterranean cultural basis (koinè), which, in turn, represents a fundamental pre-requisite for the development of modern Mediterranean-European civilization»¹⁴⁹.

As a proof of a progressive increase of its visibility, in 2018, spotlight has been turned to Palermo, first of all because it has been elected the “Italian capital of culture”.

“Palermo- 2018 Capital of Culture” has established itself as a wide-ranging vision project rather than a simple schedule of events¹⁵⁰. Not by accident, the Mayor has defined this acknowledgement as the last chance to get definitely rid of the “mafia city” label and to move forward¹⁵¹.

Candidacy of Palermo as the Italian Capital of Culture has been driven by the political and institutional stance to strengthen the social inclusion and to trigger a lifelong building process of learning, skills and sense of citizenship, without overlooking the enhancement of heritage and contemporary artistic productions.

Basically, “Palermo- 2018 Capital of Culture” has been endorsed by the main local institutional and cultural actors and it has been expected to become a spur to toggle long-lasting and effective infrastructural interventions by leveraging elements of governance, public-private synergy and economic context¹⁵². Getting back to the case of *Palazzo Butera*, although it unfolded as a restoration project exclusively carried out by a private actor, it is bound to acquire a strong public relevance, especially, in the light of the social and cultural outcomes the recovery of the City heritage might create. Hence, the Municipality of Palermo has committed itself to take over as facilitator with a view to supporting initiatives like this, integrating them in the cultural policy of the City. Not surprisingly, it was considered that “Palermo- 2018 Capital of Culture”, could

¹⁴⁹ To read more: <https://www.comune.palermo.it/js/server/uploads/06072015083158.pdf> [2018]; <http://arabonormannaunesco.it> [2018].

¹⁵⁰ To read more: <https://www.palermocapitalecultura.it/eventi> [2018].

¹⁵¹ To read more: http://palermo.gds.it/2018/01/02/palermo-capitale-della-cultura-orlando-ultimo-appello-per-liberarci-da-etichetta-mafiosa_780145/ [2018].

¹⁵² To read more: <https://www.palermocapitalecultura.it/motivazione-scelta> [2018].

have paved the way for the establishment of an office in charge for attracting national and international investments in the cultural sphere, also by leveraging a higher connection degree with other Public Administrations, including the Regional ones (Municipality of Palermo, 2016).

At the same time as “Palermo- 2018 Capital of Culture”, Palermo has hosted the 12th edition of the travelling contemporary art biennial “Manifesta”, named “The Planetary Garden. Cultivating coexistence (*Il Giardino Planetario. Coltivare la coesistenza*)”¹⁵³. City of Palermo has been selected by the Manifesta’s selection board as venue of the Biennial because of its capability to represent two important issues identifying contemporary Europe: migration and climatic conditions and their impact on European cities. As reported on the official website of the 12th edition of Manifesta, «*the multi-layered and deeply condensed history of Palermo – being occupied by almost every European civilization and having long-term connections with Northern Africa and the Eastern Mediterranean over the last 2000 years – has left its traces throughout this multi-cultural society at the heart of the Mediterranean area*»¹⁵⁴. As stated by the Manifesta’s director Hedwig Fijen, the Manifesta's selection board has chosen Palermo because it is complex and multi-sided and it is much more than a simple European city. It is a transnational city, a melting pot that deserves to be studied, as the progressive cultural stratifications have created a model of integration, which should be set as an example for the rest of Europe¹⁵⁵.

Strategy adopted by the Municipality of Palermo to anchor the relaunch of the city by high-profile cultural events has not represented something unprecedented. Indeed, many cities have been leaning on cultural events to improve their image, stimulate urban development and attract visitors and investment (Richards & Wilson, 2004; 2006; Impacts 08, 2010; Richards & Palmer, 2010; Cox & O’Brien, 2012; Liu; 2014a; 2016; Ratti, 2015). This would confirm the role of culture as a conducive factor for

¹⁵³ To read more: <http://m12.manifesta.org/il-giardino-planetario-coltivare-la-coesistenza/?lang=it> [2018].

¹⁵⁴ To read more: <http://m12.manifesta.org/why-palermo/?lang=it> [2018].

¹⁵⁵ To read more: http://palermo.repubblica.it/cronaca/2015/11/12/news/arte_contemporanea_manifesta_12_palermo_si_mostra_al_mondo-127194576/ [2018].

shaping city branding and city planning strategies (Richards & Palmer, 2010; Liu, 2014a; 2014b;2016; Ratti, 2015).

As a proof of what has been said, many times the afore-mentioned European Capital of Culture (ECOC) flagship project (Garcia, 2004; Littoz-Monnet, 2013; European Commission, 2014) has ended up with acting as catalyst for urban regeneration processes, as in the case of Glasgow. (García 2004). In particular, Glasgow, appointed as the 1990 ECOC, has sought to exploit this festival to boost its cultural infrastructure, tourism offer and to rebrand itself with a new deindustrialised image (Cox & O'Brien 2012). Glasgow's success was highly influential in culture-led regeneration processes spread out within the UK and across Europe to such an extent that, on the same vein of Glasgow, Liverpool has taken advantage of 2008 ECOC festival as a powerful thrust for its physical and symbolic regeneration, with the aim of becoming a "world class city" (Garcia, 2004; Impact 08, 2010; Cox & O'Brien, 2012; Liu, 2016). With this regard, it was conceived the "Impacts 08" model, as assessment model envisaged for evaluating the impacts of Liverpool's hosting the 2008 ECOC festival. "Impacts 08" has been considered as one of the most effective templates for assessing outcomes of Capital of Culture festivals and the culture-led urban regeneration processes (Impacts 08, 2010; Connolly, 2013; Liu, 2014a; 2016; 2015; Ratti, 2015). Going in depth, "Impacts 08" has placed a continued emphasis on the role of the ECOC festival in broadening access and engagement in culture (also, in terms of creative use of community-oriented spaces and production in the cultural and creative sectors¹⁵⁶) and on the culture's massive contribution to the social cohesion and community change. In parallel, it has been pointed out the need to develop partnerships and to maintain a wider stakeholder engagement to crystalize a credible and distinct city narrative, reinforcing what had been triggered by Livepool ECOC festival (Impacts 08, 2010; Richards & Palmer, 2010).

¹⁵⁶ With this regard, up to 26.000 activities listed in Liverpool ECOC Programme arose from the small cultural grants programme, mostly involving small arts and community organisations (Impacts 08, 2010).

Broadly speaking, the longing for “change in skin” of a city cannot be the result of a mere top-down policy (Clemente et al., 2015). Actually, as more cities and regions compete in (re)producing and promoting themselves for tourism and culture by employing the same formulaic mechanisms, their ability to create ‘uniqueness’ arguably diminishes, often paving the way for a side-effect, the so-called “serial reproduction of culture” (Richards & Wilson, 2006), according to which strategies adopted by cities to create a ‘distinctive’ image end up with being paradoxically converging (Richards & Wilson, 2006). In certain cases, reproduction of culture may be testified by the emergence of the same facilities in many places, as in the case of the so-called “McGuggenheim effect” (Honigsbaum, 2001; Ibelings, 2001; Richards & Wilson, 2004; Plaza et al., 2009; Giubilaro, 2017)¹⁵⁷.

Conversely, in line with what has been stated by Liverpool model “Impacts 08”, even the Director of Manifesta 12th, Hedwig Fijen, has underpinned the need to involve more and more the citizenship. According to Hedwig Fijen, Manifesta 12th should have acted as a potential incubator for grass-roots movements, thus supporting local communities through cultural interventions. In other words, such blueprint should have helped re-think the city in its socio-economic and cultural structures by selecting the existing informal relationships as overriding driver for social innovation (Voolberg et al., 2013)¹⁵⁸¹⁵⁹. In this sense, it should be kept in mind that cultural heritage should play a pivotal role as driver for a development based on local identity (Clemente et al., 2015). Hence, monuments and sites can be poles of renewal and regeneration of the city, not only by highlighting the sense of place for tourists, but also – and mainly – by strengthening the sense of belonging in the citizens (Impacts 08; 2010; Richards &

¹⁵⁷ Following the critical success of Frank Gehry’s titanium-clad Bilbao museum and the powerful impact of a flagship urban artefact in transforming a de-industrialized & deteriorated port-city, as it was Bilbao, it was planned to build up new Guggenheims elsewhere, thus realising, according to some, a commodification of art and embodying the misconception that a “one size-paradigm fitting all the realities” may exist (Honigsbaum, 2001; Ibelings, 2001; Richards & Wilson, 2004; Plaza et al., 2009; Giubilaro, 2017).

¹⁵⁸ As confirmed by the creator of the above-mentioned “Map of Abandoned Monuments of Palermo”, Giuseppe Mazzola, the organizers of “Manifesta 12” have been interested in the project of the Map and they have requested a collaboration for some preparatory initiatives about the Biennial.

¹⁵⁹ To read more: <http://www.artecritica.it/onsite/manifesta.html> [2018].

Palmer, 2010; Connolly, 2013; Liu, 2014; 2016; 2015; Clemente et al., 2015; Ratti, 2015).

Therefore, although events and festivals such as “Palermo- 2018 Capital of Culture” and “Manifesta 12th” are crucial milestones along the path to become “a normal city” and to trigger a multi-faceted change of the city, the involvement of citizens is necessary not only to preserve the distinctiveness of the city, but also and mainly to stabilize the expected outcomes over time¹⁶⁰. This obviously implies to start considering citizens as potential initiators of any transformation process endorsed by the Municipality, rather than simple recipients (Impact 08, 2010; Richards & Palmer, 2010; Liu; 2014a; 2016).

In this perspective, management of commons might reveal itself as the ideal “breeding ground” where bottom-up pushes might thrive up, especially in the light of the upcoming adoption by the Municipality of Palermo of the Regulation of Commons, already detailed in Chapter 3. Within the frame of such regulation, well-structured bottom-up initiatives, together with top-down thrusts, could guarantee long-lasting outcomes and could crystalize the role of the Municipality as *«a community of many communities, a horizontal articulation of communities, instead of being an illusionary community out there, used to rule our lives»* (De Angelis, 2003).

5.4. Management of commons in Palermo and the case of “*I Cantieri Culturali alla Zisa*”.

In the last few years, Municipality of Palermo has been strongly endorsed the rhetoric of participation and citizens’ involvement in public life (Pecile, 2018). As a proof of such a stance, in 2012 it was established the current “Councilorship to the Jointly liable citizenship, right and dignity of inhabiting, Commons and Participation (*Assessorato alla Cittadinanza Solidale, Diritto e Dignità dell’Abitare, Beni Comuni, Partecipazione*)”, whose main initiative has been the institution of the “Committee of

¹⁶⁰ This is particularly true with reference to “Manifesta 12th”. The latter has had the merit of turning on the spotlights on some degraded sites, by carrying out safety work and setting up some installations of contemporary art at the same. However, as hoped by the organizers, it would be appropriate to come up with further effective organizational solutions that can make these sites fully operating and accessible, for the benefit of the whole city.

cultures” (*Consulta delle culture*), comprising spokespersons of all foreigners’ communities living in the city and equipped with an advisory function towards the mayor (Pecile, 2018).

In addition, as already said, Municipality is going to adopt the Regulation of Commons, thus confirming the willingness to accommodate more and more grass roots movements, which, in turn, end up with embodying the “right to the city” conceptualization, according to which everybody has a right to inhabitation, appropriation and participation (Lefevre, 1968). According to Lefevre, right to the city is meant to put in the foreground both a cry and a demand (Harvey, 2012). On the one hand, the cry conveys an existential pain due to the withering crisis of everyday life in the city; on the other hand, the demand uncovers the attempt to create an alternative urban life that is less alienated, more playful and meaningful, by extending a process of worker autonomy and self-management to the all spheres of everyday life (Harvey, 2012; Vasudevan, 2015a; Di Felicitantonio & Aru, 2018).

Within the “right to city” frame, commons should be viewed as products/acts of urban reclaiming but also as driver for a community-sense, echoing social relation-centred learning practices (De Angelis, 2003; Eizenberg, 2012). Likewise, the aforementioned “commoning” aptitude (Negri & Hardt, 2009; Bertacchini et al., 2012; Harvey, 2012; Bailey & Mattei, 2013; Vasudevan, 2015a; Valentino, 2017), may be reckoned as a means to be heard from a Public Administration unresponsive to citizen needs. Substantially, commoning may be seen as a collective struggle to re-appropriate and transform society’s common wealth and commons into the backbone of new production and social organization forms and of a modern “class struggle” standing opposite to the traditional capitalist model. (De Angelis, 2003; Negri & Hardt, 2009; Stravides, 2014; Mattei, 2017; Di Felicitantonio & Aru, 2018).

In compliance with such a conceptual framework, beyond the occupation of *Teatro Garibaldi* already mentioned in chapter 3 (Mattei & Bailey, 2013; Ratclif & Catstelli, 2013), three cases occurred in Palermo deserve to be quoted as evidences of this commoning attitude (Pecile, 2018):

- “*Piazzetta Mediterraneo*”, recovered in 2011 by the association “*Mediterraneo Antirazzista*” together with the “guerrilla gardening” group “*I Giardinieri di Santa Rosalia*”. Specifically, activists cleaned the area and they provided it with benches and plants. “*Piazzetta Mediterraneo*” has become the venue of meetings among activists engaged in *Ballarò*, neighbourhood assemblies, and various events and activities open to the neighbourhood community;
- an initiative called “*Borgo Vecchio Factory*”, launched in 2014 by PUSH, a local community of architects and social designers. Its goal has been to involve the kids in painting activities carried out on the walls of the private buildings of the neighbourhood. This experience has called for the local elementary school as sole institutional interlocutor and it has been financed through a crowdfunding initiative;
- the social centre “*Anomalia*”, located in in the area between *Borgo Vecchio* and the *Ucciardone* prison, close to the city centre. After occupying the space in 2012, activists have sorted out after-school activities targeting the kids of the neighbourhood, a “popular gym”, a self-governed medical clinic, and a bar to finance the activities of the social centre. Such an experience would be consistent with the so-called “squatting”, considered as an informal set of practices, a makeshift urbanism and a necessary and pressing response to the psychological and economic precariousness of every-day life and to the housing and infrastructural scarcity (Lopez, 2013; Vasudevan, 2015b; Pecile, 2018).

But nonetheless, *the citadel of culture* “*Cantieri Culturali alla Zisa (hereafter, I Cantieri)*” represents the most shining urban commoning and cultural led-activism example in Palermo (Marsala, 2016; 2018; Giubilaro, 2017).

I Cantieri are made up of 24 former industrial pavilions distributed over a total area of over fifty thousand square meters. Since the end of the nineteenth century *I Cantieri* operated as a furniture factory. In particular, under the control of the French engineer

Vittorio Ducrot, from whom they then took the name “Ducrot Factories (*Officine Ducrot*)”, in 1899 it was started a fruitful collaboration with Ernesto Basile, renowned as the greatest exponent of the Liberty style in Palermo and one of the most important in Europe. Furniture made by “Ducrot Factories” and designed by Ernesto Basile found a place in the upper-bourgeois houses of Palermo, in the Grand Hotel “*Villa Igiea*”, on the cruise ships of the Florio entrepreneur and in *Montecitorio*, the seat of the Italian Chamber of Deputies (Di Natale & Lanzarone, 2013; Marsala, 2016;2018).

Following being devoted to the production of seaplanes and fighter-bomber during the world war, *I Cantieri* went back to being furniture factory, by taking primarily charge of large orders from naval fleets. After being set to the production of aircraft and after being converted into a railway and mechanical industry, the factory shut down definitely in 1970. From that point on, *I Cantieri* started to be threatened by the real estate speculators, who hoped for converting the whole area into a construction area, following demolishing the architectural artefacts. However, this initiative was blocked and in 1995 the Municipality bought the entire area, with a view to putting in place a multi-sided cultural and artistic production hub (Di Natale & Lanzarone, 2013; Marsala, 2016;2018).

The current name of “*Cantieri Culturali alla Zisa*” is due to the Councilorship for Cultural Activities and Heritage of the Municipality of Palermo, which, in 1996 worked out to convert the disused factory in a citadel for culture (Marsala, 2016). As a consequence of this first urban regeneration process, twelve pavilions were recovered to host cultural activities (Giubilaro, 2017).

In 2011 the Municipality of Palermo published “an invitation to express interest” addressed to individual entrepreneurs, cooperatives, economic operators and other private subjects interested in the management of some of the pavilions of *I Cantieri*.

Specifically, addressees were requested to show up eligible management projects, on condition that they would have borne on their own the restructuring costs necessary to make the pavilions accessible again (Giubilaro, 2017).

However, a large group of citizens formed crosswise by artists, cultural operators, social workers, intellectuals, professionals and ordinary citizens stood against such a

privatization blueprint by giving birth to “*I Cantieri che Vogliamo*”, a public movement of active citizenship, which was meant to urge and influence the initiatives of the Municipality to recover *I Cantieri* (Marsala, 2016; 2018; Giubilaro, 2017). This social mobilisation aligns itself with what has occurred in many other urban contexts (Bailey & Marcucci, 2013; Mattei & Bailey, 2013; Ratclif & Catstelli, 2013; Stavrides, 2014; Pecile, 2018), and mainly with all those cultural activism forms spread out to Europe, which have confirmed the potential role of cultural creativity and cultural producers in building “spaces of hope” against looking for merely economic interests (Harvey, 2012; Giubilaro, 2017).

Then, such a widespread mobilisation led to the organization of an initiative significantly called “Culture as a common good (*Cultura Bene Comune*)” in January 2012 (Marsala, 2016; 2018; Giubilaro, 2017). On the whole, the aim of such a grass-roots mobilisation was to raise the awareness of the Municipality by claiming for a greater relevance of *I Cantieri* in the cultural policy planning of the city. In practical terms, this “collective struggle” claimed for:

- the re-appropriation of already-restored pavilions or spaces (such as the “*Cinema de Seta*”, the largest public cinema in the Southern Italy and the former hangar of fighter- aircrafts¹⁶¹), never open to the public due to lack of funds and of any effective management proposals;
- the coordination among the organizations and cultural institutions in the meantime settled within *I Cantieri*, citizens and Public Administration;
- the programmatic intention to transform *I Cantieri* into a permanent laboratory, that would have culminated later in the establishment of *ZisaLab*¹⁶².

¹⁶¹ Nowadays, this hangar hosts the “*Zisa Zona Arti Contemporanee (ZAC)*”, conceived as a “zone” of contemporary arts.

¹⁶² *ZisaLab* has been conceived as a laboratory of urban transformation studies and actions promoted by the Councilorship for Cultural Activities and Heritage of the Municipality of Palermo, together with the Architectural Faculty of the University of Palermo. *ZisaLab* considers *I Cantieri* as a field of observation, where to experience innovative social inclusion and cultural promotion practices (Marsala, 2016; 2018).

To read more: <http://zisalab.altervista.org/chisiamo.html> [2018].

Later, a gradual process of “un-commoning” has involved *I Cantieri*, so that the activities promoted (among them, re-appropriation of some pavilions, guerrilla branding and the promotion of forums and public assemblies) by the grass-roots movement “*I Cantieri che Vogliamo*” have been thinning until they have disappeared (Giubilaro, 2017). As a rule, the process of “un-commoning” may pop up either as a sudden and violent interruption of urban commoning practices or a gradual and progressive loss of the features of commons, following the interventions, hybridizations and tampering carried out by the Public Sector or Private actors¹⁶³ (Giubilaro, 2017). Concerning *I Cantieri*, there seems to have been put in place the second type of “un-commoning”, so that, instead of keeping being a cultural hub, comparable to a fully-fledged common good, pavilions of *I Cantieri* have been gradually getting back to the sphere of influence of the Municipality (Giubilaro, 2017).

Nowadays, *I Cantieri* host the “Center Culturel Francais de Palerme et de Sicile”, the “Goethe Institute”, the library of the “Gramsci Institute” and the Palermo’s seat of the “National School of Cinema”, belonging to the “Experimental Center for Cinematography (*Centro Sperimentale di Cinematografia*)”.

In the latest years, some spaces have been granted by the Municipality to the Academy of Fine Arts, while other ones have been assigned to non-profit organizations either directly, as in the case of “*Legambiente*”¹⁶⁴ or following a public procedure, within the frame of a traditional concession scheme, such as in the case of the “*Arci-Tavola Tonda*”¹⁶⁵.

¹⁶³ This occurred in the case of “*Piazzetta Mediterraneo*”, passed into the hands of the Municipality, even though the Municipality and the neighbourhood associations have been committed to agreeing together a redevelopment project.

To read more: <http://citta-in-rete-palermo.blogautore.repubblica.it/2016/02/26/ballaro-festa-con-tavolata-per-la-nuova-piazzetta/> [2018].

¹⁶⁴ “*Legambiente*” is an environmental organization also engaged in monitoring and urging interventions to save and recover the cultural and environmental heritage in danger. Concerning the heritage of Sicily, “*Legambiente*” has recently drawn up a dossier, where 22 monuments and places owned by both public and private actors have been reckoned as in danger. To read more on this dossier: <http://www.legambientesicilia.it/wp-content/uploads/La-Bella-Sicilia-da-Salvare.pdf> [2018]. Vice-versa, to read more on the project of “*Legambiente*” within *I Cantieri*: http://palermo.repubblica.it/cronaca/2017/02/11/news/palermo_nasce_ai_cantieri_della_zisa_un_centro_di_cultura_ecologista-158076616/ [2018].

¹⁶⁵ To read more on “*Arci Tavola Tonda*”: <https://www.arcipalermo.it/index.php/i-circoli/2-arcitavola-tonda> [2018].

As witnessed by the case of *I Cantieri*, monuments, as signs of a collective will expressed through the principles of architecture (such as the creation of an environment more conducive to life and the aesthetic intentionality), are to be considered as items, whose persistence should convey their history and art and what they evoke in collective memory and experience (Rossi, 1995).

Given that cities tend to be committed more to the development than the conservation, monuments should be preserved in a development perspective and should represent the driving forces of development itself (Rossi, 1995). Indeed, their “form” is meant to be complicated and organized in space and time, to such an extent that it can accommodate a plurality of functions. The latter are completely independent from the form, which, in turn, is intended to stick in the minds, accompanying and structuring the development of the city¹⁶⁶ (Rossi, 1995). This possibility of laying out time to time different functions contained in a single form is a proof of the vitality of each monument (Rossi, 1995) and may cope with the right to the city, as the «*right to change and reinvent the city more after the heart's desire*» claimed by citizens (Harvey, 2012).

Actually, what has been recorded within *I Cantieri* has been marking out that existing commons are never complete and perfect and may even have components that contradict the ideal type (Eizenberg, 2012). For this reason, existing commons should be substantially viewed as live relics of the ideal of the commons (Eizenberg, 2012).

Anyway, facing the afore-mentioned «*shift in neoliberal public governance*» (Moore & McKee, 2014), «*alternatives do exist*» (De Angelis, 2003). These alternatives may be traced back to the so-called “Capitalism 3.0”, reckoned as a new stage of the capitalist system, which recommends the need to preserve the existing realities by establishing organized commons (Barnes, 2006). Indeed, Capitalism 3.0 is a logical successor to the first two, whereby Capitalism 1.0 has experienced a shortage of goods, while the Capitalism 2.0 has approached a surplus (Barnes, 2006).

¹⁶⁶Therefore, it is not surprising that, for instance, in Padua citizens have been keeping on experiencing and enjoying the “form” inherited from the past of “*Palazzo della Ragione*” and in parallel this “form” has been “enveloping” different functions, influencing the urban area and still constituting a focal point for the city. Hence, everyone agrees that “*Palazzo della Ragione*” is a valuable artefact inherited from the past and likewise everyone agrees that on the ground floor it functions almost like a retail market (Rossi, 1995).

Within Capitalism 3.0, corporations and organized commons may enhance and constrain each other, whilst the State maintains a level playing field (Barnes, 2006). Within such a context, there might be room for adopting further policies, which may allow any community (*rectius*, any community-based organisation) to decide and handle the commons on its own, preserving them and assisting to building up a sense of community and a “cultural fertilization” (De Angelis, 2003; Barnes, 2006; Eizenberg, 2012).

5.5. *I Cantieri* and the calls promoted by “*Con il Sud*” Foundation: an outcome-based approach.

Given the difficulties to overcome the critical issues regarding the cultural heritage management and in the light of the two macro-trends, namely the end of monopoly of public actors in general interests care resulting from increasing budgetary constraints and the corresponding increasing participation of citizens; nowadays *I Cantieri* represent an interesting laboratory where to test what the public official belonging to the Historic Centre Office named «*forms of creative alienation*».

In short, unused spaces have been entrusted in favour of TSOs, which, in turn, have taken advantage of some benefits granted by the Municipality, under the constraint of enabling all citizens to access freely these spaces.

I Cantieri might be seen as an unprecedented case, since by assigning unused and unusable spaces in favour of private actors, Municipality acted «*on the edge of legality*», as recalled by the public official asked. As a matter of fact, it has been proceeded to entrust unusable spaces, with the view of making these spaces accessible later, thanks to the involvement of the private actors.

Among the various organizational solutions adopted at, it is worthwhile to focus on the allocation and the redevelopment of some spaces provided within the frame of a prior agreement laid down between the “*Con il Sud*” Foundation and the Municipality of Palermo, which is the owner of these spaces. “*Con il Sud*” Foundation is a private non-profit organization born on 22 November 2006 from the alliance among banking foundations and the Third Sector and volunteering, to promote the economic-social development of Southern Italy. Over time, Foundation has fuelled some interventions

concerning the children's education, legality, the fight against early school leaving, the enhancement of young talents, the struggle against the brain drain in the Southern Italy, the social welfare services, migrant integration and eventually the protection and enhancement of commons, including historical-artistic and cultural heritage, environmental heritage and the social re-use of assets confiscated from the mafia. With this regard, Foundation has already promoted four calls (2008, 2011, 2014 and 2017) and supported 28 projects for the recovery of the historical-artistic and cultural heritage, by allocating more than 11 million euro¹⁶⁷.

