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**The promotion of contemporary art in Italy**

**An institutional perspective**

PhD Program in Analysis and Management of Cultural Heritage

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**By**

**Alice Labor**

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“Solo mettendo l’accento sul valore della libertà, anziché su quello dell’arte, ci si può contrapporre efficacemente alla politica culturale. Si è in grado cioè di chiarire che la politica culturale viene respinta non perché riduce l’arte a valore strumentale, ma perché nega il valore della libertà (...). Non crediamo più che la civiltà liberale, vale a dire quel particolare sistema di vita in cui gli artisti sono liberi, sia in grado di trasformare il mondo?”

*Norberto Bobbio, Politica e cultura, Einaudi, 1955*

“Art is not outside politics, but politics resides within its production, its distribution, and its reception”

*Hito Steyerl, Politics of Art: Contemporary Art and the Transition to Post-Democracy, in e-flux 21<sup>st</sup> December 2010*

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## Abstract

The aim of the research is to trace a critical history of the organization and tools of the Ministry of Cultural Heritage for the promotion of contemporary art between its establishment in 1974 and today. The study of the ministerial support to the contemporary in Italy opens up a series of crucial dilemmas that do not solely concern the administration of contemporary art, but have a more wide-reaching impact regarding the whole administration of cultural heritage.

The research is based on the study of the archival documents related to ministerial activities and policies towards contemporary art, coming from the archives of the Directorate General for Budget and the Directorate General Contemporary Creativity of the Ministry of Cultural Heritage, the *Galleria Nazionale d'Arte Moderna e Contemporanea*, the *Quadriennale*, the *Triennale* and the *Biennale*. The documents include ministerial acts, decrees, public calls, circular letters, internal and external communications between the Ministry and its institutions. The research is complemented, through a multidisciplinary approach, with the analysis of the specific regulations and parliamentary debates surrounding the ministerial organisation and promotion of contemporary art.

Several reforms followed multiple changes of government, leading to fluctuating expansions and retractions of the ministerial competences for the contemporary. After reconstructing the history of the ministerial organization and tools for the promotion of contemporary art and artists in Italy, the research defines their possible future evolutions.

## Vita

<b>1993</b>	Born, Rome - Italy
<b>2011</b>	Gagosian Gallery Intern, London
<b>2013</b>	Visiting Student University of Oxford
<b>2014-15</b>	Erasmus Program Aix-Marseille Université
<b>2016</b>	M.A. Law 110/110 cum laude Sapienza University of Rome
<b>2017</b>	Fondazione Teatro dell'Opera di Roma Intern, Rome
<b>2017-present</b>	PhD Analysis and Management of Cultural Heritage IMT School for Advanced Studies Lucca
<b>2018</b>	Workshop for Registrars Centro di Ricerca Castello di Rivoli, Turin
<b>2020</b>	The Communal, the Museum and the End of the Contemporary: Decolonial Summer School UCR & Van Abbemuseum, Utrecht
<b>2020</b>	Advanced Training Course Museology and Museography MAXXI & Sapienza University of Rome, Palermo



## Publications

1. Labor A., *Atlases of modernity. Reshaping museum collections through constellations in the XXI century*, in 900 Transnazionale, n. 4, 2020
2. Labor A., *New synergies for museum management*, in Aedon, n. 3, 2017

## Conferences & Workshops

1. *Forum dell'arte contemporanea italiana 2020, Tavolo 2: È il momento di trasformare l'Italian Council*, May 2020, online
2. *X Congreso Internacional de Teoría e Historia de las Artes/XVIII Jornadas*, CAIA, 25-27 September 2019, Buenos Aires
3. *Le musée face à l'art de son temps, Bicentenaire du Musée du Luxembourg, 1818-2018*, Archives Nationales, Centre Pompidou, Musée d'Orsay, 10-12 October 2018, Paris
4. *Changing Global Hierarchies of Value? Museums, artefacts, frames, and flows*, University of Copenhagen and National Museum of Denmark, 20-22 August 2018, Copenhagen
5. *Fourth North American Workshop on Cultural Economics*, Association of Cultural Economics International, 3-4 November 2017, Montreal

