

Collana del Centro Universitario Studi Aziendali (CUSA)
“Quaderni di Ricerca Economico-Aziendale: Teoria e Casi”
coordinata da Marcantonio Ruisi (Università di Palermo)

Comitato scientifico

Andreas Michele (Università di Trento)
Baldarelli Maria Gabriella (Università di Bologna)
Stefano Consiglio (Università di Napoli — Federico II)
Costa Massimo (Università di Palermo)
Della Corte Valentina (Università di Napoli — Federico II)
Fabio La Rosa (Università di Catania)
Fortuna Fabio (Università Telematica N. Cusano — Roma)
Invernizzi Giorgio (Università L. Bocconi — Milano)
Liberatore Giovanni (Università di Firenze)
Meneguzzo Marco Giuseppe (Università di Roma “Tor Vergata”)
Ricciardi Antonio (Università della Calabria)
Rusconi Gianfranco (Università di Bergamo)
Sorci Carlo (Università di Palermo)

Comitato di Redazione

Bernini Francesca (Università di Pisa)
Ciao Biagio (Università Milano-Bicocca)
Cincimino Salvatore (Università di Palermo)
Garibaldi Roberta (Università di Bergamo)
Quarchioni Sonia (Università di Palermo)
Ruggiero Pasquale (Università di Siena)

La collana di quaderni di economia aziendale che qui presentiamo si offre quale opportunità per gli studiosi della disciplina di presentare alla comunità scientifica i risultati della propria attività di ricerca secondo una prospettiva — lato sensu — metodologica che in via complementare tenda prevalentemente ad affiancare alla riflessione teorica, l'evidenza empirica di specifici casi di studio. Le pagine dei quaderni, ancorché testimoni dello sforzo di ricerca degli autori, non offriranno necessariamente considerazioni compiute, piuttosto potranno anche presentarsi come prime conclusioni, o comunque come asserzioni meritevoli di ulteriore riflessione. Nella direzione di arricchire lo studio condotto e auspicabilmente di migliorarne i risultati, si è ritenuto opportuno concepire la collana secondo la logica del “canale aperto”, cioè di una possibile interlocuzione scientifica degli autori con i lettori del testo, i quali potranno con gli stessi confrontarsi utilizzando l'indirizzo di posta elettronica che verrà messo a loro disposizione.

Il nostro auspicio è quello che la collana possa rappresentare davvero un'occasione, soprattutto per i giovani studiosi, di sistematizzare i propri sforzi di ricerca avendo a disposizione un supporto che superi i limiti imposti dall'economia di spazio che una rivista o un volume di proceeding congressuali inevitabilmente comportano.

Nel ricordare che la responsabilità ultima dei contenuti di ogni lavoro ricade eminentemente sugli autori delle ricerche, si vuole manifestare la volontà di accogliere anche volumi collettanei, con contributi molteplici elaborati e proposti intorno ad un tema, ad ogni modo preferibilmente sviluppati secondo il sinergico connubio di speculazione teorica ed osservazione di campo.

Ad maiora!

Marcantonio Ruisi

UNIVERSITÀ DEGLI STUDI DI PALERMO

Il volume è stato sottoposto a un referaggio secondo le modalità del processo Double Blind Review (doppio referaggio anonimo): il coordinatore della collana nomina tra i membri del comitato scientifico un responsabile del processo di revisione e due revisori all'interno dell'elenco dei reviewer della collana. Il responsabile del processo viene incaricato di ricevere il lavoro e di trasmetterlo ai due revisori prescelti. Il processo di referaggio si basa sull'assoluto rapporto di anonimato tra autore e revisori e si conclude entro due mesi dalla presentazione del volume. I revisori sono proposti dal coordinatore e dagli altri membri del comitato scientifico tra i professori ordinari e associati e tra i ricercatori (a tempo indeterminato e determinato) delle discipline economico aziendali appartenenti all'ordinamento accademico italiano e internazionali aventi ruoli equipollenti rispetto agli studiosi nazionali.