Indeed, resorting to a public call as a catalyst to support the birth or growth of entrepreneurial realities located in difficult contexts does not represent something new at all.

Among the similar public calls, at least as far as the mission is concerned, next to the calls promoted by “*Con il Sud*” Foundation, it is useful to mention first and foremost “*Cultura Crea*”, namely the call promoted by “*Invitalia*”, the National Agency for the attraction of investments and business development, belonging to the Ministry of Economy. “*Cultura Crea*” is meant to promote the birth and growth of entrepreneurial and non-profit initiatives in the cultural-tourist industry, with a view to enhancing the cultural resources located in the regions of Basilicata, Calabria, Campania, Puglia and Sicily¹⁶⁸. Vice-versa, “Funder35”, as yearly call promoted by the “*Cariplo Foundation*”, as project leader, is addressed to non-profit cultural organizations (social enterprises, social cooperatives, cultural associations, foundations, etc.), mainly composed of members aged less than 35, mainly concerned with artistic / creative production in all its forms or engaged in the context of services to support knowledge, enhancement, protection, protection, circulation of goods and cultural activities.

However, this call for proposals is not aimed at creating start-ups. Instead, it is meant to providing already established cultural enterprises with opportunities for growth and development, with the aim of stimulating better market positioning and greater

¹⁶⁷ To read more: <https://www.ilbenetornacomune.it/chi-siamo/> [2018].

¹⁶⁸ To read more: <https://www.invitalia.it/cosa-facciamo/creiamo-nuove-aziende/cultura-crea> [2018].

efficiency and sustainability¹⁶⁹. Further mention deserves “*Culturability*”, the public call promoted by the “*Unipolis*” Foundation of the “*Unipol*” Group. This public call is addressed to NPOs, cultural and social cooperatives, private companies operating in the cultural field. These organizations are supposed to be assigned of financial contributions and a mentoring path if they are eligible to trigger urban regeneration processes, recovery and revitalization of disused spaces (even by endorsing alternative uses), and to generate positive externalities for the local communities¹⁷⁰.

Unlike the previous ones, the historical-artistic and cultural public call (*Bando Storico-Artistico e Culturale*) promoted by “*Con il Sud*” Foundation focuses on the commons, considered as ideal backbone for the proliferation of economically sustainable entrepreneurs.

Normally the call promoted by the Foundation is staged into two phases: candidacy of the cultural assets ready to be restored and enhanced; selection of the projects promoted by TSOs, which are reckoned as the most eligible to ensure the expected outcomes and the enhancement of the cultural asset assigned.

During the first phase, Public Administration (more broadly, the owners of assets, regardless of their being natural people and legal entities, public and private bodies, in line with the overhead conception of commons, which overcomes the conventional dichotomy public/private ownership) can express to the Foundation their willingness to grant it the burden and the right to identify the best enhancement intervention of the asset.

Candidate properties must not already be used or entrusted to third parties and must fit in with the purpose of carrying out socio-cultural, economically sustainable activities that can be proposed for their enhancement. Assets must also be equipped with undisputed historical, artistic and cultural value. Hence, they can be considered as suitable for the candidacy those cultural goods for which a protection bond exists. In

¹⁶⁹ Similarly to “*Cultura Crea*”, even with reference to Funder 35, by looking at the reference territory where promoter foundations are expected to operate, Sicily appears among the specific territories involved. To read more: <http://funder35.it/bando/#more-9> [2018]-

¹⁷⁰ To read more: <https://bando2018.culturability.org/regolamento/> [2018].

case of absence of such a protection bond, the historical-artistic and cultural value must be proved by adequate documentation¹⁷¹.

In any case, the cost of renovation and adaptation of the candidate assets must be compatible with the financial resources made available by Foundation and the owner has to indicate the yearly fee that the assignee will have to pay.

As a general rule, assets, which are eligible to get the Foundation contribution, will be selected on the basis of the following requirements:

- their historical, artistic and cultural relevance;
- the compatibility degree of the restructuring and adaptation works needed with financial resources made available;
- the guarantees they may provide regarding the potential in terms of attractiveness and positioning in the urban or rural context;
- the broadness of the array of activities they may host;
- the way they may fit in with the purpose of ensuring accessibility and usability by all citizens, without any form of discrimination;
- their consistency with the types of activities that the owner allows to carry out;
- the appropriateness of the possible fee requested, also taking into account that the asset is meant to be assigned to non-profit organizations;
- coherence among urban planning, the intended use and the constraints with respect to the possibilities of use of the asset.

Once identified the eligible cultural assets, in the second phase of the public call promoted by the Foundation, Foundation will be entitled to select the TSO to which it will be granted the use of the asset for at least 10 years. In practical terms, TSOs will be called to present enhancement projects related to the selected assets, with a view to

¹⁷¹ According to the latest call promoted by *Con il Sud* Foundation in 2017, Archaeological areas may be taken into consideration only if they can accommodate the purpose of carrying out socio-cultural activities and they are equipped with spaces covered. Churches or religious buildings can only be taken into consideration if they are no longer used for any religious service.

ensuring the common use of buildings and their availability for the community. Going in depth, call is addressed to non-profit organizations in the form of: associations; social cooperatives or social consortia; ecclesiastical bodies; foundations and social enterprises, according to what is envisaged by Law n. 111 of 2016.

Project proposals are expected to be presented in partnerships consisting of at least three actors. In addition to the project leader, partnerships will have to include at least two other actors, of which at least one has to belong to the Voluntary Sector and / or the Third Sector. Partners not related to the world of volunteering and / or the Third Sector, might be institutions, universities, research bodies and for-profit companies.

Profit entities, as partners, should not be committed to the pursuit of profit. Rather, they should provide skills and resources aimed at the growth and development of the territory and local communities. Vice-versa, the owners of the selected properties will not be allowed to join partnerships, in case they are willing to promote redevelopment proposals about the properties they own.

As confirmed by the 2017 public call, the default scheme followed by the public call provides for a free- of charge concession of spaces, since it is envisaged to deduct from the payment of the expected fee the amount needed for restoring and structural adjustments, for a sufficient period to let successful tenderer recoup the costs incurred. Foundation makes available a contribution of up to 500.000 euros, which is added to a co-financing share, consisting of financial resources provided by successful tenderers and equal to at least 20% of the total cost of the project¹⁷². A quota of the Foundation contribution not exceeding the 50% is to be used to cover restructuring costs¹⁷³ (namely, the costs incurred for restoring and making the building safe), restoration costs (namely all the costs incurred for the maintenance and restoration of artefacts of artistic and architectural value located in the building object of intervention), adjustment costs (comprising all the costs related to structural changes, including

¹⁷² Obviously, successful tenderers are supposed to indicate the sources of funding.

¹⁷³ Duration of the restoration works will not be longer than 12 months and the other planned activities cannot be started, if not in small proportion, before the completion of the works, otherwise the costs reported will not be reimbursed. In any case, these activities must obtain the preliminary authorization of the Foundation's offices before the completion of the works, otherwise the reported costs will not be reimbursed.

machines and plants anchored to the ground, strictly necessary to adapt the building to the start of project activities) and productive investments, meaning the purchase of durable goods. Moreover, it is required that all the proposed projects are expected to last no less than 24 months but no more than 48 months¹⁷⁴.

Municipality of Palermo has pondered on resorting to the public call promoted by Foundation with the aim of restoring and enhancing some of its cultural interest sites. Among the candidate assets, there have been also some of the sites reported in the above-mentioned list of abandoned monuments owned by the Municipality of Palermo, such as the College of “*Santa Maria della Sapienza*”, the custodian’s house and service spaces in “*Villa Giulia*”, the Former Convent of “*San Basilio*”, the Ingastone Tower, “*Villa Pantelleria*”, the Englishs Cemetery, the “*Ecce Homo al Capo*” and the Pavilions n. 10, 13, 20 of “*I Cantieri*”¹⁷⁵. Among these cultural sites, within the frame of the 2014 edition of the call¹⁷⁶, pavilions n.10 and 20 of “*I Cantieri*” have been selected with a view to triggering their regeneration¹⁷⁷¹⁷⁸. These unused spaces have been assigned to TSOs, granting, in addition, sums to be spent exclusively for restoring the assigned spaces. Looking up to the conception of commons, these two realities are likely to assert themselves as a “community engine”, able to push the people of the

¹⁷⁴ To read more about 2017 public call promoted by Foundation:

<https://www.fondazioneconilsud.it/bando/bando-storico-artistico-culturale-2017/> [2018].

¹⁷⁵ To catch a glimpse of all the 19 sites proposed: <http://zisalab.altervista.org/zisa-creativa-mappatura-spazi.html> [2018].

¹⁷⁶ Within the 2014 call, Foundation has selected 14 unused goods, out of over 220 proposed by public and private bodies. Properties took part in a call targeting local non-profit organizations. This call was aimed at identifying the best proposals for socio-cultural interventions, which were economically sustainable and able to encourage full use by the community. The 14 assets identified by the Foundation have been selected on the basis of specific criteria, such as general conditions, potential use for economically sustainable socio-cultural activities, accessibility and usability. Following the evaluation of the project proposals presented by the TSOs, 7 projects have been endorsed for the enhancement of as many unused properties. To inspect more deeply the 2014 edition of historical-artistic and cultural call (*Bando Storico-Artistico e Culturale*) promoted by “*Con il Sud*” Foundation: <https://www.fondazioneconilsud.it/bando/bando-storico-artistico-e-culturale-2014/> [2018]; To read more about the 7 projects endorsed: <https://www.fondazioneconilsud.it/news/il-bene-torna-comune-selezionati-7-progetti/> [2018].

¹⁷⁷. To read technical records of the two pavilions: <https://www.ilbenetornacomune.it/beni-candidati/pad-20-cantieri-culturali-alla-zisa/> ; <https://www.ilbenetornacomune.it/beni-candidati/pad-10-cantieri-culturali-alla-zisa/> [2018].

¹⁷⁸ To read more about the call promoted by Foundation: <https://www.fondazioneconilsud.it/wp-content/uploads/2017/11/Bando-Storico-Artistico-e-Culturale-2014.pdf> [2018].

neighbourhood to live these spaces, in compliance with the idea of establishing a territorial ecosystem that includes all the social groups and people of all ages.

“CLAC” Association has become the assignee of Pavilion 10 of *I Cantieri* within the 2014 edition of the call promoted by “*Con il Sud*” Foundation. CLAC presented itself as the leader of “*Zisa Creativa*” project, networked with 13 other companies, among which some of them were already working at *I Cantieri*, while other ones as the business incubator of the University of Palermo “*Consorzio Arca*”, formally co-assignee of one of the spaces assigned¹⁷⁹, were external.

At the root of “*Zisa Creativa*” project there has been the belief that establishing the community hub “*Cre.Zi.Plus*” could have revitalized a historically depressed neighbourhood of Palermo, the *Zisa*, by creating positive economic-social effects for the urban context¹⁸⁰. As reminded by Davide Leone “*Cre.Zi.Plus* community manager”, *«the procedure provided for an initial expression of interest by the Municipality, given that the latter has decided which spaces owned by it awaiting to be regenerated and enhanced would have been presented for the public call launched by the Foundation.*

Personally speaking, the most interesting aspect of this procedure has been the transfer of sovereignty recorded. As a matter of fact, Municipality has to make a decision about which spaces to be proposed with the aim of achieving their recovery and their regeneration but the decision on their intended use is transferred to a third organization, namely the Foundation».

Therefore, decision to create a community hub in Pavilion n.10 has been made by the judging commission arising from the Foundation, which evaluated the proposal in comparison to the other project proposals received. According to Davide Leone, *«the judging Commission, in deciding, took into account our vocation of place born to increase the connections on the territory, the possible outcomes (in terms of job opportunities and regeneration process of a neighbourhood) that we could have*

¹⁷⁹ <http://www.vita.it/it/story/2016/05/25/zisa-creativa-palermo-nuova-frontiera-dellinnovazione-sociale/48/> [2018].

¹⁸⁰ To read more: <https://www.creziplus.it> [2018].

generated, as well as the economic sustainability of the project over time and the possible interconnections with similar realities scattered in Italy, given that, for example, in Naples, Rome and Milan there are realities comparable to ours. By way of example, Base Milano is one of our project partners»¹⁸¹.

As reported on the official website, the idea behind *Cre.Zi. Plus* is that of an “alliance arranged in concentric circles” so that, starting from *Cre.Zi.Plus* and from *I Cantieri*, it aims at building a broader ecosystem able to support the development of socio-cultural innovation by facilitating the socio-economic relationships among different actors and the pooling of resources and skills to generate social change. «*Our project, as highlighted by Davide Leone, aims to offer opportunities, services, markets to the creative community of Palermo. We offer a co-working space, naturally targeting start-ups whose core business is the cultural and creative aspect. In addition, we offer business support and training services, the possibility of accessing distant networks that serve to link cultural production to distant markets. We also give the opportunity to take advantage of a shop, where the companies that have been started up here can exhibit the products. Also, we act as an event space and we have launched our social kitchen. This is not just a kitchen or a cafeteria, as we also sort out cooking classes. Finally, we make available our laboratories equipped with machines that, under the scrutiny of experts, may allow to test technologies related to trans-media, interactivity, but also to undertake craftsmanship activities such as tailoring and bricolage. In the same way, it is possible to test a series of products supplied by partner companies, to test their use and functionality*».

From an operational point of view, the agreement has followed the default scheme described above. «*Specifically, as explained by Davide Leone, the agreement provides for a twelve-year free of charge-concession with “semi-automatic” renewal for another 12 years, next to the endowment of € 480.000 allocated by the Foundation. 30% of this sum is exclusively devoted to the restoration of the pavilion, whilst the rest of the contribution is meant to support the whole project. The agreement presented a*

¹⁸¹ To read more on *Base Milano*: <http://base.milano.it/buro/> [2018].

clause, according to which if the Municipality had not facilitated the success of the project, it would have forced to repay the money allocated by the Foundation. The Municipality has been playing an active role within the agreement. By way of example, the roof of the pavilion has been, restored by the Municipality. However, there have been some bureaucratic slowdowns. The first major problem has been the absence of a single project proposal covering the whole area of I Cantieri. Indeed, I Cantieri constitute a single cadastral parcel, although it has been fragmented in order to assign its pavilions and spaces to different organizations. Another problem is the inequality of access to water and electricity services. The organizations whose pavilions are located in the central part of I Cantieri have been forced to cater for, at their own expense, the construction of sewer and water connections. Luckily, our external position has facilitated the link to the public water and sewage connections in Via Perpignano».

Vice-versa, still within the 2014 edition of the call promoted by Foundation the Pavilion 20 of *I Cantieri* has been assigned to CRESM, a social cooperative working in the field of local and rural development planning, community regeneration, immigration and social inclusion¹⁸². With the support of “*Con il Sud*” Foundation, CRESM becomes established the leader of a project developed in partnership called “*Nuove Officine alla Zisa*”¹⁸³. As Luca Cumbo of CRESM explains, «*our project is the first that concretely tries to make up for a relationship with the neighbourhood. In particular, this project is intended to make available 3 laboratories to experiment with eco-compatible materials and start up “4.0 craftsmanship” initiatives, by combining craftsmanship activities with new forms of technological automation. The target we address are both migrants and Italian unemployed. We have become assignee of the Pavilion in 2015. Foundation has been committed to allocating 500.000 euros, to which the partnership has added 125.000 euros as co-financing. Overall, the project costs 625.000 euros, whereby 250.000 euros have been allocated to the renovation of*

¹⁸² To read more about CRESM: <http://www.cresm.net/it/about-us/> [2018].

¹⁸³ To read more about the project carried out by CRESM within *I Cantieri*: <http://www.cresm.net/it/zisa/> [2018].

the pavilion, the remaining part has been divided between machineries and human resources. The project will enable 35 people to work for 3 years. After the three years, the start-up phase will end and from that point on we will have to stand on our own feet and to get by on our own».

Although the public call urges a bureaucratic simplification, assuming that, wherever requalification / restructuring of properties is envisaged, the necessary authorizations from the public bodies in charge (Superintendences, Municipalities, etc.) must be released no later than 6 months from the date of communication of the approval of the proposal by the Foundation, otherwise the contribution made available by Foundation will be revoked; compared to the Cre.Zi.Plus case, there have been more bureaucratic bottlenecks. *«Pavilion, says Luca Cumbo, has been concretely delivered by the Municipality only in 2017. As a matter of fact, although it had been planned to deliver an empty pavilion, at the beginning we received the pavilion replete with many objects, among which, there were also scenery remains of the Massimo Theatre and Biondo Theatre. In May 2016 an arson occurred in the pavilion, which created masses of special waste, given what it was piled up in the pavilion. The Municipality company engaging in the collection of waste, when it comes to interventions related to special waste, sub-contracts the task to private operators. So, there have been delays and bureaucratic bottlenecks, to such an extent that the Foundation has been forced to urge the Mayor to clean-up immediately the area. This eventually took place but all these critical issues (considering the arson, the delays and the inertia of the Municipality) made us incur an increase in actual costs compared to those budgeted. Incidentally, the Municipality of Palermo had previously took part of the public call by presenting, through the Massimo Theatre Foundation, which belongs to the Municipality, a redevelopment proposal about a building it owns, as the pavilion under scrutiny, thus violating the afore-mentioned rule laid down in the public call promoted by Con il Sud Foundation».*

Concerning the legal scheme, *«the different legal scheme respect to the default one, while not substantially providing for the payment of a rent, has enshrined a change in the responsibilities of the contracting parties. As a general rule, while in a free of*

charge-concession regime the responsibility for the extraordinary maintenance work would be charged to the assignees, within a rental regime it would be charged to the landlord. In this case, it has been established a rental agreement within which responsibility for the extraordinary maintenance work has been charged to us. We were required to accept an agreement by December 2016, so that the project could start. Therefore, we found ourselves having to accept it. Foundation has already been informed that as soon as the works have been completed, we will challenge the current convention and we will ask for at least doubling its length. As a matter of fact, if we considered an updated assessment of the property, given that it had been taken into account an assessment of the pavilion dating back to the 90's, theoretically our convention, by looking at the current market values, ought to last at least 20 years to let us recoup the investments, especially in the light of the arson occurred».

«Beyond the bureaucratic issues that arose as a result of the arson, to date, explains Luca Cumbo, we still have to solve the problem of the sewerage connections and the water and electricity connections at our expense and we need to wait still all the necessary authorizations. We also had some issues with the Superintendence, which forced us to build an iron / steel mezzanine in 30 square meters to admire the vault. Despite all these difficulties, we hope to open in mid-November».

The two cases exposed would confirm the cruciality of an outcome-based approach in deciding which projects to be selected (Matarasso, 1997, Garcia, 2004, Impact 08, 2010, UNESCO, 2012, 2014; Liu, 2014; 2016; Cicerchia, 2015; Jung et al., 2015; Ratti, 2015). In this, sense according to the latest call promoted by Foundation in 2017¹⁸⁴, projects that are worth to be awarded are:

- able to guarantee the enhancement of the property and to make it accessible again for the community;
- aware of urban-context specific aspects and responsive to the social and cultural needs of the local area;

¹⁸⁴ To catch a glimpse of the 2017 edition of historical-artistic and cultural call (*Bando Storico-Artistico e Culturale*) promoted by “Con il Sud” Foundation: <https://www.fondazioneconilsud.it/bando/bando-storico-artistico-culturale-2017/> [2018].

- characterized by the clear definition of qualitative and quantitative objectives, in particular with reference to the real estate enhancement purpose and the expected outcomes;
- characterized by paths aimed at the development of autonomy and social inclusion and by processes of active involvement of the local community;
- with respect to any business activities, equipped with a credible knowledge of the constraints and potentials of the reference market in which they intend to operate. This credible knowledge must be translated into an efficient and effective use of resources, and in a sustainable project over time. In this, sense, it is put in the foreground the ability to generate or collect resources, in order to guarantee the continuity of the proposed actions and their repeatability both over time. and in other similar contexts.

At the same time, the critical issues recorded with reference to the case of CRESM highlight to what extent an effective organizational scheme (and, therefore, the related legal scheme) might be conducive to regulating the interests at stake and stabilizing a clear allocation of the responsibilities between the contracting parties.

In short, the TSOs, as assignees of unused and unusable cultural interest spaces, should recovery them, thus making them available for a local community. Moreover, they should place the cultural site recovery and enhancement at the centre of a project, which, in turn, is aimed at boosting a concrete socio-economic development benefiting the local community.

Commons-inspired cases of cultural heritage recovery recorded at *I Cantieri* and caused by the “*Con il Sud*” Foundation public calls, have brought out the added value of the partnership. Such an added value manifests itself in two shapes: on the one hand, as a fruitful cooperation between the Municipality and the private partners, since the latter can fund and cater for the restoration of a cultural site, as well as they can provide social and cultural services to the benefit of local community; on the other hand, in terms of collaborative efforts of two or more private partners, since the latter can share risk, costs, and benefits to provide socio-cultural services and to take up a restoration

project, which otherwise would not take place, if left to the initiative of a single private actor.

Ultimately, these commons-inspired cases of cultural heritage recovery require to reflect on the role they can have as paradigms potentially to bring over in other contexts but also on the affinities that, in practical terms, may be detected among such experiences and the organizational schemes even deriving from foreign legal cultures, such as the institution of Trust.

5.6. Building a theory: the institution of Trust.

5.6.1. Definition.

Trust is an institution emerging from the so-called “Equity”, as a pillar of the English Law, together with Common Law and Statute Law. According to the default scheme, the settlor deprives himself of properties or rights by conferring them to another subject, the trustee. From that point on, there will arise an equitable obligation binding the trustee, since the latter is entrusted to manage the properties with the aim of achieving – without any prejudice to the interest worth to be protected and upholding the law – the specific aim posed by the settlor through the Trust Deed and in any case for the benefits of other people, namely the beneficiaries. To do this, trustee may be entitled to gain a fee for the activity carried out and he will be still required to report on his activities to the settlor. Eventually, Trust scheme¹⁸⁵ may also comprise the figure of the guardian or protector, who sometimes, may also coincide with the settlor.

Protector is required to monitor the trustee, in order to ascertain to what extent the trustee is pursuing the aim correctly, in compliance with what Trust Deed planned (Cardinale, 2004; Lupoi, 2010; Macalli, 2015).

According to the default scheme, once achieved the aim, once certified the inability to achieve it or once the contractual terms come to the end, the transferred activities will return to the settlor's real estate.

¹⁸⁵ Such a default scheme may be tailored to any circumstance, so that, sometimes even settlor and trustee figures may be overlapping, within the so-called “static Trust” (Cardinale, 2004).

5.6.2. Building blocks of Trust.

Once defined the operating scheme of Trust, it becomes crucial to figure out what are its building blocks.

First of all, Trust foresees that the transferred assets and rights constitute a separated mass of assets respect to both the assets of the settlor and those ones pertaining to the trustee, according to what is called a “ring-fencing” regime. Trust can be seen as an exemption respect to the principle of responsibility for assets pursuant to art. 2740 of Civil Code¹⁸⁶, provided that its establishment has been brought to the attention of the creditor and it has arisen an interest, which deserves to be protected more through the establishment of a separated mass of assets.

Once transferred to the trustee, assets will not undergo any influence from the trustee's patrimonial and personal vicissitudes, to such an extent that they will neither fall under the trustee hereditary succession nor bankruptcy regime, as well as trustee's creditors will never recoup their credits from these assets. The only creditors who will be entitled to make any claim against such a separated mass of assets will be the trust creditors, with reference to those credits arising from the management and conservation of the segregated assets.

Another crucial key point of the Trust is the emersion of a destination constraint falling on the mass of separated assets, so that the settlor deprives himself of their possession by binding them to the achievement of a given purpose. It follows that such assets and what will derive from them can only be used by the trustee to achieve the pre-set purpose.

Explication of the purpose worth to be protected becomes an essential precondition to justify the subsequent “ring-fencing” regime. In this sense, the prior Trust Deed, per se, is bound to: appoint the trustee; identify the purpose of Trust and the rules to uphold about the Trust properties management; foresee the transfer of rights and properties.

Settlor can also express his wishes about the task fulfilment entrusted to the trustee through the so-called “letter of wishes” (Lupoi, 2010; Macalli, 2015). Following the

¹⁸⁶ Pursuant to article n. 2740 of Civil Code, a debtor faces his credit obligations by resorting to present and future assets. Hence, the establishment of trusts could damage the interests of the settlor's creditor.

Trust Deed, there might be one or more disposal deeds, which need to be recorded in public registers. Disposal deeds will cause the transfer of properties and rights in favour of the trustee to take place concretely (Cardinale, 2004; Macalli, 2015).

5.6.3. Trust and the Italian legal system.

Nowadays, in addition to the already explained need to reshape the relationship between Public Administration and citizens, in order to preserve general interests (Arena, 1997; 2014), Italian administrative law has been undergoing the influence of the growing adoption of contractual forms Public Administration may decide to resort to, in line with the contractual freedom enshrined by art. 1322 of Civil Code (Giannini, 1970; Rocco & Beni, 2006).

Speaking about “contractual freedom” of a Public Administration implies that making contractual agreement with a Public Administration is not so different from the case in which all the contracting parties are private.