## **Abbreviations**

art. – articolo

Cost. – Costituzione della Repubblica

DARC – Direzione Generale per l’Arte e l’Architettura Contemporanea

DG – Direzione Generale

DGAAP - Direzione Generale Arte e Architettura contemporanee e Periferie urbane

DGCC – Direzione Generale Creatività Contemporanea

d.l. – decreto legge

d.lgs. – decreto legislativo

D.M. – Decreto Ministeriale

DPCM – Decreto del Presidente del Consiglio dei Ministri

DPR – Decreto del Presidente della Repubblica

GNAM – Galleria Nazionale d’Arte Moderna e Contemporanea

G.U. – Gazzetta Ufficiale

l. - legge

MAXXI – Museo delle Arti del XXI secolo

MiBACT – Ministero per i Beni e le Attività Culturali

PaBAAC - Direzione Generale per il paesaggio, le belle arti, l’architettura e l’arte contemporanee

PAC – Piano per l’Arte Contemporanea

PARC - Direzione generale per la qualità e la tutela del paesaggio, l’architettura e l’arte contemporanee

r.d. – regio decreto

t.u. – Testo Unico

## Introduction to the investigation

### 1. The question of promoting culture in Italy

The right to culture is protected and promoted by national and international jurisdictions and regulations and was further globally developed and explicated in the second half of the XX century<sup>1</sup>. The promotion of culture from the State perspective has always been a crucial aspect of the public policies of modern nations and was exploited by totalitarian regimes in the first half of the XX century. Contemporary democracies, since the end of the Second World War<sup>2</sup>, exalted its promotion as a tool for human development and a common

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<sup>1</sup> Regarding the right to culture in the Italian Constitution, besides the bibliographical references that follow, see SETTIS S., *Il diritto alla cultura nella Costituzione italiana*, Forum, 2016, where the author contextualises the provisions of the Constitution with the Italian and European political environment. This research showed how the Italian State disinvested in culture during the past decades and red this tendency in relation with the political transformations. For a brief introduction to the international, European and national regulations concerning the protection of culture see also, BILANCIA P., *Diritto alla cultura. Un osservatorio sulla sostenibilità culturale*, in *Diritti culturali e nuovi modelli di sviluppo. La nascita dell'Osservatorio sulla sostenibilità culturale*, ESI, 2016. BILANCIA P., *L'evoluzione del diritto alla cultura: la cultura come servizio pubblico essenziale*, in CASTORINA E. (ed.), *Servizi pubblici, diritti fondamentali, costituzionalismo europeo*, ESI, 2016. CAVAGGION G., *La cultural defense e il diritto alla cultura nello Stato costituzionale*, Osservatorio AIC, 2, 2015. GALLIANI D., PAPA A., *Le basi del diritto alla cultura*, Aracne, 2010.

<sup>2</sup> The discourses surrounding the protection, promotion and enhancement of cultural heritage in Italy have been wide. See, among others, GIANNINI M.S., *I beni culturali*, in *Rivista trimestrale di diritto pubblico*, 1976. MERLINI S., *La promozione della cultura e della scienza nella Costituzione italiana*, in *Libertà costituzionali e limiti amministrativi*, Cedam, 1990. AINIS M., *Cultura e politica. Il modello costituzionale*, Cedam, 1991. RIMOLI F., *La libertà dell'arte nell'ordinamento italiano*, Cedam, 1992. AINIS M., FIORILLO M., *L'ordinamento della cultura*, Giuffrè, 2015. A broader analysis of the terms "cultura" and "beni culturali", in accordance with the Italian juridical system, and further bibliographical references can be found in CECCHETTI M., *Art. 9*, in BIFULCO R., CELOTTO A., OLIVETTI M. (ed.), *Commentario alla Costituzione*, UTET, 2006.

good<sup>3</sup>, in accordance with the principle of subsidiarity<sup>4</sup>. “States, and the governmental apparatus through which they operate, participate in the production and distribution of art within their borders”<sup>5</sup>.

As stated also by Howard S. Becker in 1982 the state intervention for supporting art and culture can address diverse actors and apply a plurality of instruments. “Government support of the arts often means preserving in museums what has already been done (...) but it also often includes support for working artists, training institutions, performing groups, exhibition spaces, publication, and expenses of production, as well as fellowships and other grants which free artists’ time for work. (...) When the government sees artistic activities as supporting national interests, it provides financial support which otherwise would have to come from elsewhere or would not be available at all. It may give a direct financial subsidy, to be spent as the individual artist or the organizers of the art group see fit; or access to government-owned exhibition or performance spaces which otherwise would have to be paid for; or materials or salaries for specific personnel or categories of personnel”<sup>6</sup>.