ANDREA CUCCIA

**FRAMING THE TRUST
AS A PUBLIC GOVERNANCE
SETTING FOR RESTORING
THE DEGRADED
MUNICIPAL HERITAGE
A DYNAMIC PERFORMANCE
MANAGEMENT STUDY**





©

ISBN
979-12-5994-289-0

FIRST EDITION
ROMA 21 JULY 2021

Omnia, patres conscripti, quae nunc
vetustissima creduntur, nova fuere

TACITUS, *Annales: Liber XI, 24*

INDEX

- 11 *Introduction*
- 19 Chapter I
Cultural heritage regulatory framework. Building blocks
1.1. Premise, 19 – 1.2. Article n. 9 of the Italian Constitution and the duty to protect cultural heritage, 21 – 1.3. Responsibilities balance among different Government levels and the subsidiarity principle, 23 – 1.4. Cultural heritage protection and enhancement according to the Code of Cultural Assets and the Landscape, 25 – 1.5. The role of the Municipalities in the light of the development of the Italian Legislation, 33 – 1.6. Cultural heritage protection in Sicily, 36 – 1.7. Building blocks of the Italian Legislation on the cultural heritage: a summary, 39
- 43 Chapter II
Publicly-owned cultural heritage management system. Key actors and the need to adopt a Public Governance perspective
2.1. The richness of Italian cultural heritage, 43 – 2.2. Emergence of the essential Public Service “Public enjoyment of museums and cultural places”, 49 – 2.3. Knowledge function of cultural heritage, 52 – 2.4. Main actors to support public enjoyment of cultural heritage, 56 – 2.5. Towards a Public Governance of Cultural Heritage, 100

- 103 Chapter III
Public Governance of Cultural Heritage: state of art and evolutionary trends
3.1. Public Governance, 103 – 3.2. Dynamic Performance Management (DPM) as a conceptual framework to keep track of the outcomes resulting from any Public Governance setting, 113 – 3.3. Public–Private Partnerships (PPPs) regarding cultural heritage enhancement and conservation, 121 – 3.4. The conception of cultural heritage as a common good, 138 – 3.5. Subsidiarity principle and bottom–up initiatives in Italy: the collaboration pacts (*patti di collaborazione*), 150 – 3.6. Third Sector Organizations and their key role within Public Governance of cultural heritage, 159
- 175 Chapter IV
Building a theory. The institution of Trust
4.1. The functioning of Trust, 175 – 4.2. Building blocks of Trust, 176 – 4.3. Trust and the Italian legal system, 177 – 4.4. Trust and cultural heritage management: the paradigm of UK National Trust, 184 – 4.5. Interplays among the institution of Trust, collaboration pacts and Public Governance, 188 – 4.6. The institution of Trust and the management of commons, 196
- 211 Chapter V
Applying the institution of Trust for recovering the municipal cultural heritage. The case of Palermo
5.1. Some methodological premises, 211 – 5.2. The relationship between Palermo and its cultural heritage, 219 – 5.3. Estimate of the Degraded cultural heritage owned by the Municipality of Palermo: the process and data behind its calculation, 227 – 5.4. Palermo and a cultural event–led renaissance, 238 – 5.5. Management of commons in Palermo: the case of I Cantieri Culturali alla Zisa, 245 – 5.6. I Cantieri and the calls promoted by Con il Sud Foundation: an outcome–based approach, 254 – 5.7. Using the DPM Chart to frame the enactment of a Trust scheme for restoring the municipal “cultural commons” in Palermo, 271 – 5.8. A summary on the theoretical findings derived from the case study analysis, 319 – 5.9. A different way to frame the findings stemming from the case study analysis: the causal loop diagrams, 326
- 331 *Conclusions*
- 341 *References*

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 being applied to the scope of a nation, due to the rise of a collective conscience that suggested to conceive the cultural goods as common goods belonging to all the people and, by extension, 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 art collection was kept, thus establishing the first public museum of 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 the 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 of the cultural heritage care), runs the risk of being questioned by increasingly stringent budgetary constraints. The latter have been compromising the capability to guarantee fair and widespread protection and to make the cultural heritage available to the community. These findings have been witnessed by the progressive accumulation of degraded or abandoned cultural heritage over time or by the lack of personnel called to ensure its custody and public enjoyment over time.