Indeed, contract made with the Public Administration is always the result of a free manifestation of wills, provided that the private counterparty can always refuse to sign it. Anyway, there would remain its possible responsibility for the damage caused to the public counterparty because of its refusal. Reference to the free-manifestation of will expressed by each counterparty entails that private counterparty acts deliberately whenever it accepts clauses that, for reasons of public interest punctually envisaged by Law, enshrine the preeminent position of the public counterparty (Rocco & Beni, 2006).

Rather, a Public Administration, before making the contractual agreement, has to follow a preparatory procedure aimed at identifying the private counterparty. The Italian legal system, by looking up to the constitutionally guaranteed principle of the “impartiality” of the administrative action (Article n.97 of the Italian Constitution) cannot leave out of consideration the public competition requirements, which give substance to what is commonly called “Public Procedure (*Procedura ad evidenza pubblica*)” (Giannini, 1970; Rocco & Beni, 2006). Hence, Public Administration can take advantage of contractual form of the Trust, with reference to the sphere of public services to be delivered, provided that the trustee in favour of whom the transfer of

goods or rights takes place is identified by means of a public procedure (Giannini, 1970; Rocco & Beni, 2006).

Going in depth, general interest care is likely to converge with the Charitable Trusts, understood as Trusts whose purpose is to favour the whole society or at least a significant part of it and that are subject to the supervision of a public authority that is also entitled to stand against the trustee, in case of prejudice to the general interest at stake (Ricci, 2013). Charitable Trusts, pursuant to the 2006 UK Charities Act¹⁸⁷ subsequently amended in 2011¹⁸⁸, have as their aims:

- the prevention or relief of poverty;
- the advancement of education;
- the advancement of religion;
- the advancement of health or the saving of lives;
- the advancement of citizenship or community development;
- the advancement of the arts, culture, heritage or science;
- the advancement of amateur sport;
- the advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity;
- the advancement of environmental protection or improvement;
- the relief of those in need by reason of youth, age, ill-health, disability, financial hardship or another disadvantage;
- the advancement of animal welfare;
- the promotion of the efficiency of the armed forces of the Crown, or of the efficiency of the police, fire and rescue services or ambulance services;
- any other charitable purposes that may reasonably be regarded as analogous to, or within the spirit of, any above-mentioned purpose, provided that it is

¹⁸⁷ To read more about 2006 UK Charities Act:
http://www.legislation.gov.uk/ukpga/2006/50/pdfs/ukpga_20060050_en.pdf [2018].

¹⁸⁸ To read more about 2011 UK Charities Act:
<http://www.legislation.gov.uk/ukpga/2011/25/section/61/enacted> [2018].

geared towards the public benefit, complying with what UK Charities Act terms the «*public benefit test*» (Ricci, 2013).

Institution of Trust entered the Italian legal system with the Law n. 364 of 1989, which ratified the Hague Convention (Cardinale, 2004; Lupoi, 2010; Macalli, 2015).

Trust, as it is disciplined by the 1985 Hague Convention, comes as a voluntarily created institution based on written disposition, which partially differs from the Equity-based Trust. Hague Convention, by outlining the key points of any regulatory measure aimed at disciplining any Trust scheme and the effects arising from the acknowledgement of any Trust, was meant to encourage the widespread adoption of Trust also in the countries belonging to the Civil Law system, thus preserving the chance to adapt the institution to any legal system (Cardinale, 2004; Macalli, 2015).

Ratification of the Convention triggered the recognition of the effects of the Trust in the Italian legal system and consequently its full admissibility¹⁸⁹. Although the relative fiscal discipline is already in existence, *ad hoc* Italian regulatory measures disciplining the Trust institution in all respects has not been introduced yet. This undermines the establishment of an “internal law-Trust”, where by “internal law-Trust” means a Trust whose constituent elements (settlor, trustee, beneficiaries, object and regulatory provisions) are all Italian.

However, as witnessed by Duinio Aurisina case, there are no hurdles for creating a Trust with a foreign regulatory law freely chosen by settlor and aimed at governing the institution, validity, effects, administration and validity of the Trust itself (Macalli, 2015).

Thanks to its flexibility, Local Authorities could establish a Trust in a very wide range of circumstances concerning: social and artistic-cultural services; public utility functions; public works realization; urban development plans, company shareholdings,

¹⁸⁹ Moreover, to wipe away any doubts concerning about the acknowledgement of the institution of Trust by the Italian Law, with the law n.112 of 2016 Legislator has expressly provided for the possibility of establishing a Trust to provide care and to manage the wealth benefiting people with severe disabilities, viewed as the sole beneficiaries, complying with the operating scheme of Trust.

To read more about the law n. 112 of 2016:

<http://www.gazzettaufficiale.it/eli/id/2016/06/24/16G00125/sg> [2018].

or establishment of a holding on a trust basis, in addition to the cases of the establishment of Trusts to guarantee the payment of local taxes or the establishment of Trusts to guarantee the compliance with anti-mafia legislation (Buttà, 2010). Trust, in all these circumstances, by causing the trustee and protector to be the sole ones entitled to operate, allows to achieve a greater managerial flexibility and a greater governance stability and transparency (Buttà, 2010). Moreover, by virtue of its ring-fencing regime, usage of the Trust: on the one hand, ensures the juridical-economic isolation of the initiative, especially with reference to the funding collection phase; on the other hand, it is bound to fuel a further splitting of the operating risks concerning the realization of projects, as well as to speed up decision-making process (Buttà, 2010). With this regard, it is worthwhile to bring into focus the first case of Trust adopted by a Public Administration in Italy.

The Municipality of Duino Aurisina (a Municipality located within the Province of Trieste), and the Bank Foundation “*Cassa di Risparmio di Trieste*” decided to establish the Trust “*Nuvole Bianche*”, whose purpose was to accomplish the enlargement of an existing kindergarten¹⁹⁰. The latter, designated as Trust property, represented an asset belonging to the so-called “unavailable public properties (*patrimonio pubblico indisponibile*)” pertaining to the Municipality of Duino Aurisina. As already seen in chapter 1, an unavailable public asset is instrumental to the exercise of a public service, so that it cannot be subtracted from that destination, except in the ways established by Law. It follows that private actors are not entitled to own it. Instead, they are allowed to manage it in accordance with a concession in use by agreement, while respecting the public interest at stake.

Although the transfer formally attributed ownership to the trustee, actually, this transfer of ownership was temporally and operationally linked to the pursuit of the pre-set purpose. It follows that transferred good could not be alienated or used differently by trustee and the temporary and conditioned transfer of ownership was not aimed at decreasing or removing at all a public service.

¹⁹⁰ To read the whole Trust Deed: <http://www.ilcaso.it/giurisprudenza/archivio/2210-1.pdf> [2018].

Transfer of Trust property was carried out just with the aim of speeding up public works realization, by overcoming the lack of financial resources¹⁹¹ and the bureaucratic quibbles linked to the Public Sector functioning procedures¹⁹².

Trust Deed comprised the appointment of the secretary of Bank Foundation as trustee, viewed as a third part compared to the two settlors with precise reporting obligations¹⁹³.

As a consequence, Foundation transferred trustee the ownership of the money necessary for the pre-set public works (300.000 euros), while the Municipality transferred the trustee the ownership of the kindergarten. Besides, in compliance with the principle of free choice of the law in charge for disciplining the Trust, as recommended by article n.6 of The Hague Convention, Parties chose, as regulatory law, that of Jersey (Trust Jersey law 1984 as amended 1996). Hence, obligations and responsibilities of the trustee would have been disciplined cumulatively by Italian law and from that of Jersey (Buttà, 2010).

Once achieved the purpose, Trust came to the end and remaining sums and the kindergarten came back respectively to the Foundations and to the Municipality. At the end, usage of Trust brought out two positive aspects:

- public works have been completed in just 8 months, namely a shorter lag of time respect to that one originally planned;
- there has popped up a cash residual with respect to the budgeted sums¹⁹⁴.

Indeed, usage of Trust avoided the delays in delivery and an increase of the estimated costs for the realization of works thanks to the unceasing monitoring of progress of works and of the related cost progression. In addition, Trust prevented

¹⁹¹ With this regard, Foundation and the Municipality opted for the institution of Trust with the belief that it would have allowed the Foundation to allocate straightforward those funds, whom, by Law, any bank foundation, must devote to the pursuit of general public interests.

¹⁹²To read the disposal Deed related to this Trust: http://www.ilsole24ore.com/SoleOnLine4/Speciali/2006/documenti_lunedì/13marzo2006/TRIB_TRIE_STE_23_09_2005.pdf?cmd%3Dart [2018].

¹⁹³ Despite trustee coincided with the secretary of Bank Foundation, trustee would have been required to act as self-reliant subject personally in charge for obligations.

¹⁹⁴ It is possible to detect a cash residual by looking into the financial statements of the Trust “*Nuvole Bianche*”. With this regard: <http://www.ilcaso.it/giurisprudenza/archivio/2210-6.pdf> [2018].

disbursements of Bank Foundation from directly flowing into the coffers of the Municipality, thus neutralising the risk to mix up those sums with the other funds belonging to the Municipality (Buttà, 2010).

5.6.4. Trust and cultural heritage management: the paradigm of “UK National Trust”.

In UK cultural and landscaping heritage preservation might be reckoned as the result of grass-roots efforts, framed in a Trust scheme. In fact, Trust has been historically viewed as the ideal frame within which to enact a protection regime with a key role played by Private Sector. In fact, over time, Central Government has historically limited itself to defining a list of cultural assets and conservation areas worth to be protected for their historical value, whilst policies of protection, enhancement and management of historic buildings have been primarily carried out by non-governmental organizations such as building preservation trusts, which act a territorial basis and rely on members, donors and volunteers (Li Donni, 2004).

Basically, Building Preservation Trusts are bound to take over as subsidiary actors and direct consultants of Central Government and Local Institutions. Among these Charitable Trusts, National Trust for Places of Historical Interest or Natural Beauty¹⁹⁵ should be put in the foreground. National Trust is a charity founded in 1895 by three Victorian philanthropists, Octavia Hill, Robert Hunter and Canon Hardwicke Rawnsley. Its establishment was grounded in the belief that nation's heritage and open spaces were to be protected for everyone to enjoy (UK National Trust, 2017). After being dissolved, National Trust was re-established as statutory charity under the National Trust Act of 1907. Currently, National Trust is a Public-Law Body ruled through an Act of Parliament and it turns out to be the largest membership organization in UK devoted to the cultural and landscaping heritage conservation¹⁹⁶ in England, Wales and Northern Ireland¹⁹⁷.

¹⁹⁵ To read more: www.nationaltrust.org.uk [2018].

¹⁹⁶ Currently, National Trust looks after: 778 miles of coastline; over 247,000 hectares of land; over 500 historic houses, castles, ancient monuments, gardens and parks and nature reserves (National Trust, 2017).

¹⁹⁷ Concerning Scotland, National Trust for Scotland takes care of the same tasks charged to the UK National Trust.

Specifically, National Trust is committed to guarantee the preservation of the national heritage – covering landscape, public housing, buildings, of value or historical interest and protected areas – trying to preserve as much as possible their integrity and the animal and plant life. In addition, it guarantees the public enjoyment and the development of promotional, study and educational initiatives. Most of the properties held is inalienable and cannot be sold without a prior Parliamentary procedure.

National Trust has managerial autonomy and its largest sources of income are the member subscriptions¹⁹⁸, direct property income and legacies. In addition, Trust receives money from its "commercial arm", National Trust Ltd, which undertakes profit-making activities such as running gift shops and restaurants within each of the properties managed. Truth to be told, although not immune to complaints, idea of undertaking collateral activities in a site of cultural interest, with the view of obtaining incomes to be used for cultural purposes, such as guaranteeing the cultural site public enjoyment and its safety over time, has already been tested in Italy¹⁹⁹.

As a general rule, National Trust main activity is the acquisition of cultural assets and care of their protection and management, by counting on the unceasing development of philanthropic initiatives to raise funds. Besides, State, after approving each program of initiatives promoted, assist in partially offsetting the expenditure

¹⁹⁸ Being a UK National Trust member allows, among the other things to access freely hundreds of places and cultural sites. To read more: <https://www.nationaltrust.org.uk/join-us> [2018].

¹⁹⁹By way of example, Royal Palace of Caserta has been repeatedly used as a venue for gala dinners or conferences. It was also used for celebrating a wedding. This event has aroused some complaints from many quarters. For this event, a sum of thirty thousand euros was paid to the Palace, as concession fee provided for by the ministerial tables for all the museums. In return, it was fixed that the museum could have been visited and that the preparatory activities would not have questioned the public enjoyment, since wedding would have been organized outside the opening hours of the museum. The terms have been accepted. Besides, not all the Royal Palace rooms have been involved. In one room a moquette has been placed on the ground, which would have remained, while another room that was not in perfect condition has been renewed at the expenses of the spouses. According to the Royal Palace's director, hosting celebrations of wedding has been undertaken without impeding visits and with the intent of obtaining incomes to be used for cultural purposes, such as guaranteeing the Royal Palace public enjoyment and its safety over time, facing the failing financial resources provided by Ministry. To read more: http://napoli.repubblica.it/cronaca/2018/01/05/news/matrimonio_da_record_alla_reggia_di_caserta-185888199/ [2018]; http://www.adnkronos.com/fatti/cronaca/2018/01/07/nozze-alla-reggia-caserta-infuria-polemica_D4BMmT9tFvLKP0ASjJiDiO.html [2018].

borne by National Trust through grant-making operations or drawing on for example the National Lottery.

Over time, National Trust model, as a public-private cooperation scheme conceived for the protection of cultural and landscape heritage has been spread over the various Common Law countries (Li Donni, 2004).

In Italy, somehow the institution of Trust has been already applied to the cultural heritage management. Until 19th century, trusteeship, had acted as an outstanding lever for cultural heritage preservation, recalling a Roman law institution, namely the “*fideicommissum*”. The latter allowed the testator to appoint as heir a person who would have been in charge for preserving the received goods, which, in turn, after his death, would have been transferred to a third person specifically indicated by the testator himself (Cosi, 2008; Degrassi, 2012).

Looking up to the National Trust, the already mentioned FAI (*Fondo Ambiente Italiano*) was founded in 1975 on a private initiative in order to carry out education, training and supervision initiatives on cultural and landscape heritage. Although at a significantly lower scale compared to the National Trust in terms of memberships, number of managed sites and income sources²⁰⁰; FAI turns out to be a foundation aimed at assisting the State in the protection and enhancement of cultural and landscaping assets received either in donation or in concession²⁰¹.

Ultimately, both foundation and the Charitable Trust suit the pursuit of a general public interest. Notwithstanding, although it drew inspiration by the mission of the National Trust, FAI, as a foundation, cannot exploit all the benefits deriving from the Trust. By way of example, Trust, compared to any foundation, can boast a greater operational flexibility, a greater slenderness and stability of the governance model proposed. Moreover, Trust can be more easily used as a vehicle to institutionalize a fruitful on a large-scale collaboration between public actors and private actors. In fact, unlike foundation, Trust may ensure a widespread protection and enhancement of

²⁰⁰ To read more: <http://www.lastampa.it/2013/12/22/societa/andrea-carandini-diffondiamo-la-cultura-del-godimento-rlJKZL6TnnXtlAySxvxYSO/pagina.html> [2018].

²⁰¹ Currently, FAI looks after 57 cultural and landscaping assets. To read more: <https://www.fondoambiente.it/il-fai/> [2018].

cultural heritage without requiring stringent formal requirements for its establishment, since Trust does not foresee the emersion of any further legal entity with its own administrative organs (Macalli, 2015).

5.6.5. Interplays among the institution of Trust, collaboration pacts and Public Governance.

As already said, framing the collaboration pact as a contract means that the latter, case by case, may assume a widespread array of possible contractual forms, ranging from contractual forms typically envisaged by Civil Code up to mixed contracts and atypical contractual forms (Tuccillo, 2017). Hence, collaboration pact might show up even as a Trust, given the common underlying logic between the Trust and the collaboration pact²⁰². As a matter of fact, both of them pop up as contracts laid down in favour of third parties.

The institution of Trust, as a possible contractual form of the collaboration pact, can represent the institutional vehicle through which the Public Administration can indirectly provide the public service “public enjoyment”, understood as the possibility of enjoying in a broader sense a site of cultural interest and the end-result of the joint action of cultural heritage protection and enhancement (Chiti, 1998; Sciullo, 2003; Montella, 2009; Macalli, 2015).

Although it presents itself as a one-sided legal transaction, the Trust institution could be interpreted in a contractual perspective, as it is difficult to imagine a transfer of ownership, with the annexed management charges and responsibilities without assuming any form of consent by the assignee (Macalli, 2015). It is not by chance that in the Italian legal system a legal institution was recently introduced, the trust custody contract (*contratto di affidamento fiduciario*) which, by virtue of its characteristics and

²⁰² With this regard, recently, the Court of Cassation, by order n. 9637 of 19 April 2018, enshrined not only the admissibility of Trust institution in the Italian legal system, but also the typical nature of the Trust, since it is wholly disciplined by Law, in the light of the ratification of the Hague Convention of 1985, which took place with Law n. 364 of 1989. Hence, being a “typical institution”, any Trust is not expected to undergo any control about how worth the interests defended are, as envisaged by the article n. 1322 of Civil Code for atypical contractual forms.

underlying logic, has been referred to substantially as “the Italian variant of the Trust”²⁰³.

As a proof of the similarities between Trust and collaboration pact, even the institution of Trust is rooted on the soft power of the trust, as a means of regulating relations among the parties involved, in place of the formal hierarchical authority (Bovaird, 2005; Moore & Hartley, 2010; Torfing & Triantafillou, 2011). Moreover, as envisaged in the collaboration pacts, the temporariness of the property transfer, which is inherent to the Trust scheme, would allow to cyclically review the consistency degree with social use needs and, if required, to weigh up new management options that would be more conducive to achieve the expected outcomes.

The temporariness, together with the powers of control granted to the public settlor (among which, it is worthwhile mentioning the power to remove arbitrarily the trustee in any time) and the work of the protector, could in some ways consolidate the protection regime.

Likewise, the greater managerial flexibility and the clear responsibility balance due to the lean and stable Trust governance model may ensure greater margins of manoeuvre to the private counterparty and its autonomy from an intrusive political power (Buttà, 2010), unlike what has been recorded in certain cases with reference to the mixed foundation paradigm (Bellezza, 2011).

Assuming that the concept of governance discloses the complex of relations between all the key actors necessary to guarantee the delivery of the public service (Klijn, 2008); the recovery of transparency via Trust due to the proposition of a strict four-actors governance model (settlor- trustee- beneficiaries- protector- beneficiaries) could stimulate a greater participation of external actors. The greater accountability obtained thanks to the Trust scheme could trigger forms of shared administration that are completely specular to administrative forms with which historically it has been

²⁰³ Introduced by law 112/2016, the trust custody agreement is a legal institution entirely governed by Italian law, according to which an assignee is entrusted to take care of the ownership of a property, in order to use it for the benefit of one or more beneficiaries, on the basis of a program and methods defined and accepted, along the lines of the provisions of the institution of Trust. To read more: <https://www.ilsole24ore.com/art/norme-e-tributi/2017-03-03/contratto-affidamento-fiduciario-via-libera-giudice-tutelare-dopo-noi-152658.shtml?uuid=AEFOOPh> [2018].

increasingly seeking to co-opt the private actors in the cultural heritage management, in accordance with what has been enshrined by the Code of Cultural Heritage. As already seen, on the one hand the sponsorships entail the involvement of the Private Sector exclusively limited to the funding phase of any cultural heritage restoration and enhancement project. On the other hand, PPPs, in terms of semi-autonomous organizational vehicles (Skelcher et al., 2005; Johnston, 2015; Settembre Blundo et al., 2017), such as the already-mentioned mixed foundations (Bellezza & Florian, 2006; Bellezza, 2011), urge to mash up in a single managerial model the interests and advantages of both Public Sector and the Private one.

By going through the operating scheme of the institution of Trust, complying with the afore-mentioned ring-fencing regime, the establishment of separate micro-endowments of capital, each of which would be geared towards the restoration of a specific Trust property, is likely to enable a broader involvement of third parties, such as citizens, private investors or bank foundations, whose contribution would be primarily devoted to the funding phase and fostered by the transparency gain.

From a managerial point of view, facing the budgetary constraints that have been questioning the Public Sector monopoly in general interests care and the corresponding bottom-up initiatives aimed at preserving the common good “cultural heritage” (Ciaffi, 2015; Giglioni, 2016; Marchetti, 2017; Perrone 2017a; 2017b); the institution of Trust can be the ideal vehicle for creating a new inclusive ownership regime that may steer the work of the community-anchored TSOs, as the perfect intermediaries between commoning and commons (Lohman, 1992; Barnes, 2006; Bellanca, 2011; Bertacchini et al., 2012; Bailey & Mattei, 2013; Salamon & Sokolowski, 2016; Valentino, 2017), towards the necessary care of general interests (Bailey, 2012; Macdonald & Cheong, 2014; MISE et al., 2016; Tricarico & Zandonai, 2018; Venturi & Zandonai, 2018).

In practical terms, the joint action of the destination constraint and ring-fencing regime causes the TSOs selected as trustees to be seen as owners only on the paper. This is primarily due to the fact that trustee will be required to manage and administer the properties:

- in order to achieve the predetermined purpose posed by the Public settlor;

- by acting in the best interest of the beneficiaries;
- without being able to freely dispose of these assets;
- while taking into consideration the possible wishes of the Public Administration expressed in the letter of wishes, regarding the ways trustee is expected to achieve the end-results.

By weighing up all these aspects, in substance, Trust property remains somehow exposed at the requirements posed by the Public settlor, although both contractual autonomy and flexibility of Trust institution may allow to modulate in various ways the powers attributed to the various players involved, thus enlarging or circumscribing punctually the trustee's room for manoeuvre. By way of example, parties may agree upon a temporary transfer of Trust properties without any chance of renewal, so that, once achieved the purpose or once expired the pre-set deadline, the transferred assets will get back to the real estate of the Public settlor.

As a result, Trust property remains in the sphere of influence of the Public Administration which, instead of taking over as subject directly involved in management, limits itself to act as a regulator called to guarantee – either by availing itself with the work of an external protector such as the Superintendence or by acting directly, in case Public Administration itself, as settlor, is equipped with the powers of protector – the fulfilment of the obligations by trustee in favour of beneficiaries. In this sense, Public Administration may exercise the right to remove the assignee at any time, if he does not fulfil his obligations. With reference to the obligations binding the trustee to the beneficiaries, trustee is obliged to guarantee fair treatment to all the beneficiaries and to act in their best interests, otherwise beneficiaries have the power to stand against by asking for removing him.

On the whole, as evidenced by Figure 10 reported below, the institution of Trust should be led back to the collaboration pact, which, in turn, should be led back to the Public Governance mainstream. As a matter of fact, institution of Trust might pop up as one of the possible contractual form of any collaboration pact.

Institution of Trust, on its part, enacts a PPP contractual form based on trust, which, in turn, might be reckoned as a soft regulatory mechanism, alternative to the formal hierarchical authority (Bovaird, 2005; Moore & Hurlley, 2010; Torfing & Triantafillou, 2011). Even in the case it turns out to be more appropriate rejecting the contractual view of the collaboration pact by preferring to frame it as a legal transaction (*negotium*) (Gigliani, 2017), according to the substance over form principle, by looking at the ultimate purpose, Trust should be lead back to collaboration pact, whenever the latter is viewed as a generic trust-anchored shared administration form aimed at guaranteeing, through the care of a common good, benefits to a given community for whom that common good is meaningful and represents an interest worth to be protected. To confirm a close link between Trust and collaboration pact, Regulation of commons adopted by the Municipality of Chieri (located in the Turin metropolitan area), enshrines that the common good may be institutionalised either by taking the shape of a Mixed Foundation or a Community Land Trust or by accommodating new civic uses in the interest of future generations. Remaining on the Community Land Trust, the latter is termed as «*a transfer of property geared towards the pursuit of purposes related to the interest of the local community and administered in the interest of the same in an open and participated way*»²⁰⁴.

Collaboration pact, in turn, by embodying the ongoing macro-trends (the end of monopoly of Public Sector in general interest care and the emersion of bottom-up initiatives), should be led back to the Public Governance mainstream, given the integration of non-Public actors, the local communities, to turn public spaces and mere degraded monumental sites into symbolic spaces and aggregation poles, ready to be used by the same local communities (Di Lascio, 2017; LABSUS, 2017).

Once defined a Trust institution scheme, the resulting PPP contractual form is meant to empower the TSOs to co-produce, within the frame of a broader regeneration project of a cultural interest site, the public service “public enjoyment”. Collective co-production, as a joint action carried out by community (*a fortiori*, by community-

²⁰⁴ To read more about Regulation of Commons of the Municipality of Chieri: <http://www.comune.chieri.to.it/chieri-aperta/regolamento-beni> [2018].

anchored TSOs) to support public services and resulting in collective goods to the benefit of community (Bovaird et al., 2016), may represent an attempt to make use of existing social capital for achieving valuable outcomes and carrying on activities through which further social capital can be built (Bovaird et al., 2016). To this end, TSOs can benefit from a regulation offered by the Municipality or a financial contribution directly provided by the same (Sorensen, 2014), even in the forms of tax expenditures (Perrone, 2017a; 2017b), as well as TSOs may take advantage of funds indirectly made available by the Municipality itself, as in the already analysed case of the public call promoted by the “*Con Il Sud*” Foundation.