In the essay published in 1952, *Politica culturale e politica della cultura*, Norberto Bobbio distinguished between the “policy of culture”, for the purpose of culture, from the “cultural policy”, for the purpose of politics. Even if the Italian political environment has been subject to plural metamorphoses since the appearance of these statements, it is

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<sup>3</sup> With regard to the shift from a nationalistic to a universal notion of culture in the contemporary world see CASSESE S., *L'evoluzione degli istituti di cultura*, in *Cultura come diritto: radici costituzionali, politiche e servizi*, Associazione Civita & A&A Studio Legale, 2019, 7-12. Cassese underlines the important relationship of article 4 and 9 of the Italian Constitution for the “material and spiritual progress of the society”.

<sup>4</sup> In fact, the State intervenes in the cultural field not only through direct initiatives and projects, but also through support to the activities of all the public and private bodies involved in the production, conservation, protection and enhancement of culture in general (museums, theatres, cinemas, libraries, parks, cultural centres and other institutions).

<sup>5</sup> BECKER H.S., *Art Worlds*, University of California Press, 1982, 165.

<sup>6</sup> BECKER H.S., *Art Worlds*, University of California Press, 1982, 181-182.

undeniable that the risk of translating the “policy of culture” into “cultural policy”, in accordance with the terminology used by the author<sup>7</sup>, is always present. The history of the support to contemporary art by the Italian State testifies this possible fluctuation of public action and intervention in the cultural field. It becomes an exemplary test bench, as this introduction will show, for questioning the broader relationship between the public administration and cultural heritage<sup>8</sup>.

State intervention in the cultural field is generally led by four main lines of action, expression of its promotion activity, alongside the fundamental protection duty. The first are actions regulating the supply and demand of culture that can affect either the public, the artists, the artworks or the institutions. The second one regards the establishment of cultural institutions that remain under the management and control of the public administration. The third way is the financial support of institutions and individuals through direct subsidies, such as prizes, scholarships or specific funding. A fourth option regards the forms of detaxation that the public administration can apply to private non-profit organisations<sup>9</sup>.

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<sup>7</sup> “(...) the policy of culture, as the policy of men of culture in defence of the conditions of existence and development of culture, is opposed to cultural policy, as the planning of culture by politicians. All men of culture, I believe, at this moment, feel the danger of cultural policy wherever it comes from. It must be clear that against cultural policy, which is the policy made by politicians for political ends, cultural policy promotes the antithetical need for a policy made by people of culture for the very ends of culture”. BOBBIO N., *Politica e cultura*, Einaudi, 1955, 146-147. Translation by the author. All the Italian texts quoted in the thesis have been translated by the author of the research.

<sup>8</sup> For a deeper analysis of the relationship between the State and culture in Italy, among others, see TRIMARCHI M., *Economia e cultura. Organizzazione e finanziamento delle istituzioni culturali*, FrancoAngeli, 2002, 33-60. SANTAGATA W., *Il governo della cultura. Promuovere sviluppo e qualità sociale*, il Mulino, 2014.

<sup>9</sup> Several scholars have discussed the necessity, the conditions and the lines of intervention of the State for culture. In this regard, among others, see BENHAMOU F., *L'economia della cultura*, Bologna, 2012. BENVENISTI E., *Sovereigns as Trustees of Humanity: On the Accountability of States to Foreign Stakeholders*, in *The American Journal of International Law*, vol. 107, n. 2, April 2013, 295-333. CASSINELLI R., PINNA G. (ed.), *Lo stato aculturale. Intorno al Codice dei beni culturali*, Milano, 2005. CERULLI IRELLI

The State role towards cultural heritage in Italy is traditionally characterized, in accordance with the constitutional provisions, by the duties of protecting, enhancing and promoting all the objects, or immaterial cultural and artistic expressions, that can be recollected under the broad and complex definition of *beni culturali*<sup>10</sup>.

Article 9 of the Italian Constitution states that “the Republic promotes the development of culture and scientific and technical research. It safeguards the natural landscape and the historical and artistic heritage of the Nation”<sup>11</sup>. Moreover, article 33 provides that “the Republic guarantees the freedom of the arts and sciences, which may be freely taught”.