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

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 the Private Sector has always been blamed for being more prone towards pursuing economic interest rather than preserving the symbolic and experiential value embodied in each cultural good (Casini, 2016). Likewise, in certain cases, some operating hurdles have compromised the yield of a 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, to enable citizens to cater for the general interests care on their own (Ciaffi, 2015; Gigliani, 2016; Marchetti, 2017; Perrone 2017a; 2017b).

Hence, in compliance with the mainstream of Public Governance, it is required not only to adopt 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 in unprecedented shared administration forms (Brinkerhoff, 2002; Unesco, 2013; Pestoff, 2013; Loeffler & Bovaird, 2016; Salamon & Sokolowski, 2016; Ferri & Zan, 2017; Venturi & Zandonai, 2018).

The present work, by leveraging the Dynamic Performance Management approach, resulting from a combi-

nation 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 first to find out what factors may encourage any Municipality to adopt the institution of Trust, to let the community-anchored TSOs recover and enhance its currently-degraded cultural heritage. Eventually, it is expected to explain to what extent the fruitful cooperation laid down between Municipalities and community-anchored TSOs may persist over time.

As an aside, some clarifications should be made. First of all, the focus on the cultural heritage recovery issue emerged because it turns out to be a widely debated issue at a national and international level, once taken note of the far-reaching interplay between memory, both at a personal and a collective scale, and cultural heritage. The latter is universally viewed as a memory trigger, memory storage, memory purveyor, and a spatial marker of memory, that deserves to be passed on to future generations (Rose, 2015). Fitting into this groove, the choice to urge the recovery of the cultural heritage held by any Municipality is triggered by the need to preserve those symbolic and experiential values underlined by the way to frame cultural heritage as a common good, thus enacting the preservation duty enshrined by the Italian Constitution. Furthermore, this choice binds to the afore-mentioned role of the Municipalities as the main gatekeepers of the cultural heritage in the Italian legal system, although they are more and more affected by stringent budgetary constraints com-

promising their capability to cope with cultural heritage preservation and enhancement purposes. Concerning the research strategy, the Author has decided to build up a Municipality case study to gather some theoretical implications potentially to be stretched both to the majorities of Municipalities and even to any Public Actor committed to cultural heritage care. Specifically, the Author has opted for the case of Palermo on account of its richness of cultural heritage, albeit dotted with some managerial shortfalls, the emersion of unprecedented managerial forms of “cultural commons”, and also the ease of access to data on the management of cultural heritage, given that Palermo is the birthplace of the Author.

When measuring the contribution to the ongoing scientific debate, it should be clarified that 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 macro-trends. In this respect, the work has put in the foreground the role of the organizational scheme and the related legal scheme as crucial factors to properly regulate the interests at stake and to stabilize a clear allocation of the responsibilities between the contracting parties. Going even further, this work has clarified which key aspects potentially internalized by the Trust can be conducive, in the light of the cultural heritage conception as a common good and the ongoing macro-trends, to strengthen fruitful cooperation between public actors (first and foremost, the Municipalities) and private actors aimed at recovering and enhancing any publicly-owned degraded cultural heritage.

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 cultural asset care.

The second chapter aims to outline the management of publicly–owned cultural heritage, naturally oriented towards public enjoyment purpose, by analyzing 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 macro trends. Eventually, the 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.

In the fourth chapter, 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.

The fifth chapter will explain first 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, this chapter will shed light on the recent cultural event–led renaissance of the city of Palermo primarily endorsed by the Municipality, as well as on some peculiar urban regeneration cases of cultural assets framed as commons. These cases might be viewed as a “breeding ground” where bottom–up pushes may thrive up, thus integrating top–down impulses. Then, by looking up to these common good–shaped urban regeneration cases, the focus will be shifted to the institution of Trust, due to the similar organizational scheme. Against this backdrop, then, the DPM approach will be applied to the case study, first to highlight the policy levers fuelled by key properties of Trust that might be toggled to boost the TSOs engagement; then, 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. Eventually, conclusions will follow.

CHAPTER I

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; Rose, 2015). Having a 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 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 separate-

ly (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 broad and effective protection of cultural heritage and its recovery and enhancement, it is crucial 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 has 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 organizational sort–out of the Sicilian Region about the cultural heritage protection.