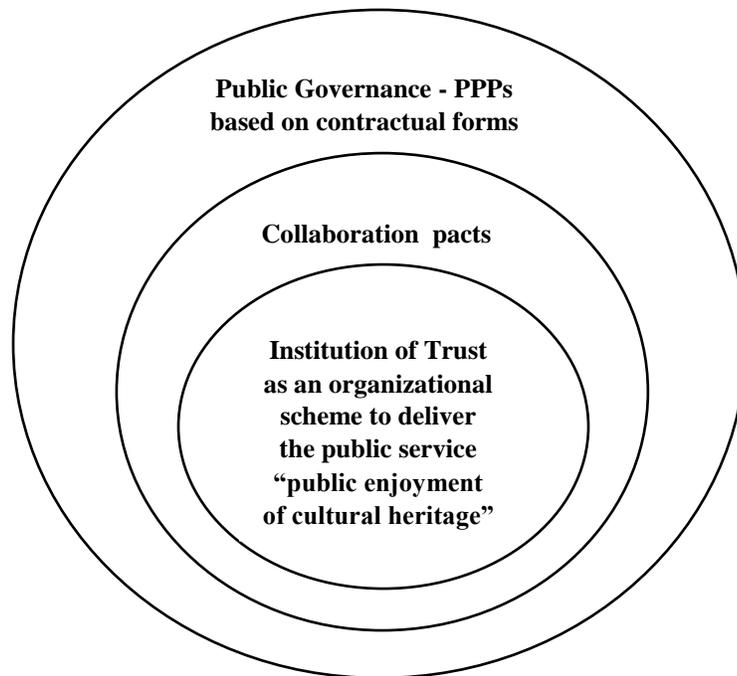


Figure 10. Interplays among the institution of Trust, Collaboration pacts and Public Governance.

5.6.6. The institution of Trust and the management of commons.

As a general rule, the institution of Trust is meant to accommodate the overwhelming bottom-up initiative wave, by selecting as trustees TSOs (*rectius*, community-anchored organizations), whose main task is to exploit the commoning attitude (Lohman, 1992; Barnes, 2006; Bellanca, 2011; Bertacchini et al., 2012; Bailey & Mattei, 2013; Salamon & Sokolowski, 2016; Valentino, 2017), in order to turn commons into driver of positive externalities benefiting a reference community

(Cottino & Zandonai, 2012; SII Task Force, 2014; Zandonai, 2014; Venturi & Zandonai, 2018).

Indeed, idea of using the institution of Trust as an institutional vehicle for granting a property to a TSO has already been endorsed by some scholars (Barnes, 2006; Bellanca, 2011; Ricci, 2013). Following this perspective, the institution of Trust fits perfectly with the *status* of cultural heritage as common good and with the purpose of safeguarding it (Barnes, 2006, Bellanca, 2011). As a matter of fact, the institution of Trust overcomes the public-private dichotomy, as the Trust property formally leaves the asset sphere of the Public Administration to merge with that of the TSOs, which are selected as trustees. Nevertheless, from a substantial point of view, as already explained, TSOs cannot be said to own the asset (Ricci, 2013), since they do not have the possibility to freely dispose of the asset and their usage is constrained by the requirements posed by the Public Administration, first of all the need to guarantee equal opportunities of access and enjoyment to each citizen, since the cultural heritage, understood as common good, is naturally linked to the exercise of fundamental rights and the development of human being (Chiti, 1998; Sciullo, 2003; Rodotà Commission, 2007; Montella, 2009; Macalli, 2015). Besides, by identifying as assignees the TSOs, in the light of the outcome-oriented approach – which is inherent to the TSOs – the entrusted cultural asset, at least on paper, would be anchored to a purpose recognized as socially relevant, which would outweigh any economic interest (Salamon et al., 2000; Evers & Laville, 2004; Guzzo, 2010; Bailey et al., 2012; Byrnes, 2014; Salamon & Sokolowski, 2014, 2016), without, however, overlooking the sustainability issue (Jäger & Beyes, 2010; Hoffmann, 2011; Maier et al., 2016).

Hence, the institution of Trust, due to its peculiar operating scheme, aligns itself with the Gramscian conception of “conflict of hegemony”, reckoned as common thread of all the commons-based experiences up to now recorded, since commons pop up as an “umbrella-claim” able to embody both public policies developed by Institutions and urban mobilisations carried out by social movements (Pecile, 2018).

The institution of Trust, as a possible shared administration scheme, is bound to affect each of the key phases related to the management of the commons (Salvatori, 2018).

First, the institution of Trust could accommodate the implementation of a constructive design phase. Starting from the assumption that the afore-mentioned 2016 Code of the Third Sector (Law n.106), via one of its Implementing Decree, the Legislative Decree n. 117 of 2017, has provided for co-programming and co-planning (article n.55), thus putting an end to the monopoly of the Public Actor concerning the design phase; the institution of Trust may trigger even since the beginning a fruitful co-design process aimed at sorting out a multi-dimensional functional program that may pilot both the regeneration of a cultural interest site and the start of a business activity. Going in detail, TSO selected as assignee is expected to guarantee the accessibility and the maintenance of any cultural interest site over time by leveraging the pre-set business activity (Mattei, 2017b). Besides, in the same way of the Community Development Trust, TSO is expected to create a community wealth ranging from jobs for local people, the building of local skills up to the social issues solving, thus generating a lasting impact, in terms of the renewal and improvement of an area (Development Trusts Association Scotland, 2011; Bailey, 2012).

As a result, the design phase prompts to define a solid partnership strategy, within which to identify the selected economic and social activities, to establish a value map and, from the point of view of the Public Administration, to ascertain that TSOs, as assignees, are equipped with leadership resources, entrepreneurial skills and deep scaling skills, understood as the capability to solve the problem in a unique and non-replicable way. This entails that the design phase will have also to be oriented towards a story building process, a consensus building process, to such an extent that it is crucial to learn from mistakes to trigger iterative redesign processes and learning capture process.

Ultimate goal is not only to facilitate the acceptance of the TSOs but also to make local community aware of how crucial the socio-economic activities the TSOs are supposed to undertake are.

Design process must be tailored to the kind of asset constituting the Trust property, by splitting it up – if necessary and if its size allows it – into different parcels to be assigned to different trustees. Likewise, the flexibility of the institution of Trust, by exploiting the full bargaining freedom of the parties, could enable to operationalise gradually the project, for example by enacting a proof of concept, making it visual and tangible, by testing it on the field as prototype and checking if it works or not.

Secondly, the surplus of transparency obtained thanks to the ring-fencing regime of the institution of Trust, could increase the fundraising capacity of the TSOs.

Fundraising, understood as a balance between internal and external resources, recalls the need to rely on a composite funding base ranging from grants up to equity/debt. On the one hand, grants comprise:

- community funding, namely looking for resources within the reference community, reckoned as a lever that must be absolutely toggled earlier than any other one, in line with the afore-mentioned consensus building process;
- Crowdfunding;
- foundations (both banking and other), as a source of co-financing that supports the validity of the project;
- European funds (ESI funds and ERDF funds).

On the other hand, Equity/debt encompasses:

- bank credit (with the annexed problem of guarantees to offer, which requires to come up with complex solutions to circumvent this critical issue);
- social micro-credit, consisting of small loans not covered by collateral and associated with tutoring and coaching services;
- social bonds, namely bonds issued recently by Italian banks prone to support social innovation initiatives. These bonds are likely to offer the underwriters a yield, which is in line (or below) the ordinary yield offered by the market. Indeed, underwriter are willing to renounce to a predetermined margin of the yield, given that funding collected by

issuing these bonds will be allocated, either as liberalities or financial resources offered in a convenient way, to projects equipped with a high level of social impact;

- venture philanthropy, termed as *«high level of engagement of the funder in the organisation being supported (such as, charities, social enterprises or socially driven commercial businesses), over an extended time period, by injecting skills or services in addition to finance»* In Italy, it is worthwhile mentioning “*Oltre Venture Capital*”, the first social venture capital society²⁰⁵²⁰⁶;
- Social Venture Incubator, such as Make a Cube, the first business incubator devoted to start-ups with high social and environmental value. Such an organization aims to start up and support start-ups, small profit / non-profit companies and large companies in the development of initiatives able to generate a positive impact on the environment and society, by supporting them in the definition of partnership and financing agreements and in the search for sources of financing²⁰⁷;
- Social shares, through which it is possible to invest directly in the social capital of companies with a high social impact degree;
- The additional social impact investing instruments present in Italy, through which social cooperatives, banking foundations, social enterprises, private investors, institutional investors, NPOs, credit institutions and corporate philanthropic foundations are all together

²⁰⁵ To read more about venture philanthropy: R. John (2006). Venture philanthropy: The evolution of high engagement philanthropy in Europe. Available on: <http://eureka.sbs.ox.ac.uk/745/1/VenturePhilanthropyinEuropeRobJohnspaper.pdf> [2018].

²⁰⁶ To read more about Oltre Venture Capital: <http://www.oltreventure.com/oltre-1-caratteristiche/> [2018].

²⁰⁷ To read more about make a cube: <http://makeacube.com/make-a-cube3> [2018].

committed to promote the well-being of communities by supporting the growth of social entrepreneurship (SII Task Force, 2014)²⁰⁸.

Basically, Social Impact Investing (SII) encompasses all the investment activities in companies, organizations and funds that operate with the aim of generating a measurable social impact, compatible with an economic return. In short, SII is distinguished by:

- the intentionality of the investor to generate a social impact;
- the expectation of an economic return that motivates the investor;
- the flexibility of the expected rate of economic return that can be positioned below the average market yield or in line with market yields;
- the variety of financial instruments used and the forms of intervention ranging from debt to pure equity;
- the measurability of outcomes, which is fundamental for ensuring transparency and accountability (SII TASK Force, 2014).

Faced with the crisis of the Welfare State and an invisible hand of a market (globalized and digital) that creates iniquity, SII would bring out a third guiding variable in investment choices; no longer only risk and return assessments, but also the social outcomes investments may produce, while the financial architectures would be implemented in order to make that outcome sustainable and profitable (SII Task Force, 2014).

By overcoming a perspective based exclusively on the achievement of individual outputs, SII opts for funding models grounded in the payment by result principle and on the added value of PPPs, in line with the overwhelming outcome-oriented approach and the necessary involvement of private investors, given the stringent budgetary

²⁰⁸To read more about the SII tools spread out in Italy: *La finanza che include. Gli investimenti ad impatto sociale per una nuova economia. Rapporto Italiano della Social Impact Investment Task Force istituita in ambito G8*. Available on: <http://www.fondazionetica.it/wp-content/uploads/2017/04/Rapporto-Italiano-della-Social-Impact-Investment-Task-Force.pdf> [2018].

constraints that are questioning the current monopoly of Public Sector in general interests care and the annexed Welfare State Model (SII Task Force, 2014). In many cases, the savings obtained by the Public Sector following the achievement of the expected social outcomes thanks to the NPOs work would be shared between the Public and Private Sectors, constituting the economic reward for the private investor, as envisaged by the functioning scheme of the Social Impact Bond (SIB)²⁰⁹.

Nevertheless, some scholars have questioned the benefits deriving from the rise of the SII and the belief that SII might be conducive either to increase the demand or to support the supply of services provided by social enterprises. According to some, in fact, if SII requires that interventions to be funded is expected to produce a social impact to be reported to the underwriters, it is evident that only services with a

²⁰⁹ Usually, SIB complies with the following scheme: an intermediary, basically coinciding with a bank, in agreement with a Public Body, issues social bonds by offering them to private investors, who provide the capital necessary to support a social outcome-oriented project. The intermediary gives the money obtained through the SIBs to NPOs that are called to provide the services envisaged in the project. Through their activities, NPOs should ensure the attainment of the expected social outcomes that relieve the public sector from the obligation to respond to needs potentially linked to the emersion of future social risks. As a matter of fact, such risks are likely to be neutralised in advance by the work of these NPOs. If the project, following an assessment made by an independent body, meets the quality standards imposed at the time of issuance of the bonds, the public body is required to pay the amount due plus a predetermined percentage to the intermediary, which, in turn, will pay these sums back to the investors who provided the initial capital. In case the project does not meet the required standards, the public body is not required to pay any sum of money. For the first time, SIB was tested in the UK, in terms of a PPP that allowed the British Government to catalyse private investors on a project aimed at reducing the rate of recidivism and encouraging the reintegration into society of Peterborough prisoners.

In this case, the basic scheme of the financing provided that Social Finance, the intermediary body, collected the capital and invested it in the social enterprises that could have contributed to the solution of the problem, by promising investors the return of capital and a proportionate return to a social outcome to be achieved, measured by an independent evaluator in terms of reducing the rate of recidivism in the reference population. Agreement made with the Big Lottery Fund and the Ministry of Justice provided for an interest payment only if there would have been a reduction of the rate of recidivism of at least 7.5 percent. Since the reduction average rate reached in the different cohorts treated has been about 9%, it was made a payment to investors that was equal to a 3% per year. The commitment of the Public Administration would not create imbalances in the public budget because the payment of the interests is offset by the future savings obtained through the intervention of the social enterprises empowered, which have neutralised the emersion of future social risks. Along the lines of the Peterborough case, in 2017 it has been issued the first SIB in Italy, which has been endorsed by Human Foundation and Foundation “*Sviluppo e Crescita Cassa di Risparmio di Torino*”, with the view of diminishing the recidivism rate and helping the former prisoners to be integrated in the society. To read more about Peterborough case: <http://nova.ilsole24ore.com/frontiere/social-impact-bond-la-fiducia-ce/>; <https://www.civilsociety.co.uk/news/peterborough-social-impact-bond-investors-repaid-in-full.html> [2018].

To read more about the first SIB implemented in Italy: https://www.huffingtonpost.it/2017/06/12/parte-il-primi-social-impact-bond-per-il-welfare-in-italia-lob_a_22137567/ [2018].

measurable impact will be financed. But since many welfare interventions are geared towards creating widespread and difficult to measure effects such as a greater social cohesion, there is a serious risk that the diffusion of SII ends up with threatening the very idea of welfare (Borzaga & Fontanari, 2018)²¹⁰.

In the light of the low levels of risks (and, therefore of economic returns) generally characterizing the socially useful activities²¹¹ and the critical issues related to the measurability of welfare interventions to be offered to the investors, a few stated that, in order to expand their activities and their presence in new sectors, more than a higher flow of social impact investments, TSOs might need merely a dedicated, patient and exclusive finance, totally or almost disinterested in economic returns and mainly concerned with social outcomes (Borzaga & Fontanari, 2018). This finance should be managed by dedicated institutions that already exist²¹² and which, if anything, only need to be integrated and supported by some new tools. Among these new tools, there might be further means of intensifying bonds with the banking system, innovative equity or bond-like financial instruments, devised to raise money from savers, as well as “special philanthropic-like funds”, created and managed by non-profit entities that until now have exclusively or almost financed the service management and that they might start allocating part of their disbursements to support investments (Borzaga &

²¹⁰ Moreover, it is not clear whether SII is aimed at avoiding negative impacts or at achieving positive impacts, assuming that positive and negative impacts have different implications in terms of risks and returns (Borzaga & Fontanari, 2018).

²¹¹ By looking at the Italian context, evidences gathered concerning the 2008-2015 period have brought out that Italian social cooperatives have not experienced any particular hurdle in obtaining funds from the banks, since they have been traditionally reckoned as “clients having low risk profiles” Overall, social cooperatives have been capable to mobilize the capital necessary for the pursuit of the social objectives. Indeed, activities carried out by social cooperatives are traditionally ascribable to sectors where long-term financial investments are not particularly relevant, whilst human capital is likely to emerge. The lower capitalization of social cooperatives with respect to joint-stock companies is due to the fact the activities usually carried out by social cooperatives require lesser financial resources, in the light of their prevailing labour-intensive nature as well as the crucial role played by current assets, which, anyway, are likely to guarantee a surplus of liquidity and a higher return on investment, in the forms of higher revenues per euro of capital invested respect to the joint-stock companies and a high capital turnover level (Borzaga & Fontanari, 2018).

²¹² With this regard, it is primarily made mention of the bank foundations, which, by Law or bylaws, already allocate their resources to organizations that pursue social goals. To read more: <http://www.ilgiornaledellefondazioni.com/content/finanza-d%E2%80%99impatto-pi%C3%B9-ricerca-e-meno-narrazioni> [2018].

Fontanari, 2018). Not by accident, Legislative Decree n. 112 of 2017 states that, , once deducted any losses accrued in previous years, the social enterprise, set up in the company legal forms referred to in the fifth book of the Italian Civil Code, may allocate less than fifty percent of yearly profits and operating surpluses both to fuel the free of charge increase of the share capital subscribed and paid by shareholders or to boost free donations in favour of other TSOs, differing from social enterprises, provided that these entities are not founders, associates, company members or companies controlled by the social enterprise and they are aimed at promoting socially useful purposes²¹³.

To date, given the proliferation of a plurality of social needs (among which, there is also culture²¹⁴), a standardized response as that one embodied in the traditional Welfare State Model is no longer sustainable.

Facing the ongoing end of Public Sector monopoly in general interests care and the annexed crisis of the Welfare State, the institution of Trust could be a valid eco-system where to align supply and demand and where ring-fencing regime and the surplus of transparency:

- could strengthen the role of Public Administration as efficient builder of inclusiveness and “purchaser” of social services that must produce the maximum possible outcome facing an ever-decreasing public spending effort. In particular, Public Administration will select as trustee a community-anchored TSO whose project will be more conducive to achieve the expected outcomes and to regenerate an unused and unusable publicly-owned spaces, thus meeting the community needs;
- given the efforts made by Public Administration in selecting trustees and therefore in certifying their commitment towards the attainment of the expected outcomes and their suitability (at least, on paper) respect to this purpose, could allow to attract the social impact investments or, more easily,

²¹³ In these cases, a partial distribution of profits to the lenders or in favour of other TSOs would not conflict with the aims of the social enterprises and would not question their nature as NPOs (Borzaga & Fontanari, 2018).

²¹⁴ With this regard: <http://www.secondowelfare.it/terzo-settore/appunti-per-una-definizione-di-welfare-culturale.html> [2018].

special philanthropic-like funds granted by social enterprises or by any private actor benefiting the trustees, without prejudice to the chance of providing the private funder (such as corporate philanthropic foundations and banking foundations) with the right to identify directly the best enhancement solution, as in the case of the public calls issued by “*Con il Sud*” Foundation;

- could hinder any transfer or disposal of the asset (asset-lock), thus binding the organization to its social mission (SII Task Force, 2014).

Overall, TSOs, which receive the commons are required to undertake a diversification strategy, in which the awareness of the end use of sums, which is inherent to the ring-fencing regime, could allow to acquire from the various sources mentioned above not only the financial resources needed but also the non-financial ones. The external resources, together with the internal ones, are bound not only to fuel the fixed assets investments (capex) but also to cover operating costs, first of all the cost of personnel (opex). In any case, to achieve a long-term sustainability it can be also decided to resort to partnerships with other TSOs, in order to split up risks and costs that otherwise, would be hard to bear. Moreover, Trust institution in itself might allow the appointment of more than one trustee acting on the same Trust property This would give the opportunity to separate responsibilities and tasks, without, however, questioning the joint and several liability of the trustees towards the beneficiaries (Macalli, 2015)²¹⁵.

Vice-versa, the third phase of the management of the common assets is that relating to the establishment of a management and a governance network that may fit in with the simultaneous pursuit of economic, social and environmental sustainability. To do this, they are needed skills, open innovation and engagement, following a logic of continuous improvement of the business model. The greater margin of manoeuvre granted by the institution of the Trust to the assignee, although within a playing field

²¹⁵ In other words, each trustee accounts for his actions and it is required to take action as soon as he becomes aware of a violation committed by another trustee (Macalli, 2015).

marked out by the Public Administration, can allow the manager of the common good to take care of its various tasks, such as:

- taking on a cause recognized as socially useful by a reference community;
- managing a community hub;
- designing of a service geared towards the user experience;
- acquiring the necessary resources by diversifying the sources of supply.

These tasks must be carried out by preserving sustainability over time and by retaining a transparent and responsible multi-stakeholder approach, in which to align and balance the interests of institutional and individual investors, users, beneficiaries and Public Administration requires leveraging on informal participation mechanisms, such as trust (SII Task Force, 2014).

Lastly, the stability and transparency of the Trust's governance model could also allow progress on the accountability dimension. Specifically, clear assumption of responsibility in the eyes of the Public Administration, the lenders and the community can generate a long-lasting trust. The lean organizational scheme of the institution of Trust allows to immediately identify who is responsible for doing what.

Soft power of trust is bound per se to steer the shared administration form, so that any attempt to acquire resources needed from any source will be successful or not, depending on the trust degree conveyed and in the light of the mission of the trustee, the expected outcomes to be produced and the actual ones achieved.

The institution of Trust and the resulting surplus of transparency may satisfy the transparency need related to projects that are naturally under a permanent scrutiny, given the crucial importance that the commons have for a reference community. The transparency gained through the institution of Trust is likely to reinforce a well-structured and clear reporting process, which is supposed to affect the behaviour of interested stakeholders: by bringing out which measures have been adopted to gauge outcomes; by pointing out the requested or achieved outcomes; by taking into account (and / or describing) changes due to inertia, decline over time and any other relevant effects; by describing the subsequent dissemination process, in which the stakeholders

are duly requested to intervene (SII Task Force, 2014). Eventually, the Trust scheme is likely to be integrated by the benefits of an increasing involvement of the community, since the higher level of accountability becomes a means to foster further trust.

Increasing the community involvement degree entails the chance to take advantage of its suggestions and indications, in order to improve the business model undertaken or to correct the route.

Overall, effects of the institution of Trust on each of the phases pertaining to the management of commons have been listed in Table 4 reported below.

Phases of management of commons	Effects of the institution of Trust
Design	it promotes co-design, by sorting out a multi-dimensional functional program, (if necessary, gradual), which includes the restoring of the cultural interest site and the start of business and social activities
Fundraising	Transparency surplus and certainty on the end use of the resources made available allow to diversify the sources of financing and to better intercept new possible sources, such as the social impact investing or, more easily, special philanthropic-like funds
Management <i>stricto sensu</i> and governance	The greater room of manoeuvre granted to the assignee, while moving within the boundaries of a playing field marked out by the Public Administration, can give the manager of commons the opportunity to take on his tasks, while always adopting a multi-stakeholder approach and leveraging on informal participation mechanisms, such as trust.
Accountability	the stability and transparency of the Trust governance model could ensure to clearly identify who does what, by making evident a collective and open assumption of responsibility towards anyone. At the same time, a higher level of accountability can further fuel the community engagement

Table 4. The institution of Trust and the management of commons.

5.7. Applying the institution of Trust to the “cultural commons” of the Municipality of Palermo: the DPM Chart.

In the present case study, the DPM Chart aims to bring out, in a nutshell, three complementary policies, whose usage would be fostered by the key properties of Trust, namely the ring-fencing regime and the destination constraint. These three policies are expected to produce the expected end-results, meaning the reduction of the quota of degraded cultural heritage belonging to the Municipality of Palermo and the corresponding increase of restored cultural heritage. Besides, DPM Chart is expected to depict the outcomes deriving from restoring and enhancing the currently-degraded cultural heritage to the advantage for the reference community and to explain to what extent such a virtuous cycle may maintain itself over time.

Starting from the assumption that cultural heritage should be reckoned as a common good, as internalized by the operating scheme of the Trust, DPM Chart has been geared towards detecting the causal relationships among the most relevant variables at stake and towards classifying them in strategic resources, performance drivers and end-results, on condition that their relevance is determined by their being suitable compared to the research aims to be pursued.

According to the logical sequence “strategic resources-> performance drivers -> end results”, devised to emphasize the decision-making process; strategic resources represent the natural starting point, as they refer to accumulated resources, ready to be exploited, deployed or enhanced. In this case, among the strategic resources, it is possible to distinguish:

- “potential users”;
- “users”;
- “calls promoted by bank foundations”;
- “IMU cumulated revenues”;
- “TOSAP cumulated revenues”;
- “budget assigned to protection and enhancement of cultural heritage and activities”;
- “personnel devoted to public enjoyment service”;

- “cultural heritage already inventoried”;
- “degraded cultural heritage”;
- “heritage restored”;
- “quality of life of the city of Palermo”;
- “goods and services”;
- “fixed investments”.

Among these strategic resources, it is possible to identify different kind of resources, such as physical resources, financial resources or resources resulting from internal routines like “quality of life of the city of Palermo” (Bianchi, 2016). These strategic resources are strictly intertwined each other, as witnessed for instance by the close interplay between the financial resource “budget assigned to protection and enhancement of cultural heritage and activities” and the following resources: “personnel devoted to public enjoyment service”, “goods and services” and “fixed investments”. In fact, “personnel devoted to public enjoyment service”, “goods and services” and “fixed investments” represent some of the most significant expenditure items of the mission “Protection and enhancement of cultural heritage and activities” reported in the financial statements the Municipality of Palermo.

“Personnel devoted to public enjoyment service” stock per se is bound to determine the actual personnel-heritage ratio. The latter acts as a performance driver either by feeding or stopping the inflow “cultural heritage at risk”, flowing into the stock “degraded cultural heritage”. Indeed, whenever the “actual personnel-heritage ratio” is lower than the “normal personnel-heritage ratio”, this would testify an imbalance between the workforce and the breadth of the cultural heritage already inventoried and ready to be enjoyed, owned by the Municipality of Palermo, thus increasing the size of the degraded cultural heritage quota. Conversely, the strategic resources “potential users”, “users”, “calls promoted by bank foundations”, “IMU cumulated revenues” and “TOSAP cumulated revenues” are meant to fuel the three complementary policy levers deployed to generate the expected end-results.