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V., *Beni culturali e diritti collettivi*, in *Scritti in onore di Massimo Severo Giannini*, Milano, 1988, I, 137-176. CLARKE J., GERWIRTZ S., MCLAUGHLIN E., *Reinventing the Welfare State*, in CLARKE J., GERWIRTZ S., MCLAUGHLIN E., *New managerialism, new welfare?*, Open University, 2000, 2-25. FOÀ S., *La gestione dei beni culturali*, Torino, 2001. FULLERTON D., *On Justifications for Public Support of the Arts*, in *Journal of Cultural Economics*, vol. 15, n. 2, December 1991, 67-82. GIAMBRONE F., *Politiche per la cultura in Europa. Modelli di governance a confronto*, Milano, 2013. GINSBURGH V.A., THROSBY D., *Handbook of the Economics of Art and Culture*, Vol. 2, Oxford, 2014. KEYNES J.M., *Art and the State*, 1936. MAROTTA S., *Per una lettura sociologico-giuridica dei beni culturali come “beni comuni”*, Roma, 2017. O’KEEFE R., *The “Right to Take Part in Cultural Life” under Article 15 of the ICESCR*, 47 *International and Comparative Law Quarterly*, Cambridge, 1998, 904–923. O’KEEFE R.M., *World Cultural Heritage: Obligations to the International Community as a Whole?*, 2004, 53 *International and Comparative Law Quarterly*, 189–209, republished in DE FEYTER, *Globalization and Common Responsibilities of States in International Law*, Farnham: Ashgate, 2013, 395–415. ROBBINS L., *Politics and Economics*, 1963. RODOTÀ S., *Beni Comuni*, Consorzio Festivalfilosofia, 2013. SACCO P.L., *Culture and the structural funds in Italy*, *European Expert Network on Culture Research*, June 2012. SANTAGATA W., *Il governo della cultura*, Bologna, 2014. THROSBY D., *The Economics of Cultural Policy*, Cambridge, 2015. TRIMARCHI M., *Economia e cultura*, Milano, 2010.

<sup>10</sup> For an introduction to the topic, see CASINI L., *Oltre la mitologia giuridica dei beni culturali*, in *Aedon*, 2012, 1-2, and the references mentioned in the article.

<sup>11</sup> For a broader analysis of article 9 see MERUSI F., *Commento all’Art. 9*, in BRANCA G. (ed.), *Commentario della Costituzione*, Zanichelli, Foro italiano, 1975. CECCHETTI M., *Art. 9*, in BIFULCO R., CELOTTO A., OLIVETTI M. (ed.), *Commentario alla Costituzione*, UTET, 2006. See also MARINI F.S., *La tutela costituzionale dei beni culturali*, Giuffrè, 1998.

The act of promoting, mentioned in article 9, hides the delicate issue regarding the relationship between politics and culture<sup>12</sup>. Among others, some of the arguments regarding state support to culture usually refer to the rigidity that public intervention in the cultural field could provoke, by discouraging innovation and the entry of new actors in the field. A second point comes from the evidence that the State might have a strong political influence on cultural expression through its funding and support. The third argument focuses on the redistribution of resources from poor to wealthy people, since the main consumers of cultural goods often have a higher income<sup>13</sup>.

Some scholars reply to these arguments by admitting that the wealthiest people contribute the most to the public funding of culture thanks to a progressive taxation system. Moreover, they recognize that governmental influences are inevitable since the demand for public funding always exceeds the supply<sup>14</sup>. Concerning the third

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<sup>12</sup> The difficulty of finding a balance between the prescriptive duty of promoting culture (article 9) and the necessity of abstention from intervening in the art field (article 33) characterizes the State role and intervention in the field as described by CAVAGGION G., *Diritti culturali e modello costituzionale di integrazione*, Giappichelli, 2018, 22. See also, CLEMENTE DI SAN LUCA G., *Libertà dell'arte e potere amministrativo*, Napoli, 1999.

<sup>13</sup> CRISMANI A., *Libertà dell'arte e limiti del diritto*, in *Diritto, economia e società. In ricordo di Luisa Cusina*, EUT, 2018, 77. The author made reference to the texts of NETZER D., *Art and culture*, in CLOTFELTER C.T., *Who benefits from the nonprofit sector?*, The University of Chicago Press, 1992, 187. O'HAGAN J., *Stato e arte: la cassetta degli attrezzi*, in *Economia della Cultura*, XIII, 2003, 1, 26. THROSBY D., WITHERS G., *The economics of the performing arts*, St. Martin's Press, 1979, 231. For a closer look to the Italian discourses surrounding the policies for culture see also DUBINI P., *"Con la cultura non si mangia" (Falso!)*, Laterza, 2018. And TURRINI A., *Politiche e management pubblico per l'arte e la cultura*, EGEA, 2009. TRIMARCHI M., *Economia e cultura. Organizzazione e finanziamento delle istituzioni culturali*, FrancoAngeli, 2002, 27-29, 152-160.