Indeed, by crossing the already mentioned Anglo-Saxon categories of community-anchored organizations (Aiken et al., 2011), with the management of commons filtered

by the institution of Trust, it can be seen that the three kinds of organizations under scrutiny (stewards, community developers, entrepreneurs), complying with an increasing order of managerial complexity, may lead to three different gradations of community-driven regeneration process. Such a multi-sided regeneration process could be encouraged by the intrinsic flexibility of the Trust institution, which, in turn, can be tailored to the managerial requirements ascribable to each of the three community-anchored organizations identified as trustees, to such an extent that:

- the stewards could act as assignees of degraded cultural commons that can be recovered by relying on the funding stemming from the reference community or at maximum by drawing on what is possible to collect by a crowdfunding system, assuming that their intervention is likely to be successful in contexts where the investment scale required for site recovery is limited and local community is characterized by a strong sense of belonging;
- the community developers, by looking up to the case of the calls promoted by the “*Con il Sud*”, Foundation, could take advantage of *ad hoc* calls promoted by bank foundations or, by broadening the scope, they could benefit from any support form offered by any private actor;
- the entrepreneurs could bear the weight of the most economically burdensome forms of cultural heritage recovery, by leveraging mainly on tax reliefs, in line with what has been already posed by Regulation of Commons of the Municipality of Bologna.

DPM Chart first acknowledges the role of the user base in strengthening the crowdfunding funding channel, in order to increase the chances of recovery of the degraded cultural heritage. In parallel, any Municipality may “outsource” the power to select TSOs and it may indirectly provide them with any financial resource needed by counting on a bank foundation or, *a fortiori*, any private actor, for instance within the frame of *ad hoc* public calls, which are meant to fuel the recovery of degraded cultural sites proposed by the same Municipality. Likewise, tax reliefs related to the

two taxes under scrutiny, IMU and TOSAP, could directly enable the TSOs to cater for the care of the currently degraded cultural heritage.

Each of these three policy levers, within the boundaries of the Trust institution, should act in addition to the efforts made by the Municipality (both in terms of sums provided for restoring the degraded cultural heritage and in terms of personnel employed to guarantee the public enjoyment of any cultural site), thus allowing to bypass the stringent budget constraints and the lack of personnel, witnessed by the difficulties to keep the actual personnel-heritage ratio higher than the normal one, with reference to the sole quota of cultural heritage already inventoried belonging to the Municipality.

Performance driver "ring-fencing effect" stemming from the strategic resource "cultural heritage degraded" hints at the benefits arising from the higher level of awareness of the end-use of the sums and the transparency gain due to the establishment of micro-endowments of capital exclusively devoted to the refurbishment of each cultural asset object of Trust, within the boundaries of a stable and clearly defined Trust governance model. A further destination constraint, next to that one referred to any capital endowment made available for each refurbishment project, would affect each cultural asset object of Trust, since the TSOs selected as assignees, in the light of the *status* of cultural heritage as common good, are required to at least ensure the accessibility and the public enjoyment by anyone.

The performance driver "ring-fencing regime" and the improvement of the quality of life of the city of Palermo eventually achieved (which, in turn, is bound to fuel a further performance driver, the "QOL effect"), are together intended to fuel the so-called "commoning effect". The latter refers back to the afore-mentioned "commoning" attitude (Negri & Hardt, 2009; Bertacchini et al., 2012; Harvey, 2012; Bailey & Mattei, 2013; Vasudevan, 2015a; Valentino, 2017), which stands against the ongoing stage of the Capitalist system, the so-called "Capitalism 2.0", thus recommending to institutionalize cultural heritage management forms embodying the cultural heritage conception as common good (Barnes, 2006). Specifically, commoning effect echoes back to the willingness of active citizens, through the filter of TSOs and

within the frame of the institution of Trust to take on the cultural heritage restoration and enhancement tasks by benefiting from the three pre-set policy levers and with the view of achieving some remarkable outcomes benefiting a local community.

Differently from the previous performance drivers, both “ring fencing effect” and “qol effect”, whose sum represents the “commoning effect”, have been defined depending on the sole value of the stock from which they arise and without taking into consideration any target.

Overall, the following performance drivers can be identified:

- “crowdfunding ratio”;
- “calls ratio”;
- “tax reliefs ratio”;
- “actual personnel-heritage ratio”;
- “ring fencing effect”;
- “QOL effect”;
- “commoning effect”.

Performance drivers, in turn, are destined to produce the following end-results:

- as outputs measures: “cultural heritage at risk”; “heritage to be restored”; “new calls”; “change in crowdfunding base”; “IMU tax reliefs”; “TOSAP tax reliefs”;
- as outcomes measures: “social cohesion”, “effect on job opportunity”; “urban regeneration”, as 1st level outcomes; “change in QOL”, as 2nd level outcome.

In terms of output measures, the actual personnel-heritage ratio is intended either to slow down or increase the inflow “heritage at risk” flowing into the stock “degraded cultural heritage”. The three policy levers (crowdfunding, calls and tax reliefs) would add up to the financial effort of the Municipality, in the attempt to feed the inflow “heritage to be restored”. Vice-versa, commoning effect – expressed in relative terms, by parameterizing it to the digitalisation rate – is likely to persuade potential users to increase the base of users that supports crowdfunding

campaigns, as well as the commoning effect can trigger the increase of the calls promoted and can boost the tax reliefs, considering the enhancement of quality of life achieved thanks to the usage of the three policy levers and the transparency surplus arising from the ring-fencing regime.

Concerning the outcome measure, the recovery of cultural assets gauged in terms of the increase of the stock “heritage restored”, is destined to:

- determine an increase of social cohesion, following the constitution of new aggregative poles of community use;
- pave the way for the direct or indirect creation of job opportunities;
- stimulate the urban regeneration of degraded urban areas.

The combined effect of these three 1st level outcomes is bound to fuel the “change in QOL”, reckoned as a 2nd level outcome. Change in quality of life, as mentioned before, together with the ring-fencing regime, acts as a reward aimed at making such a virtuous cycle stabilize over time, thus fostering the recovery of the currently degraded cultural heritage.

If the DPM Chart, depicted in Table 5 reported below, stands out as a control panel called to depict synthetically the key relationships and the dynamics responsible for generating the expected end-results, to go through the SD model will allow to elicit analytically the causal relationships, the delays, the non-linear relationships, the feedbacks and the trade-offs in time and space among the different system variables, which are considered relevant compared to the research aims to be pursued.

DPM CHART	
Strategic Resources	<ul style="list-style-type: none"> • “potential users”; • “users”; • “calls promoted by bank foundations”; • “IMU cumulated revenues”; • “TOSAP cumulated revenues”; • “budget assigned to protection and enhancement of cultural heritage and activities”; • “personnel devoted to public enjoyment service”; • “cultural heritage already inventoried”; • “degraded cultural heritage”; • “heritage restored”; • “quality of life of the city of Palermo”; • “goods and services”; • “fixed investments”
Performance drivers	<ul style="list-style-type: none"> • “crowdfunding ratio” ; • “calls ratio”; • “tax reliefs ratio”; • “actual personnel-heritage ratio”; • “ring fencing effect”; • “QOL effect”; • “commoning effect”
End-results	<p><u>Output measures:</u></p> <ul style="list-style-type: none"> • “cultural heritage at risk”; • “heritage to be restored” ; • “new calls”; • “change in crowdfunding base”; • “IMU tax reliefs”; • “TOSAP tax reliefs” <p><u>Outcome measures:</u></p> <p>1st level outcomes → “social cohesion”; “effect on job opportunity”; “urban regeneration”,</p> <p>2nd level outcomes → “change in QOL”</p>

Table 5. DPM chart applied to the restoration and enhancement of “cultural commons” of the Municipality of Palermo.

5.8. Applying the institution of Trust to the “cultural commons” of the Municipality of Palermo: the SD Model.

5.8.1. The Cultural heritage Chain.

The following SD model embraces a time horizon of five years (from 1-1-2018 to 1-1-2023). Ideally, such a time horizon coincides with what is the ordinary duration of an electoral mandate, as any Municipality could decide to accommodate such a on a large scale-project of restoration and enhancement of the currently-degraded cultural heritage and it could see the results already before the electoral mandate expiry.

A crucial starting point for assessing the cultural heritage management system of any Municipality is represented by the recognition of the budget allocated to the mission “Protection and enhancement of cultural heritage and activities”. In the present case study, it has been assumed the value of the budget allocations taken from the estimated budget for the three-year period 2017-2019 of the Municipality of Palermo (latest available data)²¹⁶. More in detail, given that to the moment wherein this research has been carried out the estimated budget for the three-year period 2018-2020 has not been drawn up yet, the stock “budget assigned to protection and enhancement of cultural heritage and activities”, understood as a financial resource, has been initialized by adopting the value of budget allocations referred to the year 2017. Reason behind such a choice has been that for this year the estimated budget for the three-year period 2017-2019 has an authorization value. Hence, instead of resorting to a mere estimation pertaining to the 2018 and taken out from the estimated budget for the three-year period 2017-2019, it has been decided opting for the value pertaining to the year 2017, thus assuming a mere equivalence between 2017 financial situation and that one pertaining to 2018, because 2017 budget value embodies somehow a regulatory and budgetary constraint, considering that the sums spent can never exceed what has been allocated.

Vice-versa, the budget inflow has been calculated by multiplying the budget by a fixed rate, such as to depict, as shown by Figure 11, a quasi-linear decrease of the sums provided for the mission “Protection and enhancement of cultural heritage and

²¹⁶ To catch a glimpse of the estimated budget for the three-year period 2017-2019 budget of the Municipality of Palermo: <https://www.comune.palermo.it/bilancio.php?sel=1&per=2017-2019> [2018].

activities”, once detected a similar trend on the basis of the past financial data and the forecasted ones referred to the years 2018 and 2019.

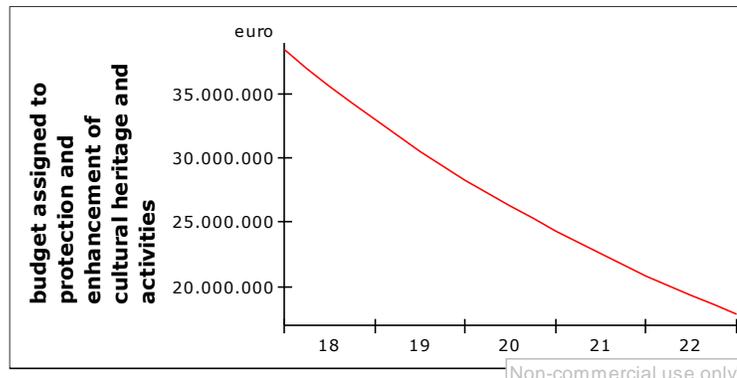


Figure 11. SD Model Behaviour of budget assigned to the Mission “protection and enhancement of cultural heritage and activities”.

Within the boundaries of the SD model built up, the available budget is destined to fuel the people endowment in charge for ensuring the accessibility of cultural assets, the fixed investments and the purchases of goods and services. Goods and services and fixed investments have been represented as financial resources by assigning them a monetary value, such that their inflow has been calculated as the overall budget multiplied by a fixed percentage. The latter has been calculated as the ratio between what is allocated for each of these two expenditure items and the overall mission budget.

Vice-versa, personnel devoted to the public enjoyment service, has been modelled as a physical resource. In fact, unlike the other expenditure items, personnel stock has been gauged in terms of people and it has been initialized by resorting to the 2016 Managerial Report (*Rapporto di Gestione- Anno 2016*) of the Municipality of Palermo (latest available data)²¹⁷. Specifically, to define the personnel dedicated to guarantee the accessibility of the cultural heritage owned by the Municipality of Palermo, focus has been shifted onto the number of people employed at 31 December 2016 in the following services: “museums and exhibition spaces (*musei e spazi espositivi*)” and

²¹⁷ To read more about the 2016 Managerial Report (*Rapporto di Gestione- Anno 2016*) of the Municipality of Palermo: https://www.comune.palermo.it/js/server/uploads/trasparenza_all/07022018104600.pdf [2018].

“ethno-anthropological spaces (*spazi etnoantropologici*)”. Overall in these services, about 129 people were employed at 31st December 2016²¹⁸.

Concerning the inflow referred to the stock under scrutiny, first of all it has been necessary to define the fixed percentage “weight of personnel devoted to public enjoyment service”. The latter has been calculated as one third of the ratio between the amount allocated for the personnel expenditure item and the overall mission budget, since the personnel employed to keep safe and accessible the cultural assets represents almost one third of the entire cultural sector workforce, as it can be seen from the cultural sector overview provided by the 2016 Managerial Report (Figure 12).

36000 AREA DELLA CULTURA								
FSD + Descrizione Sett.	Dipend del Serv./UIT.	Costo del personale	Costo per conduzione tecnica Sigpi	Quota spese per Utenze (luce, acqua e gas)	Quota spesa fissa, mobile, connettività e manutenzione linee telefoniche	Spese per acquisti beni, servizi e minime spese	Spese per Missioni	Totale costi
36101 DIRIGENTE DI SETTORE/CAPO AREA	132	€ 3.253.911,60	€ 241.783,40	€ 260.376,84	€ 15.242,45	€ 36.427,92	€	€ 3.807.742,20
36102 SERVIZIO SISTEMA BIBLIOTECARIO E ARCHIVIO CITTADINO	134	€ 3.165.389,29	€ 306.054,93	€ 95.781,58	€ 14.576,11	€ 9.820,15	€	€ 3.591.722,05
36104 SERVIZIO MUSEI E SPAZI ESPOSITIVI	99	€ 2.497.296,07	€ 94.877,03	€ 210.035,07	€ 9.096,60	€ 7.046,59	€	€ 2.818.351,31
36105 SERVIZIO SPAZI ETNOANTROPOLOGICI	30	€ 949.724,87	€ 64.271,54	€ 13.660,71	€ 4.086,29	€ 2.148,08	€	€ 1.033.891,48
Totale	395	€ 9.866.321,83	€ 706.986,90	€ 579.854,14	€ 43.001,44	€ 55.542,74	€	€ 11.251.707,04

Figure 12. Source: 2016 Managerial Report of the Municipality of Palermo (latest data available). Overview about the personnel employed in the Cultural Sector belonging to the Municipality of Palermo.

Once defined this fixed percentage, inflow of personnel stock has been defined as follows:

IF budget assigned to protection and enhancement of cultural heritage and activities * weight personnel devoted to public enjoyment service > Minimum level of personnel expenditure THEN change in personnel would be equal to personnel retired otherwise 0<<people/year>>.

Minimum level of personnel expenditure, in turn, has been determined by multiplying the average wage per unit by the actual requirement of personnel, whose

²¹⁸ This figure turns out to be an approximation of the actual amount of personnel responsible for ensuring the usage and the public enjoyment of the sites of cultural interest, also in the light of the further workers employed belonging to private companies who won the tender for providing public services. In any case, the recourse to these workers would reduce further the available mission budget.

measure is strictly linked to the amount of cultural heritage owned by the Municipality and the personnel-heritage ratio required to ascertain that the public enjoyment public service is carried out complying with the regulatory constraints.

Broadly, the above-shown formula would somehow internalize the budgetary constraints and, in case there were margins to possibly hire new units, it would account for the possibility to replace just the ones that got retired, whilst, in case of insufficient resources, there would be no possibility of hiring new units.

Sums made available by the Municipality for the mission, in turn, would be used to fund any restoration project of degraded cultural heritage, wherever possible. In particular, sites recoverable, viewed as those degraded sites whose restoration is reckoned as feasible by comparing the investment scale required with the available sums, has been determined as follows:

budget assigned to heritage protection and enhancement / average restoration cost

Actually, as confirmed by Giuseppe Mazzola, the creator of the Map of Abandoned Monuments of Palermo, *«it is pretty hard to draw up an average restoration cost to be borne in order to recover all the degraded cultural sites detected, since this cost may range, case by case, from tens of thousands of euros to tens of millions of euros»*.

After all, as it was for *I Cantieri*, in case of particularly extensive degraded sites, it could be appropriate splitting them up into different parcels to be entrusted to different TSOs, in order to squeeze the requested financial efforts and the risks to be borne and to facilitate at least a partial recovery of the sites.

As a result, for ease of examination, the average restoration cost, as the average cost for refurbishing a given degraded cultural site, has been maintained constant and equal to 2 million.

The core point of the SD model is represented by the so-called “cultural heritage chain”. The latter starts from the stock "cultural heritage already inventoried", which refers to the cultural heritage belonging to the Municipality of Palermo already inventoried, such that there is a documentation that proves the ownership and the simultaneous burden of protection and enhancement held by the Municipality.

Substantially, this stock has been initialized by considering the amount taken out from the “List of real estate belonging to the Municipality of Palermo updated at 31 December 2016” that, as already explained in 5.2, has been one of the sources of data used to draw up the “List of degraded cultural assets owned by the Municipality”.

Basing on the “List of real estate belonging to the Municipality of Palermo updated at 31 December 2016”, cultural assets in a broad sense already inventoried would be at least 15:

1. Public Garden “*Villa Trabia*”
2. Public Garden “*Villa Garibaldi*”
3. Public Garden “*Villa Niscemi*”
4. Public Garden “*Villa Giulia*”
5. English Garden
6. Ethnographic Museum “*Pitrè*”
7. Museum “*Palazzo Ziino*”
8. Former Church of “*Crociferi*”
9. The “*Spasimo*”
10. *Palazzo “Tarallo”*
11. Garibaldi Theatre
12. Massimo Theatre
13. Cemetery of not catholic people
14. Modern Art Gallery (GAM)
15. *I Cantieri*

This estimate has not taken into consideration those cultural assets (such as the Cemetery of Englishs, custodian’s rooms in *Villa Giulia* or *Palazzo Sammartino*) that have been already listed in the already-shown “List of degraded cultural assets owned by the Municipality of Palermo” and that have already been recognized as degraded or abandoned in all respects. As a consequence, the “cultural heritage already inventoried” stock is bound to include only those cultural assets not only already inventoried but also ready to be object of public enjoyment, at least on paper.

The flow “cultural heritage at risk” is meant to fall out of the stock “cultural heritage already inventoried”, whenever it occurs an imbalance between the personnel endowment and the breadth of the cultural heritage inventoried belonging to the Municipality. In practical terms, the actual personnel-heritage ratio, as a ratio between personnel devoted to public enjoyment service and cultural heritage already inventoried and ready to be accessed, has been compared with the normal personnel-heritage ratio. Pursuant to the memorandum of understanding signed by the Regional Department of Cultural Heritage in 2013 concerning collective decentralized bargaining agreements related to the non-managerial job positions, it has been agreed in 3 units per job shift the appropriate minimum amount of personnel to be employed, in order to guarantee the cultural heritage custody and public enjoyment service.

However, it should be clarified that, concerning organizing custody services in particularly large archaeological areas or in large museums where logistics and lay-out suggest the in-charge manager to arrange multiple custody emplacements, the number of units per shift must be agreed case by case.

Within a decentralized bargaining agreement referred to each cultural site, the in-charge manager of any cultural site can integrate the custody units, as identified above, with other units that may supervise the cultural heritage in the opening hours, while complying with objective criteria regarding logistics, contents, open and / or closed spaces to be monitored. In any case, these further units must be selected by exclusively counting on the sole assigned resources and on the basis of all the professional skills required.

In compliance with the spending review needs stemming from the Internal Stability Pact²¹⁹ (*Patto di Stabilità Interno*), with a view to rationalising as much as possible the organization on a yearly basis of the job shifts, thus taking into account the costs and prioritizing the protection of the cultural heritage assigned, after additional company bargaining regarding the articulation of working hours, in predetermined periods of the

²¹⁹ To read more:
www.rgs.mef.gov.it/VERSIONE-I/e_government/amministrazione_locali/patto_di_stabilita/index.html
[2018].

year the in charge Managers of the cultural sites are required to keep them closed to the public on public holidays, after providing exhaustive information to the users, in case their public enjoyment degree has been found negligible. Likewise, in the presence of effective video surveillance systems, after additional company bargaining regarding the articulation of the type of working hours, managers are required to reduce the job shifts from 24 to 12 hours, complying with the pre-set spending review need²²⁰. It follows that assuming a daily service length equal to twelve hours, that each unit must work at maximum 6 hours per day and that in each job shift at least three units must be simultaneously employed, the normal “personnel-heritage ratio” unveils a minimum personnel endowment of 6 units per cultural site employed in two job shifts.

Ultimately, by comparing the actual personnel-heritage ratio with the normal one, there can occur two different scenarios. On the one hand, wherever the actual personnel-cultural heritage ratio is lower than the normal one, it will occur an exit from the cultural heritage already inventoried stock and the contextual inflow into the "degraded cultural heritage" stock. This means that cultural assets owned by the Municipality will end up with becoming abandoned or degraded, in case that they will turn out to be deprived of personnel that is able to guarantee their public enjoyment and custody, in accordance with what is enshrined by Law. On the other hand, if the actual ratio will be greater than the normal one, the flow entering the stock degraded cultural heritage would be equal to 0.

In mathematical terms, the relationship between the actual personnel heritage ratio and the normal one can be expressed as follows:

IF actual personnel-heritage ratio is < the normal personnel-heritage ratio THEN
cultural heritage at risk would be equal to cultural heritage - heritage accessible,
OTHERWISE 0 <<heritage/year>>

Heritage accessible, by its part, has been defined as the personnel devoted to public enjoyment service divided by the normal personnel-heritage ratio. In this case, the

²²⁰ To read more:
<http://www.regione.sicilia.it/beniculturali/dirbenicult/database/Comunicazioni/upload/2-8-2013/protocollo%20intesa%202013.pdf> [2018].

“cultural heritage at risk” flow has remained equal to 0 during the whole simulation period, as the actual personnel-heritage ratio (around 7,5 units per site) has been always higher than the normal one. Comparison between the actual personnel-heritage ratio and the normal one, as they have been defined, has been represent just an expedient to bring out, in a nutshell, that, though having difficulties, the Municipality is able to guarantee the accessibility of the sites it owns, while bearing in mind that, in any case, minimum personnel allocation to each cultural site ought to meet to the actual requirements linked to different factors, such as the square footage occupied, the floors each cultural site is equipped with and the array of valuable cultural objects hosted.

Concerning the stock “degraded cultural heritage”, the latter has been initialized by assuming as reference value the number of degraded properties owned by the Municipality potentially available for not only being accessible but also for being used benefiting a reference community, after being refurbished and recovered.

Given that the List of Degraded Cultural Assets owned by the Municipality of Palermo previously drawn up also includes elements of urban furniture such as fountains or ruins of archaeological areas, buildings or settlements, it has been decided to narrow down the scope to the sole portion of cultural assets that may be assigned in favour of third parties and where potentially the activity they would undertake may be based in. Specifically, at least 15 eligible sites have been found:

- *Palazzo “Sammartino”*
- *Englishs Cemetery*
- *Palazzo of “Giallongo di Fiumetorto”*
- *Public Garden “Villa Giulia”: custodian’s rooms*
- *Baglio “San Gabriele”*
- *Villa “Rossi”*
- *Baglio “Scorzadenaro”*
- *College of “Santa Maria della Sapienza ”*
- *Former Convent of “San Basilio”*
- *Palazzo “Cefalà”*

- *Former Chemistry Factory “Chimica Arenella”*
- *Palazzo of “Fiore”*
- *Public Wash-room “Acqua dei Corsari”*
- *“Ingastone” Tower*
- *Villa “Pantelleria”*

The outflow “heritage to be restored” is meant to flow out of the stock “degraded cultural heritage”. In practical terms, it has been defined as follows:

$$\frac{(\text{'degraded cultural heritage'-'recoverable sites'})/\text{'average length of restoration works'+ 'degraded cultural heritage'}}{(\text{'average length of restoration works'+'average length of TSOs selection public procedure'}) *(\text{'effect of calls promoted by bank foundations'+'effect of crowdfunding'+'effect of tax reliefs'})}$$

This formula, as structured above, is expected to account for both the efforts made from various sides to recover the currently degraded cultural heritage owned by the Municipality and the time needed to do this. Specifically, the first addend (‘degraded cultural heritage’-‘recoverable sites’/‘average length of restoration works’) accounts for the financial efforts made by the Municipality on its own to recover the degraded cultural heritage, whilst the rest of the formula explains the quota of restored cultural heritage achieved by exploiting the selected policy levers. In this latter case, it should be kept in mind not only the time needed to refurbish each of the degraded cultural site owned by the Municipality but also the time needed to select the community-anchored TSO that, either individually or in associated form, is expected to take charge of the refurbishment and the recovery of degraded cultural heritage.

In the present case, the average length of TSOs selection public procedure has been set equal to 0,42 years (meaning around 150 days) since, by looking at the official website of the Municipality of Palermo, it is planned by Law an average time of 150 days to put in place the generic lease of a publicly-owned asset unavailable for sale,

regardless of the case of a request by a private counterparty²²¹ or a public call issuance²²².

Even for fulfilling the free of charge concession of properties confiscated from mafia in favour of TSOs, average time planned is equal to 150 days²²³. Comparing cultural heritage to properties confiscated from mafia seems to be appropriate in the light of their *status* of commons, as enshrined by the afore-mentioned 2016 Third Sector Reform (Law n. 106 of 2016). After all, also with reference to the commons-inspired cases of cultural heritage recovery recorded at *I Cantieri* and caused by the “*Con il Sud*” Foundation public calls, it has been envisaged a free of charge concession of unused spaces with the intent of recovering them by involving TSOs, which may generate positive externalities for a reference community. These cases would testify the willingness to put in the foreground the membership relationship claimed by community and the usage value of cultural assets, at the expense of their translatability in monetary terms (Mattei, 2012; 2017a; Bailey & Mattei, 2013; Mcmillan, 2017; Nervi, 2017; Giglioni, 2018).