<sup>14</sup> The statements of DE LUCA M., GENNARI SANTORI F., PIETROMARCHI B., TRIMARCHI M. in *"Creazione contemporanea. Arte, società e territorio tra pubblico e privato"* are of particular interest to question the nature of the supply and demand with regard to the promotion and investments in the contemporary art field. "At the same time, none of the authors of the essays present in *Creazione Contemporanea*, even though they carry out projects related to art and cultural commissioning, confuses the promotion of the current creative scene with the traditional policies of cultural investment, whether

issue, they claim that the most effective strategy to avoid the rigidity of public action would be the limitation of state intervention to the planification of specific policies for the field that would be applied and managed by agencies accountable for representing and optimizing the public interest<sup>15</sup>.

Nonetheless, scholars have underlined how a balanced intervention of public actors in culture is granted by the combined provisions of articles 9 and 33 of the Constitution. Art and science need the specific action of the public bodies whose limit is the parallel guarantee of freedom<sup>16</sup>. The public intervention for culture sets it free from the

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sponsorship by private actors or the promotion of events intended for consumption by public institutions. On the contrary, for many authors the objective is the creation of a collective heritage through the production or commissioning of works of art. A desire that is in no way in contradiction with the promotion of projects based on process but responds to a widespread demand for artistic creation in a way that is neither monumental nor celebratory nor even occasional. We believe that this propensity for production also responds to a widely perceived need: the identification of economic practices that go beyond the dynamics of supply to promote a demand that is perceived as more sustainable". DE LUCA M., GENNARI SANTORI F., PIETROMARCHI B., TRIMARCHI M. (ed.), *Creazione contemporanea. Arte, società e territorio tra pubblico e privato*, Luca Sossella editore, 2004, 11.

<sup>15</sup> CRISMANI A., *Libertà dell'arte e limiti del diritto*, in *Diritto, economia e società. In ricordo di Luisa Cusina*, EUT, 2018, 78. Moreover, regarding the public supply in the cultural field, it was claimed that "this of the quality of artistic production ends up being a crucial point for the analysis of the informative and organizational characteristics of the artistic and cultural sector (...) From this point of view, it must be stressed that the public offer (and, in the same way, the offer financially supported by the public operator) assumes a so to speak insurance function, guaranteeing the consumer that level of quality and, above all, that training potential that a purely private offer (oriented to some extent to the profit) could not instead ensure". From PENNELLA G., TRIMARCHI M., *Stato e mercato nel settore culturale*, il Mulino, 1993, 12.

<sup>16</sup> "But it is precisely in the coexistence of the two provisions [Articles 9 and 33] that we seem to be able to find the basic orientation of our Constitution: art and science need targeted action by the public authorities and, at the same time, the guarantee of their ineliminable sphere of freedom is the limit of such public action". CECCHETTI M., Art. 9, in BIFULCO R., CELOTTO A., OLIVETTI M. (ed.), *Commentario alla Costituzione*, UTET, 2006, 229. See also, MERUSI F., *Commento all'Art. 9*, in BRANCA G. (ed.), *Commentario della Costituzione*, Zanichelli, Foro italiano, 1975.



material limitations that forbid the cultural development and freedom of expression<sup>17</sup>.

For these reasons, the role of public bodies in the application of the provisions of articles 9 and 33 needs to be interpreted together with the constitutional principles of substantial equality (article 3), right to work (articles 1 and 4) and pluralism (articles 3, 6 and 8), that public bodies are expected to guarantee in the whole national territory. The promotion of culture is dependant on the application of these fundamental principles<sup>18</sup>.

The “law of culture”, which is distinct from cultural heritage law and incorporates it, is based on three theoretical pillars<sup>19</sup>. The first one is usually considered to be based on the German doctrine of the *Kulturstaat*<sup>20</sup> where autonomy of culture comprises the expression of