That being said, it is to be hoped that the upcoming adoption of the Regulation of Commons by the Municipality of Palermo may reduce the average length of TSOs selection public procedure h, without, for this reason, neglecting the need to correctly fulfil the assignment procedures and therefore the selection of the private counterparty called to take charge of the recovery and enhancement of the cultural site and to provide on its own the public service “public enjoyment”, in a broader sense.

²²¹ Reference is made to the afore-mentioned case of “direct entrustment”, in which there is not any array of recovery proposals promoted by different TSOs, stepped in as potential assignees and the Municipality, as owner of the assets awaiting to be entrusted, decides to favour a certain actor, whose purpose is clearly in line with the objectives of the Administration and the community interest (Composta, 2018).

²²² To read more: https://www.comune.palermo.it/cosafareper_det.php?cls=23&id=441 [2018].

²²³ With this regard, in accordance with Law n. 109 of 1996, Municipality of Palermo would carry out the free of charge concessions of properties confiscated from the Mafia in favour of private actors that can pursue social goals. To read more: https://www.comune.palermo.it/amministrazione_trasparente.php?sel=16&asel=75&anno=2015&area=52&csel=655 [2018].

Vice-versa, the average length of restoration works has been set equal to 1 year by taking into account what has been established in the latest call issued by “*Con il Sud*” Foundation.

Broadly speaking, at this stage of the cultural heritage chain, there come into play the three policy levers “crowdfunding”, “calls” and “tax reliefs”, ready to be toggled with respect to the three different community-anchored organizations inferred from the extant literature (Aiken et al., 2011). These three complementary policy levers – each of which will be analysed later – are expected to act in addition to the financial efforts made by the Municipality, to such an extent that, as it can be seen from the graphs reported below (Figures 13 and 14), their joint-action might guarantee, respectively a progressive depletion of the stock “degraded cultural heritage” owned by the Municipality and the corresponding increase of the stock “heritage restored” over the 5 years.

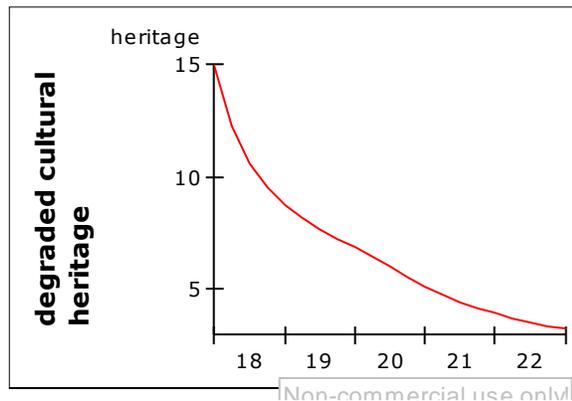


Figure 13. SD Model Behaviour of degraded cultural heritage.

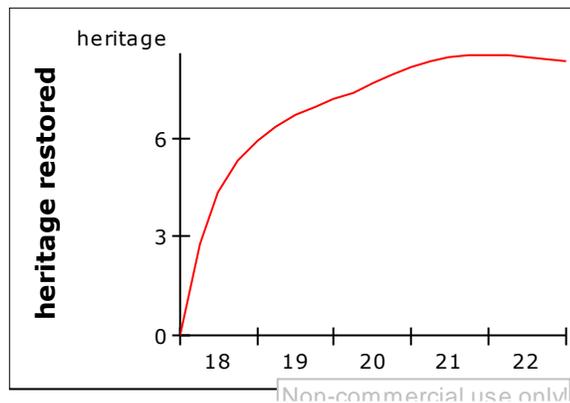


Figure 14. SD Model Behaviour of heritage restored.

Using of the three policy levers is boosted primarily by the commoning effect. The latter embraces that the enhancement of quality of life achieved thanks to the recovery and enhancement of cultural heritage and the transparency surplus stemming from the properties of Trust institution, namely ring-fencing regime and destination constraint.

Joint effect of key properties of Trust has been included in the SD model by resorting to a graph function arising from the stock “degraded cultural heritage”. As already mentioned in the previous paragraph, although it pops up as a performance driver, ring fencing has not been built by putting in ratio an actual value with a target, since, in this case, the target coincides with the actual amount of degraded cultural heritage, assuming that the objective is to recover all the currently-degraded cultural heritage and that the ring fencing regime may encourage its attainment over time.

Therefore, the graph function “ring-fencing effect” resulting from the stock “degraded cultural heritage”, as shown by Figure 15 reported below, embodies the idea that the progressive decrease of the amount of the degraded cultural heritage is expected to be facilitated by the key properties of Trust institution, which are bound to encourage the usage of the three policy levers. Anyway, as the degraded cultural heritage decreases, the Trust key properties are expected to give an increasingly minor boost to the restoration and enhancement purposes to the point that such a boost will become zeroed facing the full depletion of the stock of degraded cultural heritage.

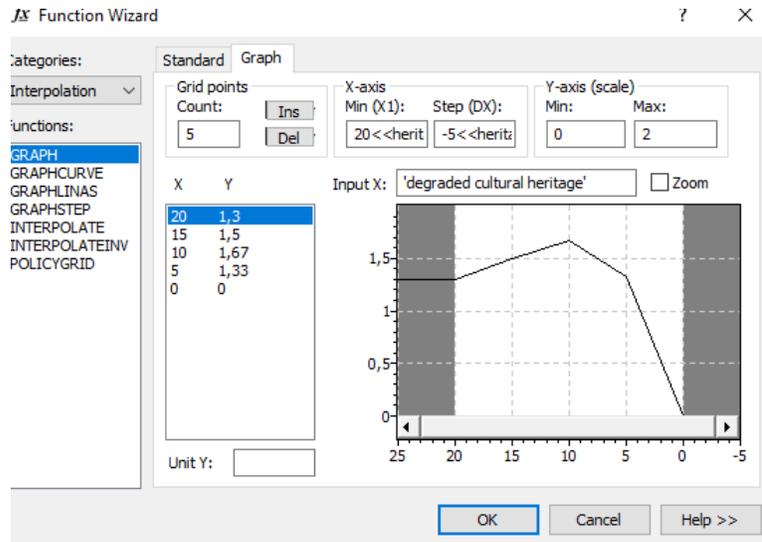


Figure 15. “Ring-fencing effect” graph function.

Eventually, the flow “operating cultural heritage under Trust regime” is meant to flow out of the stock “heritage restored”. Such a flow has been defined as the heritage restored divided by the average length of Trust, assuming that the duration of Trust contractual terms has been conventionally set equal to 10 years. Substantially, the flow “operating cultural heritage under Trust regime” hints at those cultural sites that, once restored, have been “set in motion” within the boundaries of the Trust institution.

This means that from this point TSOs, as assignees, are allowed to recoup the investments borne to refurbish the degraded cultural heritage assigned by leveraging the business activity they will undertake there. Likewise, they will be required to upkeep the cultural heritage by counting on their business activity and, also, to make it accessible for a reference community. In other words, assignees are expected to bear in mind the *status* of cultural heritage as purveyor of significance and experience values impacting on the development of any human being and the need to generate a “community wealth”, along the lines of the virtuous commons-inspired cases of cultural heritage recovery, occurred at *I Cantieri* and triggered by the public calls issued by the “*Con il Sud*” Foundation (Development Trusts Association Scotland, 2011; Bailey, 2012).

5.8.2. The recovery of transparency and the possibility to trigger a crowdfunding system.

Although Municipality limits itself to select the trustee, crowdfunding might be reckoned as a policy lever at the disposal of Municipality since to enable community to cater for restoring a currently-degraded cultural site belonging to the Municipality and to take care of its enhancement through the work of a community-anchored TSO in the forms of steward, assumes that such a crowdfunding system would be at least endorsed by the Municipality itself.

Crowdfunding could be reckoned as a “grass-roots sponsorship on a large-scale”, since local community or even citizens coming from elsewhere may decide to give to the stewards – viewed as small organizations mainly trained by volunteers serving local community groups and residents (Aiken et al., 2011) – its own support by limiting itself to provide liberal donations that can fuel the recovery or the refurbishment of cultural interest sites.

Indeed, simplifying the governance model via Trust institution could neutralize one of the main critical issues hindering the diffusion of crowdfunding, namely the lack of accountability and transparency regarding the end use of the donations provided.

In particular, this critical issue might be neutralized especially in case the Municipality, by identifying the assignees, would end up with certifying their suitability respect to the expected outcomes benefiting the reference community and to the purpose to recover and enhance the selected cultural heritage²²⁴.

As empirically recorded, in contexts marked by a strong sense of belonging, crowdfunding has managed to satisfy on its own the financial needs related to the recovery or restoration projects. By way of example, the Science City of Naples, destroyed by an arson in 2013, has been reconstructed by leveraging on a crowdfunding campaign. For this project, € 1.463.867 have been collected from about 2.584 lenders, by relying on the “*DeRev*” platform²²⁵. Besides, a crowdfunding campaign has been

²²⁴ To read more about problems of any crowdfunding campaign:

<http://nonprofithub.org/fundraising/the-problem-with-crowdfunding/> [2018].

²²⁵ To read more about the crowdfunding campaign arranged for restoring the Science City of Naples: <http://www.cittadellascienza.it/campagna-di-crowdfunding-per-la-ricostruzione-del-science-centre/> [2018].

arranged for the restoration of “*Portico of San Luca*” in Bologna. Such a crowdfunding campaign represented the first crowdfunding campaign promoted by a Public Administration in Italy, for a final fundraising that has been even higher than the 300.000 euros, originally set as target²²⁶.

As a matter of principle, a well-structured crowdfunding system, beyond leading to the recovering of the degraded cultural site (assuming a comparability between the restoration cost and the potentially recoverable sums through the crowdfunding campaign), may even enable stewards to collect all the financial resources needed to cater for upkeeping the cultural site assigned and to make it accessible over time, by leveraging, if necessary, a recurring model. As a matter of fact, recurring crowdfunding model, as it was devised by the crowdfunding platform “*Produzioni dal Basso*”²²⁷, asserts itself as a subscription model that proposes to fund those projects that need to raise funds periodically and on a continuous basis, without establishing any deadline²²⁸²²⁹.

By looking into the SD model, resorting to the crowdfunding lever is naturally intertwined to a given user base. For sake of simplicity, this user base has been initialised by considering the number of members of the afore-mentioned Facebook Group “Abandoned Monuments of Palermo”, since this group may be made up of curious people involved in the debate about the fate of degraded monuments and that hope for overthrowing such a state of art, even by giving, in a small way, their contribution. Conversely, potential users, as a stock, has been initialised by focusing

²²⁶ To read more about the crowdfunding campaign arranged for restoring “*Portico of San Luca*” in Bologna: <http://www.unpassopersanluca.it> [2018].

²²⁷ *Produzioni dal Basso* is the first crowdfunding platform born in Italy and one of the largest Italian online self-production communities. *Produzioni dal Basso*, as both a reward-based and donation-based platform, is a platform where anyone can upload its own project concerning the social, cultural, personal, product, or service areas. Anyone can upload its own idea and propose it online. Proposing a crowdfunding project means telling one's own idea and story, sharing it with friends and with one's own community, thus involving people to make it happen. Crowdfunding project can be represented by an artistic or cultural product, a business start-up project or an event, a social or personal initiative.

²²⁸ For the sake of completeness, recurrent crowdfunding model can include both donation-based and reward-based fundraisers. To read more: <https://www.crowd-funding.cloud/it/ricorrente-1089.asp> [2018].

²²⁹ Specifically, according to such a crowdfunding model each supporter who joins the project would provide for on a monthly-basis donation, thus renewing his donation automatically every 30 days. To read more: <https://www.produzionidalbasso.com/info/how-it-works/> [2018].

on the context of Sicily, although, as mentioned before, crowdfunding could allow stewards to test the validity of their projects for the recovery of cultural sites even by targeting a multitude of people anywhere.

Users, as a stock, is meant to be fuelled by the inflow “change in crowdfunding base”. The latter has been modelled as follows:

$$\text{potential users} * \text{contact rate} * (\text{users} / \text{Total users})$$

This equation assumes that to enlarge the crowdfunding user base, it will be brought into play the key factor “contact rate”, hinting at the closeness degree between users and potential users. Indeed, the spread of new ideas can be viewed as epidemics spreading by positive feedback (Sterman, 2000), as those who have join the crowdfunding system end up with “infecting” those who have not yet. Hence, adhesion to the crowdfunding system spreads as those who join it come into contact with those who have not done it yet and persuade them to join the system by drawing their attention to the positive end-results empirically recorded, within the boundaries of a lean and stable governance model, covering both public and private actors.

Broadly, contact rate has been defined as:

$$\text{commoning effect} / \text{digitalisation rate}$$

More precisely, contact rate has been modelled as a ratio between commoning effect and the 2017 average digitalisation rate (0,596), detected, according to ISTAT, in the Italian Islands Sicily and Sardinia²³⁰. Such a formula, as structured above, is called to witness to what extent the commoning effect – which accounts for both the transparency surplus due to the key properties of Trust institution and the enhancement of quality of life achieved thanks to the policy levers toggled within the boundaries of the Trust institution – may drive potential users to join the crowdfunding system, thus enlarging the current user base.

Assuming, for sake of simplicity, a constant average donation equal to 100 euros per person per year and multiplying it by the total users, it can be figured out the

²³⁰ To read more: https://www.istat.it/it/files/2017/12/ICT_Anno2017.pdf [2018].

crowdfunding target. This value should be compared with the actual level of crowdfunding, gauged by multiplying the actual user base by the pre-set average donation. The relationship between the target and the actual level of crowdfunding may be monitored by building up the crowdfunding ratio which, as a performance driver, accounts for the efforts made to align as much as possible the current crowdfunding value to the target value. This ratio acts as an input for the graph function “effect of crowdfunding”, depicted in Figure 16. The latter embodies the idea that next to the financial efforts made by the Municipality of Palermo and the complementary policy levers, the more financial resources are made available via crowdfunding channel the more would be the additional yield in terms of heritage restored, although, as the crowdfunding ratio gets higher, this yield is expected to increase less and less until to stabilize itself. This is primarily due to the fact that, as the amount of cultural heritage awaiting to be restored decreases, it is expected to become more and more hard to restore cultural sites by counting only on a crowdfunding system.

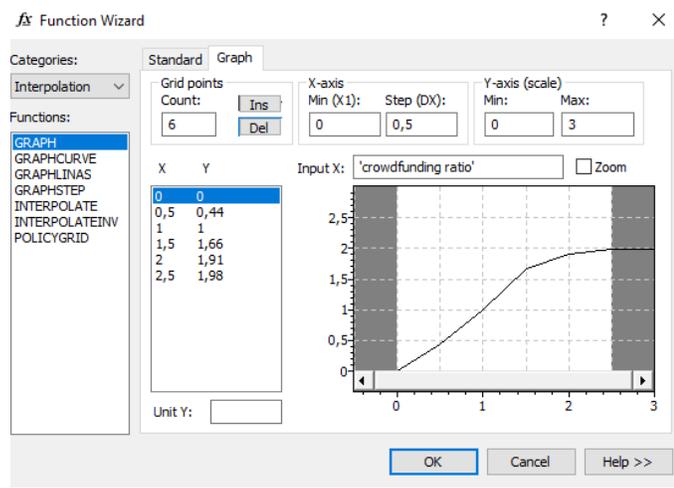


Figure 16. “Effect of crowdfunding” graph function.

5.8.3. Promoting a public call: an indirect lever toggled by Municipality to entrust TSOs.

Linking the recovery purpose of a cultural site to the launch of a public call by a third party represents for any Municipality an indirect lever for engaging those TSOs traditionally defined as community developers. According to the extant literature, community developers are medium-sized organizations, often equipped with a range

of assets, involved in local service delivery, presumably constituted in partnerships to subdivide the operating risks and financial efforts and to avail themselves with a mix of sources of income (Aiken et al., 2011).

Typically, the public calls under scrutiny are intended to target the TSOs, which are called to compete in proposing projects that are expected to prioritize the recovery of the degraded cultural site assigned and to produce remarkable socio-economic spill-overs benefiting a local community.

As reminded many times, reference has been primarily made to the public calls promoted by the *Con il Sud* Foundation, viewed as a sort of “collector” of the financial aids provided by the banking foundations acting in the Southern Italy. Indeed, similarities found between the scheme typically followed by the public calls launched by the Foundation and that one referred the Trust have given reasons for considering this link appropriate. In complementarity with the other expected policy levers, public calls pop up as a lever to be toggled to pave the way for those peculiar TSOs ascribable to the community developer paradigm that, as happened at *I Cantieri*, can benefit from a financial contribution, in order to recover and to "set in motion" the cultural site. This obviously presupposes the involvement of the Public Administration which, by making an agreement with the promoter of the public calls, expresses to be interested in the recovery of the abandoned site to such an extent that it may even decide to entrust the private funder to identify, through a judging commission, which projects would be eligible to achieve the expected socio-economic outcomes benefiting the local community.

In the present SD model, the policy under scrutiny takes form from the stock “calls promoted by bank foundations”. This stock has been initialized by looking at the public calls promoted by the Foundation until now (4). This stock has both an inflow and an outflow. Its outflow has been calculated as follows:

Calls promoted by bank foundations / average length of procedures

Average length of the procedures accounts for the time needed to complete the two phases any public call promoted by Foundation is made up of. As already seen in 5.5.,

during the first phase, Municipalities are entitled to propose to the Foundation some cultural assets awaiting to be restored. At the second stage, once identified the eligible sites, Municipalities will give the Foundation the burden and the right to identify the best enhancement intervention and, therefore, the right to select the TSOs which will be allowed to use the asset for at least 10 years, in order to guarantee its enhancement, its common use and its availability for the community.

By going through the average duration of all the procedures pertaining to the public calls already expired and in the light of what has been stated by each of the two interviewees who took part in the 2014 public call promoted by the Foundation, it was found an average length of procedures equal to approximately 1,5 years.

Concerning the inflow, it is expected that the Trust institution and its key properties, as well as the improvement of quality of life of the city of Palermo eventually achieved may encourage the usage of the policy lever “public calls”. As a matter of fact, the inflow “new calls” has been set equal to:

$$\text{calls expired} * (1 + \text{commoning effect})$$

This formula highlights that, in addition to the replacement of at least the expired call via the issuance of a new one, the commoning effect, as it occurs for crowdfunding, could be the driver for a further increase in the number of public calls issued.

By selecting a target equal to at least the double of the initial value of public calls, it is possible to build the calls ratio, which, in turn, as a performance driver, becomes the input of a graph function. The latter is supposed to shed light on the effect that the calls could exert on the recovery of cultural heritage, in addition to the financial efforts borne by the Municipality and the contribution given by the crowdfunding lever and the tax reliefs. Concretely, as it can be seen from Figure 17 reported below, to graphically sketch the effect of the calls on the recovery of cultural heritage, it has been assumed a pattern of behaviour that is substantially tantamount to that seen with reference to the crowdfunding lever.

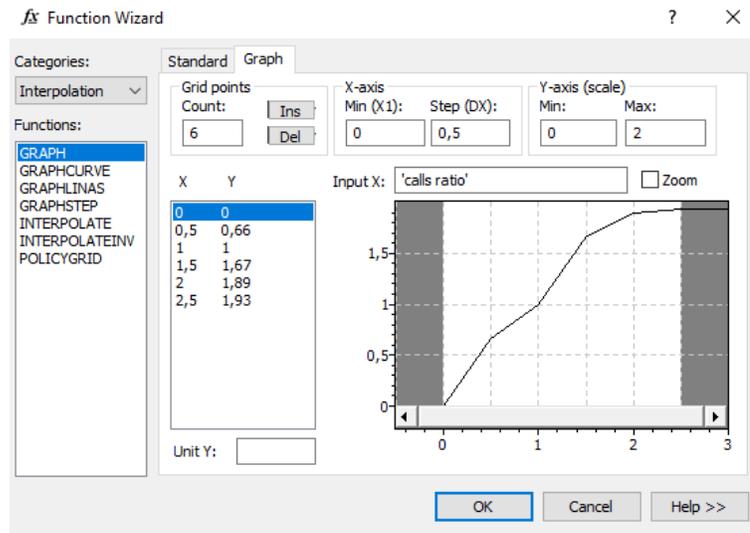


Figure 17. “Effect of calls promoted by bank foundations” graph function.

Public calls promoted by banking foundations have been conceived as a proxy variable for summarizing the multi-faceted support given by any private actor to social entrepreneurship forms established in terms of partnerships. After all, as already shown, the involvement of the private actors in the funds allocation benefiting the TSOs may take different shapes, recalling the controversial paradigm of SII or the provision of “special philanthropic-like funds” made available by other TSOs or by any private actor who gives up on an economic return in whole or in part (SII Task Force, 2014; Borzaga & Fontanari, 2018).

To intercept funds provided by the Private Sector, it might be even granted to the private funders the power to intervene on the selection of the assignee of any degraded cultural asset, along the lines of what occurred concerning the public calls promoted by *Con il Sud* Foundation.

Ultimately, the policy lever under scrutiny, while keeping in mind the unpredictability and variety characterizing the public calls and any aid provided by private actors (such as banks, for profit-organizations or foundations), ends up with symbolizing a “connecting bridge” among private actors, since the support offered by private actors is meant to foster social entrepreneurship forms that can steer those restoration initiatives of cultural sites benefiting a local community, which are more burdensome than those ones addressed by the only crowdfunding system.

5.8.4. Tax reliefs as the direct lever ready to be exploited by the Municipality to empower TSOs.

Conversely, the tax relief leverage can be deployed by the Municipality to directly enable the TSOs to cater for restoring and enhancing the cultural heritage assigned.

In particular, in the proposed scheme, tax reliefs would be an effective policy lever to empower the so-called entrepreneurs, namely those TSOs, which appear to be more structured under an entrepreneurial point of view. As a matter of fact, according to the extant literature, entrepreneurs, as larger running community-based organizations, more professionally styled than the previous ones and equipped with a mix of assets for social and commercial purposes and a business model, are capable, either individually or networked, to restore and to “set in motion” those cultural sites whose restoration cost is particularly burdensome (Aiken et al., 2011).

Concerning the fiscal discipline, even if it does not constitute a new legal entity, Trust represents a further taxable subject. Hence, *ad hoc* fiscal measures to be applied to the Trust institution are required.

Basically, the tax discipline of Trust complies with the following outline: if a Trust is established in favour of specific beneficiaries, the relative taxation will be applied to their income; conversely, facing a Charitable Trust, such as a Charitable Trust geared towards the restoration and enhancement of a cultural asset to the advantage of a reference community, taxation will affect directly the Trust and the income produced by the same.

As already stated, the tax relief leverage should be employed without granting any form of economic compensation respect to the obligation of restoration of cultural heritage borne by the TSOs selected as trustees, otherwise this would mortify the spirit of subsidiarity embodied by the bottom-up initiatives, which are filtered out by these community-anchored TSOs (Perrone, 2017a; 2017b). It follows that the tax reliefs can never be tantamount to the economic value of the urban regeneration intervention put in place by the trustee²³¹ (Perrone, 2017a, 2017b).

²³¹ Moreover, it should be taken into account the practical difficulties in ensuring such equivalence, as already stated in chapter 3.

In the present case, there have been taken into consideration two taxes pertaining to any Municipality and directly available for designing both tax reductions and tax exemptions: the tax for the occupation of public spaces and areas (TOSAP) and the property tax (IMU). On the one hand, TOSAP affects occupations of any kind carried out in the streets, squares or referred to those assets belonging to the Municipality, which fall into either the State property-like assets domain or the non-available public properties. On the other hand, IMU concerns about the possession of buildings and, in this case, it has to be referred to the possession of those cultural assets entrusted to the TSOs.

Concerning TOSAP, TOSAP Regulation approved by the Municipality of Palermo enshrines that the obligation to pay the tax is charged to the assignee, which has been granted the authorization, in proportion to the area actually removed from public use within the municipal territory (article n.18)²³². In addition, there are no doubts about the chance to grant tax reliefs concerning TOSAP to encourage bottom-up initiatives, given that even the Regulation of commons adopted by the Municipality of Bologna, with reference to TOSAP, provides for tax exemptions or tax reductions, which are primarily driven by the public interest protected through those activities carried out within the frame of a collaboration pact (article n. 20).

At large, these tax reliefs are seen as the acknowledgment of the social value of bottom-up initiatives, since they represent subsidies and indirect forms of public funding decoupled from the economic value of the urban regeneration intervention carried out (Perrone, 2017a, 2017b).

Besides, TOSAP, as a tax, reveals an exchange of utilities governed by Law that, as such, is not based on the autonomous will of the parties. Being a tax, TOSAP is bound to pop up as a forced levy of wealth put in place by a Public Authority just to be applied to the mere potential benefit deriving from the exploitation of a public area, regardless of this benefit being actual and concrete. Hence, TOSAP is likely not to fall into the

²³² To read more: <https://www.comune.palermo.it/js/server/normative/24122012094353.pdf> [2018].

already-mentioned case of *synallagma*, in terms of an exchange of equivalent economic performances (Perrone, 2017a, 2017b).

In parallel, by enlarging the scope, potentially, even a property tax such as the IMU – which is meant to be applied to a peculiar property income, the cadastral income – can be used as a means to encourage bottom-up initiatives, provided that its use does not mirror the *synallagma* conception (Perrone, 2017a; 2017b).