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<sup>17</sup> “(...) the meaning of the verb ‘to promote’ would prefigure the phenomenon of ‘reward law’, as a task of real ‘transformation’ of the course of cultural activities; hence, the connection with the freedom of art. 33 should be found in the fact that public intervention on culture must serve to ‘make it free’ from all those material constraints that compress its development and free expression”. CECCHETTI M., *Art. 9*, in BIFULCO R., CELOTTO A., OLIVETTI M. (ed.), *Commentario alla Costituzione*, UTET, 2006, 230. In the text the author reminds how the d.lgs. 112/1998, art. 148 and 153 (repealed by article 184 of the Cultural Heritage and Landscape Code) defined the term “promotion” as “any activity aimed at arousing and supporting cultural activities”. “(...) the constituents consider that cultural expression is not free without the support of the public administration and that the latter must therefore ensure that it is ‘freed’ from the constraints that burden its itineraries and compress its development”. Statement taken from AINIS M., *Cultura e politica. Il modello costituzionale*, CEDAM, 1991, 114, who accentuated the intervention of the State to rectify the disfunctions of the cultural system.

<sup>18</sup> CECCHETTI M., *Art. 9*, in BIFULCO R., CELOTTO A., Olivetti M. (ed.), *Commentario alla Costituzione*, UTET, 2006, 230. See also REPETTO G., *Il diritto alla cultura*, in *Convegno annuale, Cassino 10-11 giugno 2016, Cos’è un diritto fondamentale?*, versione provvisoria.

<sup>19</sup> CRISMANI A., *Libertà dell’arte e limiti del diritto*, in *Diritto, economia e società. In ricordo di Luisa Cusina*, EUT, 2018, 57-79.

<sup>20</sup> In accordance with the analysis of Merusi the term should be translated as “Stato per la cultura” instead of “Stato di cultura”, by underlining the State pursuit of culture. MERUSI F., *Commento all’Art. 9*, in BRANCA G. (ed.), *Commentario della Costituzione*, Zanichelli, Foro italiano, 1975.

rights to freedom and, at the same time, the duty of public bodies to provide it, by including it among the social rights<sup>21</sup>. The second pillar comes from the Italian doctrine of Massimo Severo Giannini<sup>22</sup> that saw its birth in the works of the *Commissione Franceschini*<sup>23</sup>. He underlined how the juridical nature of cultural heritage is based on immateriality and publicity<sup>24</sup>. Lastly, the third pillar is based on the French doctrine of the *service public culturel* that considers culture as the object of the action of the public administrations<sup>25</sup>. State intervention for culture in Italy is traditionally grounded in these three pillars.

Contemporary art lies, regardless of the extended or restricted notion of the term “culture” in article 9<sup>26</sup>, under the diverse subjects that

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<sup>21</sup> “From the financial point of view, they are divided into rights whose guarantee generates a cost for the state and the community, because they require a dedicated amount of public expenditure (these are the social rights) and then there are the rights of freedom which would require only a duty to refrain from interference and limitations by the public authorities”. Statements expressed by CRISMANI A., *Libertà dell’arte e limiti del diritto*, in *Diritto, economia e società. In ricordo di Luisa Cusina*, EUT, 2018, 75. On the distinction between social rights and rights to freedom see NAPOLITANO G., ABRESCIA A., *Analisi economica del diritto pubblico*, Bologna 2009. PERFETTI L.R., *I diritti sociali. Sui diritti fondamentali come esercizio della sovranità popolare nel rapporto con l’autorità*, in *Dir. Pubbl.*, 2013, 1, 62-130.

<sup>22</sup> GIANNINI M.S., *I beni culturali*, in *Riv. Trim. Dir. Pubbl.*, 1976, 5.

<sup>23</sup> Established with the law 26<sup>th</sup> April 1964, n. 310.

<sup>24</sup> “The immateriality is to be referred to cultural value, that is the ‘typical value’ of which every material testimony having the value of civilization is the bearer (...) As for advertising, ‘the cultural good is public not as an asset of belonging, but as an asset of enjoyment’ (p. 1033). This is perhaps one of the happiest and most famous phrases of Giannini’s essay, which is still very topical today”. CASINI L., “*Todo es peregrino y raro ...*”: Massimo Severo Giannini e i beni culturali, in *Rivista trimestrale di diritto pubblico*, anno LXV, 3, 2015, 993-994.

<sup>25</sup> Among others see, LÉGER J., PONTIER J.-M. (ed.), *Les services publics culturels*, Presses universitaires d’Aix-Marseille, 2012. PONTIER J.-M., *Service public culturel: épanouissement ou racornissement?*, in *L’Observatoire*, 2013/2, n.43, 86-90.