After all, the Regulation of commons adopted by the Municipality of Bologna states that the Municipality can establish further tax exemptions and tax reductions not only regarding TOSAP but also concerning other taxes, in favour of social groups that carry out public interest activities within the frame of collaboration pacts referred to article n. 5 of the Regulation or in favour of associations, consortiums, cooperatives, neighbourhood foundations, thus equating their special treatment to that of associations, foundations and other bodies that do not pursue profit-making aims (article n. 20).

According to IMU regulations, among the buildings exempted by the IMU, there are:

- those ones held by the State, by the Regions, by the Provinces, by the Municipalities, by the Mountain Communities, by *consortia* constituted by the above-mentioned bodies and by those bodies related to the National health Service, in case these buildings are bound to host institutional services;
- those buildings intended for cultural uses pursuant to article n. 5-bis of Presidential Decree n. 601 of 1973, such as buildings totally used as open to the public seats of museums, libraries, archives, film libraries, libraries owned by the State, Private and Public Bodies, institutions and foundations, in case there is no income deriving from their economic exploitation or those buildings that are intended for hosting activities related to social security, health, education, accommodation service, culture, recreation time and sports, which are expected to be carried out in a non-commercial way.

Vice-versa, the tax base is expected to be reduced by 50 percent:

- for buildings equipped with historical or artistic interest referred to article n.10 of Code of Cultural Heritage;
- for buildings declared uninhabitable and unusable, limited to the period during which these conditions will persist;
- for buildings granted on free loan²³³.

Starting from the assumption that, as confirmed by a recent verdict, Trust, in itself, is likely to pop up as the IMU taxable subject²³⁴, by weighing up all the tax reliefs cases envisaged by Law, it seems there might be room to establish similar IMU tax reliefs that can facilitate the involvement of TSOs in the cultural heritage recovery and enhancement, since cultural assets under scrutiny would fall into at least one of the following cases:

- they might appear as buildings equipped with historical or artistic interest referred to article n.10 of Code of Cultural Heritage, otherwise they might assert themselves as merely cultural assets *lato sensu*;
- they are likely to pop up as uninhabitable and unusable buildings, to such an extent that it could be feasible to provide for some tax reliefs limited to the period during which these conditions will persist;
- they are likely to be granted in accordance with free-loan-like scheme, as traditionally envisaged by the Trust operating scheme.

In the SD model built up, the two taxes have been modelled as follows. The inflow for both taxes (respectively, “change in TOSAP revenues” and “change in IMU revenues”) has been depicted in compliance with a normal distribution hypothesis, in order to sketch, as it is possible to notice in Table 6 shown below, two fairly stable trends of the cumulated tax revenues during all the simulation period.

²³³ To read more: https://www.comune.palermo.it/js/server/uploads/_28052018141600.pdf [2018].

²³⁴Reference is made to the verdict issued by the *Commissione Tributaria Provinciale* of Salerno on 26th June 2018. According to this verdict, the trustee is not a taxable subject for the purposes of the IMU and therefore the assessment notice of the IMU notified to him is voidable since Trust in itself is the IMU taxable subject. To read more: <https://www.il-trust-in-italia.it/> [2018].

(euro)		
Time	TOSAP cumulated revenues	IMU cumulated revenues
1 gen 2018	3.900.000,00	94.666.776,79
1 gen 2019	3.807.822,66	92.831.363,20
1 gen 2020	3.707.082,05	94.873.237,13
1 gen 2021	3.612.804,17	95.147.120,29
1 gen 2022	3.574.958,51	94.402.033,47
1 gen 2023	3.549.700,94	94.490.648,19

Non-commercial use only

Table 6. Time table concerning the TOSAP and IMU cumulated tax revenues over the simulation period.

In practical terms, stocks referred to the two taxes (respectively, “TOSAP cumulated revenues” and “IMU cumulated revenues”) have been initialized by taking into consideration the estimated cumulated tax revenues for the year 2017 arising from the Single Programming Document (*Documento Unico di Programmazione*) attached to the three-year budget 2017-2019 of the Municipality of Palermo²³⁵ (latest available data).

Concerning the outflow “TOSAP tax reliefs”, the latter has been defined by assuming an average fee for the permanent occupations of 27,49 euro per square meter taken out from the TOSAP Regulation adopted by the Municipality of Palermo and referred to the “CATEGORY n. III”, which coincides with a generic area of the Historical Centre of Palermo²³⁶²³⁷. Moreover, for sake of simplicity, it has been assumed that the sites for which it turns out to be appropriate to envisage TOSAP tax reliefs have been equal to one third of the total number of degraded sites, as well as it

²³⁵ Once again, such a choice has been driven by the missing approval of both the estimated budget for the period 2018-2020 and of the 2017 financial statements at the time when the present research has been carried out.

²³⁶ Specifically, “CATEGORY n. III” coincides with the area comprising the neighbourhoods *Tribunali-Castellammare, Palazzo Reale-Monte di Pietà, Cuba-Calatafimi*.

²³⁷ The choice to focus on an area corresponding to the historical centre has been due to the fact that half of the detected degraded cultural sites is located in the historical centre.

has been assumed that their average square footage has been equal to 3.172,44 square meters.

This figure coincides with the square footage associated to *Palazzo Sammartino*, the only cultural site for which it has been possible to retrieve a technical sheet prepared by the Technical Office belonging to the Real Estate Councilorship of the Municipality of Palermo²³⁸. Truth to be told, choice to select the square footage associated to *Palazzo Sammartino* as the average square footage of all the eligible cultural sites has been due to the lack of an exhaustive inventorying documentation concerning all the cultural sites under scrutiny. This has hindered the chance to get to an accurate estimate of the average square footage of the degraded cultural sites. Hence, instead of resorting to a conjecture, it has been decided to employ a figure directly drawn up by the Municipality. In any case, it should be taken into account also the chance to subdivide any cultural site into different parcels to be entrusted to different TSOs, in order to facilitate its recovery, especially with reference to those particularly extended cultural sites such as *Villa Pantelleria*²³⁹ or the former Chemistry Factory “*Chimica Arenella*”²⁴⁰.

Considering, for sake of simplicity, only the case of a full tax exemption, TOSAP tax reliefs have been determined as:

$$\begin{aligned} & ((27,49 \llcorner \text{euro/squaredmeters} \ggcorner * 3.172,44 \llcorner \text{squaredmeters} \ggcorner) * 5 \llcorner \text{heritage} \ggcorner) \\ & * (1 + \text{commoning effect}) \end{aligned}$$

Vice-versa, concerning IMU, to define the corresponding outflow “IMU tax reliefs”, basing on the IMU Regulation adopted by the Municipality of Palermo²⁴¹, it has been

²³⁸ To catch a glimpse of the technical sheet related to the *Palazzo Sammartino* and prepared by the Technical Office belonging to the Real Estate Councilorship of the Municipality of Palermo: <https://www.comune.palermo.it/js/server/uploads/gare/14112012122131.pdf> [2018].

²³⁹ *Villa Pantelleria* comprising both a villa and a park, extends over 30.000 square meters. To catch a glimpse of the sheet related to *Villa Pantelleria*: <http://www.italianostraedu.org/wp-content/uploads/2017/03/PA-A-Chirco-Villa-Pantelleria.pdf> [2018].

²⁴⁰ The former Chemistry Factory “*Chimica Arenella*” stretches over about even 74.000 square meters and it is made up of about 14 blocks. To read more about the former Chemistry Factory “*Chimica Arenella*”: https://livesicilia.it/2018/07/28/palermo-ex-chimica-arenella-vendita_983474/ [2018].

²⁴¹ To read more about IMU Regulation: <https://www.comune.palermo.it/js/server/uploads/28052018141600.pdf> [2018].

taken into consideration a rate of 10,6 per thousand and a coefficient equal to 140 to be applied to the buildings destined for a community usage belonging to the cadastral group B. In parallel, it has been assumed a cadastral income of 3.977,7 euro.

This figure coincides with the overall cadastral income of *Palazzo Sammartino*²⁴², resulting from the sum of all the cadastral incomes referred to each of its cadastral parcels. Therefore, once again, this cadastral income has been elected as the average cadastral income of the eligible cultural sites. The latter, in turn, as it has been for TOSAP, have been set equal to 5.

In line with what has been said with reference to the difficulties to get to an accurate estimate of the average square footage, it has not been possible to get to an accurate figure related to the average cadastral income of the selected degraded cultural sites.

Actually, it should have been carried out, where possible, for each cultural site selected, a scrupulous examination of the cadastral parcels, of their class of cataloguing depending on their intended use and eventually of the value attributed to each of them.

However, this would have been a time-consuming task, especially in the light of the further complications due to the lack of a rigorous inventorying documentation for each of the selected cultural site²⁴³.

Once identified, cadastral income, as IMU tax base, has been halved in the light of the reduction of tax base foreseen for the similar cases reported before. Hence, “IMU tax reliefs” have been calculated as:

$$1 + \text{'commoning effect'} * ((0,0106 * 140 * (0,5 * 3977,7 \\ \ll\text{euro/yr/heritage}\gg)) * 5 \ll\text{heritage}\gg)$$

As it can be seen, in the same way of the two previously-proposed political levers, also for the tax reliefs pertaining to TOSAP and IMU there is an incremental effect induced by the commoning effect. As a matter of fact, for both taxes, next to the default

²⁴² To read more about cadastral income of *Palazzo Sammartino*: <https://www.comune.palermo.it/js/server/uploads/gare/14112012122131.pdf> [2018].

²⁴³ Due to the lack of exhaustive documentation, also it has been decided not to consider the revaluation of the cadastral income, envisaged by the Law and to be applied depending on the cadastral category to which each property belongs. Actually, pursuant to the Law, for all properties included in groups A, C, D and E the cadastral income must be revalued by 5%. The properties belonging to group B are instead revalued by 40%, as indicated in the Law Decree n. 262. of 2006.

tax reliefs, it will arise a boost fostered by the commoning effect. The sum of the tax reliefs attributable to the two taxes, gives the chance to define the total tax reliefs which, compared to a target level, end up with determining the tax reliefs ratio. Effects deriving from using tax relief lever to directly make TSOs responsible for recovering degraded cultural heritage is destined to be added to the Municipality efforts and to the contribution arising from using the other complementary policy levers deployed with the view to increase the quota of restored cultural heritage. In practical terms, tax relief ratio, as a performance driver, asserts itself as an input to a graph function, which, as shown by Figure 18, follows in the footsteps of the two above-explained graph functions regarding the two policy levers “crowdfunding” and “public calls”. Hence, once again, the gain in terms of restored cultural heritage achieved via tax reliefs is expected to increase less and less, until to stabilize itself.

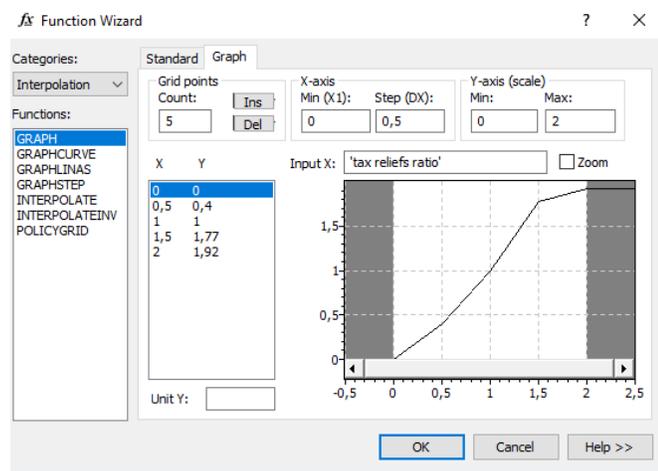


Figure 18. “Effect of tax reliefs” graph function.

5.8.5. Expected outcomes deriving from recovering and enhancing the degraded cultural heritage.

According to the extant literature, the expected end-result in terms of restoration of currently-degraded cultural heritage, can pave the way for at least three different kinds of outcomes that benefit a community.

First of all, the recovery of cultural heritage, once acknowledged its *status* of common good and by putting in the foreground the use value of cultural heritage at the expense of its exchange value, is tantamount to forming further aggregative poles that

can increase the social cohesion (Grefe, 2012; Mattei, 2012; 2017a; Bailey & Mattei, 2013; Di Lascio, 2017; LABSUS, 2017; Mcmillan, 2017; Nervi, 2017; DaMilano, 2018; Giglioni, 2018). It follows that social cohesion, as outcome, has been modelled merely as the ratio between heritage restored and heritage degraded, precisely because each of the cultural assets, once restored, is expected to become naturally available and accessible for a “heritage community” (Council of Europe, 2005; 2014; European Commission, 2014; European Parliament, 2015).

Secondly, the restored heritage is meant to cause the possible direct or indirect budding of job opportunities, also by fuelling social and economic spill-overs in other fields (Grefe, 2012; Dümcke & Gnedovsky, 2013; Council of Europe, 2014; European Commission, 2014; CHCfE Consortium, 2015; European Parliament, 2015).

In the same way, as already seen, culture can be a powerful lever to trigger multi-faceted urban regeneration processes of degraded contexts, starting from an optimal use of the built environment resources and having in mind broader long-term strategic purposes and the expectations of a reference community (Roberts, 2000; Garcia, 2004, Impacts 08, 2010; Richards & Palmer, 2010; Liu, 2014a; 2014b; 2016; Council of Europe, 2014; European Commission, 2014; European Parliament, 2015; Venturi & Zandonai, 2018).

Both urban regeneration process and the effect on the job opportunity stemming from the recovery of cultural heritage have been modelled by posing the stock “restored heritage” as an input of two separate graph functions. Each of them is called to express the effect that the gradual increase of the restored heritage could exert respectively on the emersion of further job opportunities (Figure 19) and on the desired urban regeneration and revitalization of degraded urban contexts (Figure 20).

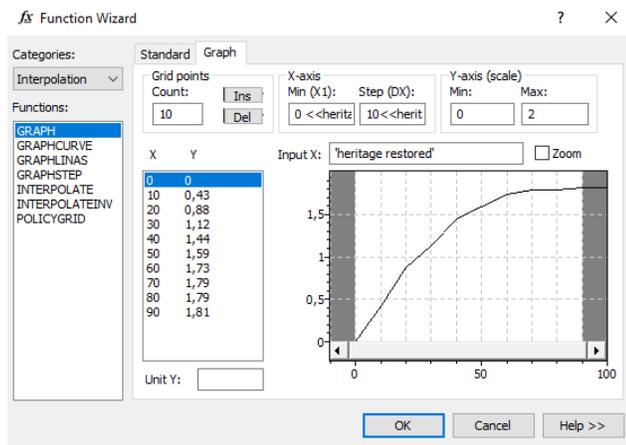


Figure 19. “Effect on job opportunity” graph function.

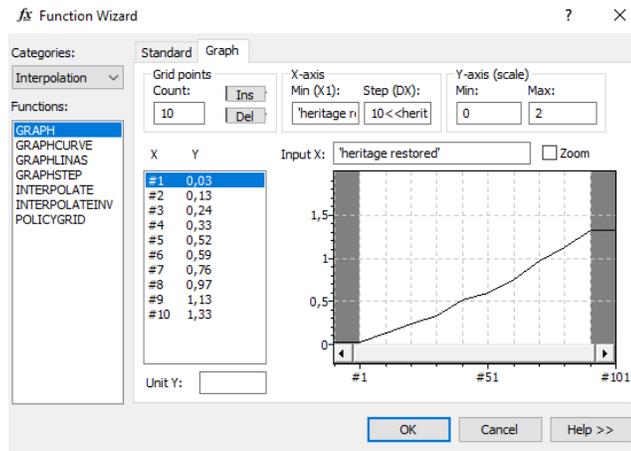


Figure 20. “Urban regeneration” graph function.

As a proof of the possibility that the above-mentioned outcomes may derive from the recovery and enhancement of the cultural heritage or the reuse of peculiar abandoned buildings for cultural purposes, it is worth mentioning the case of Favara Farm Cultural Park, the first “cultural tourist park” in Sicily "and a virtuous example of culture-led urban regeneration process, which has been generating remarkable effects on the local economic-social fabric"²⁴⁴, drawing even the attention of the foreign media²⁴⁵.

²⁴⁴ To read more about Farm Cultural Park: <https://www.farmculturalpark.com/welcome.html> [2018].

²⁴⁵ With this regard: <https://www.theguardian.com/travel/2012/mar/09/sicily-favara-art-farm-cultural-park> [2018].

Since 2010, Farm Cultural Park has been taking the shape of a complex of private investments aimed at redeveloping the “Seven Courtyards (*Sette Cortili*)” area of Favara, a small village close to Agrigento, in the inland of Sicily. Concretely, artists and professionals have been contributing to the reconversion of previously abandoned buildings, by turning them into properties available for commercial uses and into a handful of structures entwined together like an art gallery.

As noted by the Municipality of Favara, Farm Cultural Park has ended up with being accepted and endorsed by the citizens, because from 2010 up to now it has been leading to an undeniable increase in commercial activities and the number of employed people, as well as to a significant increase in property values for the benefit of citizens²⁴⁶.

Another case that deserves to be mentioned is that one of *Lorenteggio Market*.

Going in depth, the cultural association *Dynamoscopio* has helped a consortium constituted by the local sellers reclaim and relaunch an historical publicly-owned market belonging to the Municipality of Milano, at risk of divestment, giving back to the city a pivotal cultural asset, *lato sensu*(UNESCO, 1972; Klamer, 2003; Throsby, 2003, 2010; Vecco, 2010; Dümcke & Gnedovsky, 2013; Getzner, 2017; Macmillan, 2017). This market, traditionally viewed as a reference point for the local community with a symbolic and experience value, has been transformed into a community hub, a social aggregation pole where to organize laboratories, presentations, courses and any other cultural event form and where an economic revitalization benefiting a tough neighbourhood in the suburbs of Milano may sprout up²⁴⁷.

At large, the two cases reported have shown some common features such as:

- the role of the culture as aggregation factor;
- the establishment of common spaces;
- the involvement of local community;
- the creation of a “community wealth”.

²⁴⁶ With this regard:

<http://www.comune.favara.ag.it/attachments/article/1080/4%20COMM.%20RIS.%20V.N.%2024%202.09.17.pdf> [2018].

²⁴⁷ To read more about Lorenteggio Market: http://www.dynamoscopio.it/portfolio_page/mlo/ [2018].

All these aspects, on their part, would contribute to preserve the *genius loci* of a given context by neutralising the danger of a “savage” gentrification that would displace the original population and would disrupt the prevailing social character of any urban district²⁴⁸²⁴⁹.

That being said, to internalise the way these outcomes are perceived by any citizen, social cohesion, the effect on job opportunity and the effect on urban regeneration, as defined above, have been weighted with the significance values determined thanks to a survey submitted to the users of the above-mentioned Facebook Group “Abandoned monuments of Palermo”. Specifically, users have been asked to select, among the three pre-set outcomes, that one that, in their opinion, might have been reckoned as the most significant. Therefore, survey has been structured, as follows:

Q: which of these possible outcomes deriving from the recovery of currently-degraded or abandoned cultural sites can be considered, in your opinion, as the most significant?

- The recovery of a common sense of belonging via the reopening to the public of common spaces ready to be used and shared by a reference community.
- The trigger of further processes of urban regeneration and revitalization of degraded urban contexts
- The possible direct or indirect budding of job opportunities.

²⁴⁸ To read more about gentrification process and its effects:

<https://www.nytimes.com/2018/01/23/magazine/when-gentrification-isnt-about-housing.html> [2018].

²⁴⁹ Reference is made to the Fromm’s social character conceptualization. Integrating Marx’s theory concerning how the mode of production determines ideology with Freud’s concept of character, social character is defined by Fromm as «*the cement that holds society together*». As a matter of fact, the social character results from the dynamic adaptation of human nature to the structure of society and it leads people to behave in a certain way concerning human relationships and to want to do what they need to do to keep a particular society, community or group functioning [2018]. To read more: E. Fromm (1970), *Social character in a Mexican village*, Transaction Publishers.

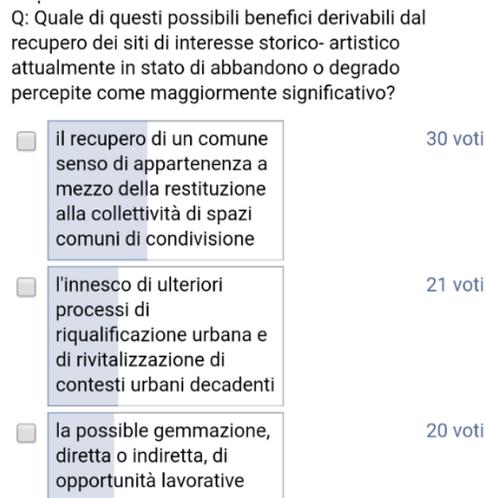


Figure 21. Survey submitted to the users of Facebook Group “Abandoned Monuments of Palermo”: structure and outcomes.

Each of the significance values has been calculated as the ratio between the number of responses gathered for each of the selected outcomes and the total number of responses, which has been equal to 71, as documented by Figure 21.

Eventually, for sake of simplicity, these significance values, as defined above, have been assumed as constant, although it is self-evident that they may vary over time, once citizens start experiencing the outcomes deriving from the recourse to the three complementary policies, within the frame of the Trust institution.

5.8.6. Improvement of the quality of life as a reward to reinforce the system.

The joint action of the three analysed outcomes would generate the change in quality of life, understood as a second-level outcome. The latter has been defined as:

$$\frac{(\text{social cohesion} * \text{urban regeneration perceived} * \text{effect on job opportunity perceived})}{\text{time to disclose change in QOL}}$$

Change in quality of life has been devised as an inflow, which is expected to flow into the stock “quality of life of the city of Palermo”, which, in turn, might be framed a resource resulting from internal routines (Bianchi, 2016). After all, QOL mirrors an overall change in the endowment of strategic resources shared by different stakeholders and resulting from all the policies and the policy levers directly and indirectly toggled by any Municipality.

The stock “quality of life of the city of Palermo” has been initialised by leveraging the ranking on the liveability of the Italian cities presented by “*Sole 24 ore*” in 2017²⁵⁰.

Specifically, Italian cities have been ranked according to scores related to different proxy variables of the quality of life: wealth and consumption, work and innovation, environment and services, demography and society, justice and security, culture and leisure. By summing each other the scores related to all these proxy variables, Palermo turns out to be placed 97th out of 110, with a total score of 404, that is 179 points far from the first placement occupied by the city of Belluno.

To figure out how the QOL score achieved by the city of Palermo has ranked with respect to the QOL score achieved on average by the other Italian cities, it has been decided to resort to a Z score. The latter is supposed to depict any score as a deviation from the average value expressed in terms of the standard deviation, so that:

$$Z \text{ score} = (\text{Score } X - \text{average value}) / \text{standard deviation}$$

In the present case, considering a score of 404, an average score of 468,682 and a standard deviation of 49,438, Z Score assigned to the quality of life of the city of Palermo turns out to be equal to – 1,3. In other words, the score achieved by the city of Palermo is less than the average score of almost 1 standard deviation and a half.

Broadly, the recovery and the enhancement of cultural heritage is meant to lead to an improvement in quality of life of the city, via the improvements perceived by citizens with reference to the three 1st level outcomes “social cohesion”, “effect on job opportunity” and “urban regeneration”. Nevertheless, as depicted in a nutshell by the ranking, quality of life is influenced by so many different factors that it seems to be unrealistic to believe that the recovery of degraded cultural heritage may lead to a massive improvement of QOL, as actually recorded following the SD model simulation.

Eventually, it has been introduced the graph function “QOL effect”, resulting from the stock “quality of life of the city of Palermo” and evidenced in Figure 22 reported below. As it has been for the ring-fencing regime, QOL effect has been modelled as a

²⁵⁰ To look into the 2017 Liveability ranking drawn up by “*Sole 24 ore*”:
http://www.ilsole24ore.com/speciali/qvita_2017_dati/home.shtml [2018].

performance driver, which has left out of the consideration the need to define a ratio between an actual level and a target. Idea behind building such a graph function is to account for the effects of the improvement of QOL first perceived by citizens in terms of 1st level outcomes and eventually disclosed by media as change in QOL, that is a 2nd level outcome. With this regard, getting back to the inflow “change in QOL”, “time to disclose change in QOL”, as denominator, has been set equal to one year given that the ranking on QOL drawn up by “*Il Sole 24 ore*” is normally issued on a yearly basis.

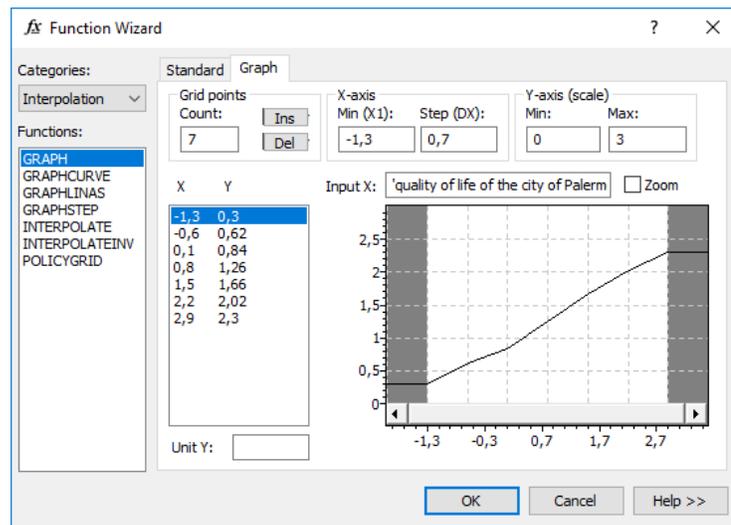


Figure 22. “QOL effect” graph function.