<sup>26</sup> “On the basis of the broad conception, based on a systematic interpretation of the fundamental principles of the Constitution and echoing the contributions of the anthropological sciences, ‘the culture of which we speak in Art. 9 of the Constitution is that which arises from the free development of man’s personality, from his freedom to choose his own formative processes, from the free formation of his system of values’,

constitute cultural heritage, in some specific cases provided for by the Cultural Heritage and Landscape Code (Legislative Decree 42/2004)<sup>27</sup>, and the notion of culture in general<sup>28</sup>. For this reason, the Republic and its bodies are responsible for its promotion and development, in accordance with the European and international provisions for the protection and enjoyment of cultural heritage<sup>29</sup>.

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so that 'the constitutional meaning of culture ends up coinciding with the entire process of intellectual formation of the human person'. In this sense, the fundamental principle contained in art. 9 should be considered 'that of the protection, as far as freedom is concerned, and of the promotion, as far as activity is concerned, of the whole intellectual research activity of man' (...). According to the selective conception, instead, the constitutional notion of culture must be limited 'to the superior manifestations of the human intellect' and therefore only to 'cultural expressions [...] that reach the level of art or science' (...)'". Taken from CECCHETTI M., *Art. 9*, in BIFULCO R., CELOTTO A., OLIVETTI M. (ed.), *Commentario alla Costituzione*, UTET, 2006, 222-223. See also, MERLINI S., *La politica culturale della repubblica ed i principi della Costituzione*, in *Diritti nuove tecnologia, trasformazioni sociali. Scritti in memoria di Paolo Barili*, Padova, 2003. MERLINI S., *La promozione della cultura e della scienza nella Costituzione italiana*, in SANTANIELLO (ed.), *Tratt. Di Dir. Amm.*, XXII, 1990, 379. AINIS M., *Cultura e politica. Il modello costituzionale*, CEDAM, 1991. GIANNINI M.S., *Sull'articolo 9 Cost. (la promozione culturale)*, in *Scritti*, IX, Milano, Giuffrè, 2006. FLICK G.M., *Elogio del patrimonio. Cultura, arte, paesaggio*, Libreria editrice Vaticana, 2016. CAVAGGION G., *Diritti culturali e modello costituzionale di integrazione*, Giappichelli, 2018, 1-30.

<sup>27</sup> See the first chapter for further references regarding the provisions of the Code.

<sup>28</sup> "We can find, in the most recent constitutionalism, some attempts to regulate the relationship between State and culture, with a reading of culture that becomes from a static object of protection, a factor of individual and collective development.". CAVAGGION G., *Diritti culturali e modello costituzionale di integrazione*, Giappichelli, 2018, 26.

<sup>29</sup> CASINI L., *The Future of (International) Cultural Heritage Law*, 16 *International Journal of Constitutional Law*, 2018; CASINI L., «"Italian Hours": The Globalization of Cultural Property Law», 9 *International Journal of Constitutional Law*, 2011; JAYME E., *Globalization in Art Law: Clash of Interests and International Tendencies*, 38 *Vanderbilt Journal of Transnational Law*, 2005, 927; MERRYMAN J.H., *The Public Interest in Cultural Property*, 77 *California Law Review*, 1989, 339; BLAKE J., *International Cultural Heritage Law*, Oxford, OUP, 2015; MERRYMAN J.H., *Art System and New Cultural Policy*, Stanford Public Law Working Paper, n. 1489612, October 2009; BATTINI S., «Taking Local Decisions by Global Decision-Making Processes: the World Heritage Convention and the Procedural Side of Legal Globalization», 9 *International Journal of Constitutional Law*, 2011, 340; ZACHARIAS D., «The UNESCO Regime for the Protection of World Heritage as Prototype of an Autonomy-

The role of State in the promotion of contemporary art in Italy has varied in accordance with the political, economic and socio-cultural conditions across the years. Therefore, in order to understand the relationship between contemporary art and the Italian State, from a juridical, political and cultural point of view, it is necessary to turn to the action implemented by the Ministry of Cultural Heritage and Activities across the years since its foundation in 1974, as one of the main actors<sup>30</sup> working for the implementation of “cultural welfare”<sup>31</sup>.

Contemporary art is one of the subjects included in the cultural policies of the states that were born after the Second World War. The instrumental relationship that the Italian State had with contemporary art during the years of the fascist dictatorship caused a subsequent deregulation of the field in the years that followed the fall of the regime in the attempt to allow a re-appropriation of freedom and self-determination that was previously limited<sup>32</sup>.