QOL effect, together with the ring-fencing regime, feeds the commoning effect, which is supposed to boost the recourse to the three complementary policy levers analysed, in the sign of a fruitful cooperation between the Public Administration and active citizens filtered by the already-mentioned three different forms of community-anchored organizations, within the boundaries of a Trust scheme. Each of these organization is expected to assist the Public Administration to fulfil in an indirect way the duty of protection and enhancement of cultural assets pursuant to article n. 9 of the Constitution and guarantee their public enjoyment and accessibility over time.

5.8.7. The whole SD Stock and Flow model.

Once built up, the whole Stock and Flow model depicted in Figure 23, given an array of system variables reckoned as relevant compared to the research objectives to be pursued, allows to figure out which are the causal relationships, the delays, the non-

linear relationships, the feedbacks and the trade-offs in time and space affecting the performance, defined both as process and end-results. Concretely, the Stock and Flow model is conducive to an iterative learning process, made possible by a continuous comparison between the investigated reality and the model of analysis and diagnosis adopted, without prejudice to the role of the DPM Chart as a theoretical framework that steers the SD model towards detecting the outcomes and the key performance variables in charge for the success or failure of any outcome-oriented public policy implemented (Bianchi,2016).

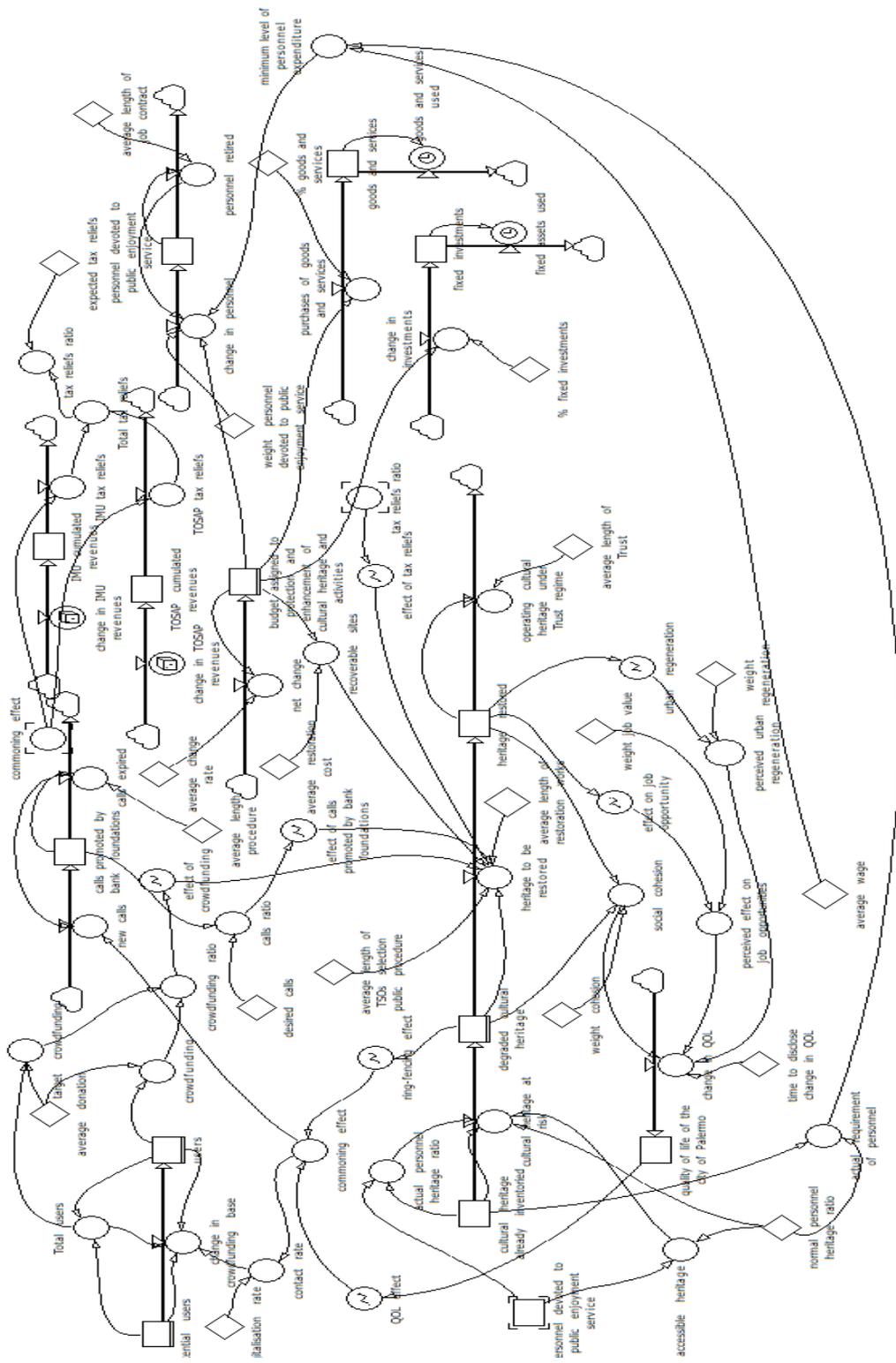


Figure 23. The whole SD stock and flow model.

5.9. Causal loops.

Once inspected the whole SD stock and flow model, it is appropriate to look into the causal loops explaining the causal relationships among the variables involved.

First of all, the three balancing loops **B2**, **B3**, **B4** highlight the relationship between the financial resource “budget assigned to protection and enhancement of cultural heritage and activities” and each of the following resources: “personnel”, modelled as a physical resource; “goods and services” and “fixed investments”, both defined as financial resources. All these resources represent some of the most important budget items of the mission. As a result, the increasing investments in personnel, goods and services and fixed assets end up with squeezing the budget devoted to the mission “protection and enhancement of cultural heritage and activities”.

Vice-versa, the balancing loop **B1** sheds light on the ordinary financial efforts made by the Municipality to recover its degraded cultural heritage. Going in detail, if there had not any budgetary constraint, as the budget increases, the recoverable sites would increase, as well. As the recoverable sites increase, degraded cultural heritage is likely to decrease and, consequently, the heritage restored is likely to increase. This obviously assumes a reduction of the starting budget.

In parallel, the balancing loop **B5** clarifies that the lack of enough endowment of personnel, as a reflex of the stringent budgetary constraints threatening any Municipality nowadays, may be one of the main reasons behind the increasing breadth of degraded cultural heritage. Specifically, the less is the budget, the less would be the investments in personnel. This implies a lower personnel-heritage ratio, which would testify an imbalance between the personnel devoted to guarantee the custody and the public enjoyment service according to the Law and the amount of cultural heritage already inventoried belonging to the Municipality, ready to be accessible and enjoyed, at least on the paper. The increase in the amount of degraded cultural heritage due to the lack of personnel would decrease the likelihood to increase the size of the heritage restored. Hence, not being expected any restoration, there would not be any reduction of the budget, given that, facing the increase of the degraded cultural heritage due to the lack of investments in personnel, it turns out to be less and less feasible to recover

the currently-degraded cultural heritage by counting on the sole financial efforts made by the Municipality.

Against such a backdrop, in an attempt to overcome the budgetary constraints explained by B1 and B5, **R5, R6 ed R7** pop up as reinforcing loops accounting for how the usage of each of the three levers deployed (respectively, tax reliefs, calls promoted and handouts via crowdfunding) to reduce the degraded heritage and to increase the restored one may be fostered over time. In particular, within the frame of the Trust institution, ring fencing and destination constraints, as key properties of Trust, would legitimate resorting to each of these policy levers together with the improvement of QOL, which would be achieved following the attainment of each of the 1st level outcomes arising from the cultural heritage recovery and enhancement. In practical terms, the three policy levers take advantage of the reinforcing sub-loop **R1** linked to the ring-fencing regime, whose effect depends on the size of the stock of degraded cultural heritage, whereby the greater is the stock of degraded cultural heritage, the greater would be the ring-fencing effect. In addition, the three 1st level outcomes “social cohesion”, “job opportunities” and “urban regeneration” assert themselves as the cornerstones of respectively the reinforcing sub-loops **R2, R3, R4**, in which each of the three macro-loops **R5, R6 ed R7** related to the three policy levers branches out.

Ultimately, R1, R2, R3, R4 all together account for the commoning effect comprising both the effect of the ring-fencing regime of the Trust institution and the enhancement of QOL eventually achieved. The three reinforcing macro-loops R5, R6, R7 which are intended to take advantage of the above-mentioned reinforcing sub-loops, highlight that, within the frame of the Trust institution, if the tax reliefs/calls promoted/handouts via crowdfunding increase, the degraded heritage is meant to diminish and, consequently, the heritage restored is meant to increase. The more heritage restored may guarantee the more social cohesion/urban regeneration/job opportunities. All these 1st level outcomes would pave the way for a higher level of QOL, as 2nd level outcome and a higher commoning effect (fuelled also by the ring-fencing effect arising from the stock of the degraded cultural heritage), which, on its part, would boost further the tax reliefs/calls promoted/handouts via crowdfunding.

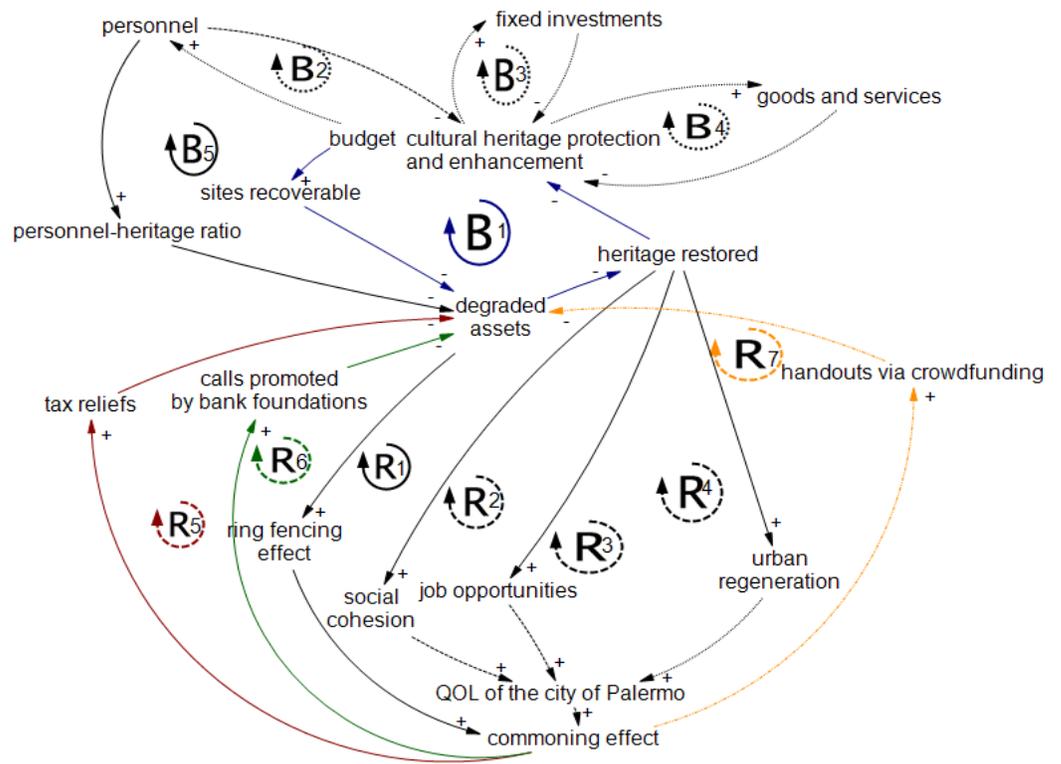


Figure 24. Causal loops.

Main contributions and conclusions.

As a general rule, collaboration among relevant actors such as politicians, public managers, citizens, business firms and NPOs has been becoming crucial for the effective and efficient resolution of local wicked problems (Rhodes, 1996; Kooiman, 2003; Moore & Hurlley, 2010; Pestoff, 2013; Laegreid & Rykkja, 2014; Sørensen, 2014; Bianchi, 2016; Torfing, et al, 2016; Bianchi et al., 2017).

Under these circumstances, any Public Administration cannot fail to discharge its role as the ruler able to establish broader administrative agreements by leveraging its capacity to influence and to involve third parties and to mark out their contributions and responsibilities.

These administrative agreements ought to incorporate the increasingly unstoppable today's macro-trends, such as the end of Public Sector monopoly of general interests care due to the stringent budgetary constraints and the ever-increasing bottom-up initiatives geared towards the recovery and enhancement of cultural heritage. Such initiatives look up to the horizontal subsidiarity principle and they are driven by the conception of cultural heritage as a common good, ontologically linked to the exercise of fundamental rights and freedoms.

Nowadays, degradation and abandonment characterising part of the publicly-owned cultural heritage run the risk of being sharpened by the overload of responsibility charged to the Municipalities, given that the latter, as shown by the statistics on expenditure data and recent regulatory developments, are more and more asserting themselves as the main actors in charge for the protection and enhancement of cultural heritage, despite the many difficulties related to the increasingly stringent budgetary constraints and the consequent dysfunctions recorded in the management of personnel responsible for ensuring cultural site custody and public enjoyment.

Faced with some cultural resistances and operational hurdles, which have compromised in certain cases the effectiveness of traditional intervention forms of Private actors in the cultural sector, the recovery and enhancement of cultural assets by involving, via Trust, active citizens filtered by community-anchored TSOs should be seen as the result of an atypical form of cooperation able to strengthen the control

powers of the Municipality and, at the same time, to internalize the ever-increasing subsidiarity pushes embodied by the bottom-up initiatives.

The present research has sought to answer each of the RQs listed in the Introduction, in order to realize to what extent the Trust might be an eligible institutional vehicle for recovering and enhancing the degraded cultural heritage belonging to any Municipality by giving responsibilities to community-anchored TSOs.

Specifically, concerning the RQ1 “**to what extent the institution of Trust can improve fundraising capacity for the cultural heritage recovery and it can enable community-anchored Third Sector Organizations to take part in the cultural heritage management system?**”, the present research, by going through the operating scheme of the institution of Trust, has highlighted that, complying with the ring-fencing regime, the establishment of separate micro-endowments of capital, each of which would be geared towards the restoration of a specific Trust property, is likely to enable a broader involvement of third parties, such as citizens, private investors or bank foundations, whose contribution would be primarily devoted to the funding phase and fostered by the transparency gain. Vice-versa, from a managerial point of view, facing the two afore-mentioned macro-trends (the end of Public Sector monopoly in general interest care and the corresponding ever-increasing bottom-up initiatives), the institution of Trust can be the ideal vehicle for creating a new inclusive ownership regime that may steer the work of the community-anchored TSOs, as the perfect intermediaries between commoning and commons, towards the necessary care of general interests. In the light of the room for manoeuvre given, trustees, on the one hand, are allowed to set up a business model, by which they might cope with simultaneously the purpose of protecting and enhancing the cultural site assigned and the sustainability issue. On the other hand, they are required to act in the interest of a community by recovering the site of cultural interest and by generating a community wealth through its management.

Concerning the RQ2 “**Which interplays might be detected among Trust, collaboration pacts and Public Governance mainstream?**”, the present research has pointed out that the institution of Trust should be led back to the collaboration pact

either as a possible contractual form of any collaboration pact or – according to the substance over form principle, in case the collaboration pact is framed as a mere a legal transaction (*negotium*) – as a possible scheme of a generic trust-anchored shared administration form, that is the collaboration pact, aimed at guaranteeing through the care of a common good, benefits to a given community for whom that common good is meaningful and represents an interest worth to be protected. Collaboration pact, in turn, by embodying the ongoing macro-trends (the end of monopoly of Public Sector in general interest care and the emersion of bottom-up initiatives), should be led back to the Public Governance mainstream, given the integration of non-Public actors, the local communities, to turn public spaces and mere degraded monumental sites into symbolic spaces and aggregation poles, ready to be used by the same local communities. Once defined a Trust institution scheme, the resulting trust-based PPP contractual form, on its part, is meant to empower the TSOs to co-produce, within the frame of a broader regeneration project of a cultural interest site, the public service “public enjoyment”. In a co-production rationale, TSOs would make use of existing social capital for achieving valuable outcomes and carrying on activities through which further social capital can be built (Bovaird et al., 2016). To this end, TSOs can benefit from a regulation offered by the Municipality or a financial contribution directly provided by the same (Sorensen, 2014), even in the forms of tax expenditures (Perrone, 2017a; 2017b), as well as TSOs may take advantage of funds indirectly made available by the Municipality itself, as in the case of the public call promoted by the “*Con Il Sud*” Foundation.

Concerning the RQ3 “**Which influences may the institution of Trust exert on the key aspects of management of cultural heritage, framed as a common good**”, the present research has stressed that the institution of Trust fits perfectly with the *status* of cultural heritage as common good and with the purpose of safeguarding it. As a matter of fact, the institution of Trust overcomes the public-private dichotomy, as the Trust property formally leaves the asset sphere of the Public Administration to merge with that of the TSOs, which are selected as trustees. Nevertheless, from a substantial point of view, TSOs cannot be said to own the asset, since they do not have the

possibility to freely dispose of the asset and their usage is constrained by the requirements posed by the Public Administration, first of all the need to guarantee equal opportunities of access and enjoyment to each citizen. Against such a backdrop, the institution of Trust, as a possible shared administration scheme, is bound to affect each of the key phases related to the management of the commons, meaning design, fundraising, management and governance, accountability. With reference to each of these key phases, the institution of Trust may respectively: favour co-design; due to the surplus transparency and the certainty on the end use of the resources achieved thanks to the ring-fencing regime, may allow to diversify the sources of financing and to better intercept new possible sources; may allow assignee to freely take on his tasks, while always adopting a multi-stakeholder approach and leveraging on informal participation mechanisms, such as trust; due to the stability and transparency of its governance model, could allow to clearly identify who does what and it could also fuel further the community engagement thanks to a higher level of accountability.

Concerning the RQ4 “**Which levers can be toggled to enable the community-anchored Third Sector Organizations to cater for recovering and enhancing the cultural sites belonging to the Municipality?**”, by crossing the Anglo-Saxon categories of community-anchored organizations (Aiken et al., 2011), with the management of commons filtered by the institution of Trust, research has shown that, complying with an increasing order of managerial complexity, the intrinsic flexibility of the Trust institution can be tailored to the managerial requirements ascribable to each of the three community-anchored organizations identified as trustees, to such an extent that stewards, community developers and entrepreneurs can take advantage of three different policy levers with the aim of recovering and enhancing currently-degraded cultural assets belonging to any Municipality: respectively, crowdfunding, *ad hoc* calls promoted by bank foundations (or, more broadly, any support form offered by any private actor) and tax reliefs. Each of these policy levers entails a different involvement degree of the Municipality, which, in any case is expected either to directly adopt them or, at least, to endorse their implementation. Overall, each of these three policy levers, within the boundaries of the Trust institution, should act in addition to the efforts made

by the Municipality (both in terms of sums provided for restoring the degraded cultural heritage and in terms of personnel employed to guarantee the public enjoyment of any cultural site), thus allowing to bypass the stringent budget constraints and the lack of personnel committed to the cultural site custody and to ensuring the public enjoyment.

Eventually, with reference to the RQ5 “**Which outcomes are expected to be achieved by recovering and enhancing the currently-degraded cultural heritage thanks to a greater involvement of Third Sector Organizations via Trust?**”, this research has underlined that the recovery of cultural assets is meant to: determine an increase of social cohesion, following the constitution of new aggregative poles of community use; pave the way for the direct or indirect creation of job opportunities; stimulate the urban regeneration of degraded urban areas. The combined effect of these three 1st level outcomes is bound to fuel an improvement of the quality of life, reckoned as a 2nd level outcome. Such an ultimate outcome, together with the surplus of transparency and accountability gained thanks to the key properties of Trust, ring-fencing regime and the annexed destination constraints, acts as a reward aimed at making such a virtuous cycle stabilize over time, thus fostering the recovery of the currently degraded cultural heritage.

The establishment of a *pactum fiduciae* between Municipalities and TSOs acting for the interest of a community could give the chance to indirectly fulfil the duty of protection and enhancement of the cultural heritage referred to in article n. 9 of the Constitution and it could also enable to make these assets operating, thus guaranteeing their accessibility and common use over time.

Complying with an unavoidable “Public Governance of cultural heritage” mainstream, adoption of the institution of Trust essentially hints at the following key aspects, which are likely to enable a fruitful cooperation between public actors (especially, the Municipalities) and private actors aimed at recovering and enhancing any publicly-owned degraded cultural heritage:

- a) the need of ensuring more accountability, more transparency and more awareness on the final use of the sums provided with the view of recovering degraded cultural interest sites;

- b) partnership as an added value, given the common efforts made by the Public Sector and TSOs (either individually or networked) to recover and enhance degraded cultural sites and the cooperation among TSOs as well. In this case, even recalling the case of co-assignees/co-trustees, cooperation among TSOs might be viewed as a means to split up financial efforts and risks, which otherwise would be hard to bear individually;
- c) the need to intercept more and more financial aids granted either in the forms of mere philanthropic funds or social impact investments, even by granting to the private funders the power to intervene on the selection of the assignee of any cultural asset;
- d) the support to projects that can create outcomes benefiting local community and that can be focused on the setting in motion of a cultural site. This assumes to develop a lively and continuous dialogue with the heritage community, for which that site of cultural interest has a certain relevance;
- e) a bond binding strictly the assignee to the cultural interest site assigned, since the assignee is expected to ensure its maintenance and public enjoyment over time;
- f) stability and streamlining of the governance model, to such an extent that it can be recorded a clear allocation of responsibilities among the various actors whose contribution is necessary for the cultural heritage recovery and enhancement.

Eventually, cooperation between Public Sector and these TSOs anchored to a given community may prevent the emersion of future costs. As a matter of fact, although no causal link has been internalized in the SD causal loops diagram, the recovery of cultural assets and their “setting in motion”, can also have a positive effect on the Municipality budget, freeing the Municipality from incurring later costs related to making promptly the degraded cultural sites safe again, as well as those “social costs” represented by the lack of job opportunities or aggregative poles and a persistent state of urban decay, which might still prevent Palermo from establishing itself as “a normal city” in all respects.

Research limitations.

The present research, as a normative analysis concerning the possibility to achieve the expected outcomes by exploiting the Trust institution, lacks any prior “real-life application” and it only avails itself with certain practical experiences for support, reckoned as comparable according to the substance over form principle. Nevertheless, as demonstrated by the successful case referred to the Municipality of Duino Aurisina, any Municipality would be able, thanks to its contractual freedom, to adopt in any time such an organizational scheme.

By necessity, it has been resorted to estimates and conjectures – thinking about, for instance, the determination of the values of the graph functions, called to represent the effect of an independent variable on a dependent one – while always attempting to depict the performance, both as the process and the expected end-results, as accurately and demonstrably as possible.

As already said, gathering data needed for the present research has been complicated not only the lack of any prior concrete policy implementation but also by the lack of an exhaustive inventory documentation concerning the cultural heritage owned by the Municipality of Palermo. As a result, using the Trust as an institutional vehicle to recovery and enhance the degraded cultural heritage belonging to any Municipality by involving community-anchored TSOs should deserve to be investigated further, at least by carrying out this kind of analysis in another real-life context, where the retrieval of data needed could be easier.

Considering the widespread spending review need and the corresponding budgetary and personnel constraints, the organizational scheme of the Trust and the three complementary policies proposed might be adopted by any Government level and by any Public Administration. Nevertheless, such a blueprint should not be devised promptly as a “panacea to cure all ills”. In other words, it turns out to be crucial to ascertain, case by case, whether this scheme and the three policies under scrutiny can be applied or not, depending on the context, the investment scale required and a prior rigorous cost-benefit analysis. Likewise, it turns out to be necessary ascertaining whether any TSO chosen as trustee may be capable to generate the expected outcomes

benefiting a reference community and to ensure the public enjoyment and the maintenance of the cultural heritage assigned over time.

With regard to the tax discipline of the Trust, although they have been neglected in the case at issue, it should be clarified that the Trust is subject to stamp duty, mortgage taxes and cadastral taxes, to be applied in a fixed measure and not proportionally²⁵¹, as recently enshrined by Court of Cassation (Verdict n. 975 of 2018).

As already stated, the Regulation of Commons adopted by the Municipality of Bologna enshrines the possibility for the Municipalities to use tax reliefs linked to local taxes as a powerful lever to encourage the emersion of bottom-up initiatives, framed either as collective cultural and social activities or participated forms of management and maintenance of public buildings. However, as argued by someone, the Central Government taxes (for instance, the direct tax “IRES”, as the tax applied to the corporate income) may be more suited to foster bottom-up initiatives than the local taxes, at least from a theoretical standpoint. In fact, Central Government taxes, typically used for funding indivisible public services, would fit in more easily with the “tax expenditures” conception exposed so far, whereby, recalling the article n. 53 of the Constitution²⁵², subsidiarity push embodied by bottom-up initiatives might constitute an alternative form of contribution to the public expenditure *tout court* (Perrone, 2017a).

Finally, it is worth mentioning the possibility of taking advantage of the EU funds that have been so important for triggering urban regeneration processes in the past, as seen with reference to the city of Palermo. In this SD study, they have been overlooked only because they typically escape the control of the Public Administration. Moreover, it would be required to verify case by case the requirements of each EU call and the appropriateness respect to them of any organizational scheme – such as the Trust – proposed in order to define clearly the responsibility balance among the different key actors at stake.

²⁵¹ This is primarily due to the fact that there is no enrichment and full transfer of wealth in favour of the trustee, especially in the view of the obligations binding the trustee to the beneficiaries.

²⁵² «Everyone is required to contribute to public expenses on the ground of its own ability to pay. The tax system is based on criteria of progressivity».

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