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*Gaining International Institution*», 9 *German Law Journal*, 2008, 1833; MARINI F.S., *La tutela costituzionale dei beni culturali*, Giuffrè, 1998. Marini described how the influence of the European regulations affected the understanding of the contemporary art term, by including audiovisual products and the related instruments.

<sup>30</sup> For a broader perspective regarding the network of the art world see ALLOWAY L., *Network. The Art World Described as a System*, in ALLOWAY L., *Network. Art and the Complex Present*, UMI Research Press, 1984. BECKER H.S., *Art Worlds*, University of California Press, 1982. BELTING H., BUDDENSIEG A., WEIBEL P., *The Global Contemporary and the Rise of New Art Worlds*, MIT Press, 2013. POLI F., *Il sistema dell'arte contemporanea*, Editori Laterza, 2015. ZORLONI A., *The Economics of Contemporary Art*, Springer-Verlag, 2013.

<sup>31</sup> As Forte stated “the distributive function of public interventions in culture is a measure of equality and substantial justice, and has a high probability of collective utility”. FORTE P., *Il contemporaneo in Italia. Evoluzione normativa e modelli di gestione*, in *Economia della Cultura*, Marzo 2014. In the same article the author underlines the inadequacy of the Ministerial organization concerning the contemporary due to its static condition regarding not only its structure, but also the training of the functionaries. See also the whole publication of D'ORSOGNA D., SACCO P.L., SCUDERI M. (ed.), *Nuove alleanze. Diritto e economia per la cultura e l'arte*, *Supplemento di Arte e critica*, n.80/81, anno XXI, 2015. And CRISMANI A., *Libertà dell'arte e limiti del diritto*, in *Diritto, economia e società. In ricordo di Luisa Cusina*, EUT, 2018, 57-79.

<sup>32</sup> “(...) We speak of freedom in the sense of ‘non-impediment’”. BOBBIO N., *Politica e*

The Ministry of Education, until 1974, and the Ministry of Cultural Heritage, later on, historically had a central role in the promotion and support to the contemporary art field. Italian ministerial intervention for the promotion of contemporary art was developed through diversified instruments. Specific prizes, scholarships and funding, international and national exhibitions were promoted by the Ministry also through the support of the Ministry of Foreign Affairs.

However, the state policies for contemporary art were mainly applied through the specific state institutions and museums working in the field, directly funded and controlled by the Ministry<sup>33</sup>. The *Galleria Nazionale d'Arte Moderna e Contemporanea* in Rome, in the guise of *Soprintendenza Speciale*, the *Biennale* in Venice, the *Triennale* in Milan, the *Quadriennale* in Rome, the *Istituto Centrale per la Grafica* in Rome,

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*cultura*, Einaudi, 1955, 148. The author claimed also that “what are the guidelines for a cultural policy can be derived from the above premises. The most favourable conditions for the development of culture are, first of all, the existence and effectiveness of what Abbagnano has called the ‘strategic institutions’ of freedom. A policy of culture should be first and foremost a defence and promotion of freedom, and then a defence and promotion of the strategic institutions of freedom. The awareness of the value of freedom for the development of culture is one of the few certainties laboriously won by men in the formation of modern society and thought. (...) Free culture means unimpeded culture. The impediments can be as material as psychic or moral: the former hinder or make difficult the circulation and exchange of ideas, the contact of men of culture; the latter hinder or make difficult or even dangerous the formation of a sure conviction through the falsification of facts or the fallacy of reasoning, if not even through pressure of various kinds on consciences, etc.”. See also CRISMANI A., *Libertà dell'arte e limiti del diritto*, in *Diritto, economia e società. In ricordo di Luisa Cusina*, EUT, 2018, 57-79, where the author affirms that “with the French Revolution, prevision was made in the constitutions for provisions on public education, together with more general statements on the freedom of culture and the role to be played by the State in relation to it”.

<sup>33</sup> Before the XXI century the politics for contemporary art were mainly focused on the museum institutions, on their foundation and on the expansion of their collections and exhibitions. In this regard, see DALAI EMILIANI M., *Il museo e l'arte contemporanea*, in EMILIANI A., *Capire l'Italia. I musei*, Touring Club Italiano, 1980.

*Castel Sant'Elmo* in Naples and the MAXXI in Rome, in a second phase, were just some of the main state actors supporting the contemporary<sup>34</sup>.

The birth of the Ministry of Cultural Heritage in 1975 did not readdress the gap in support to contemporary art. Besides the role and activities of the *Galleria Nazionale* for promoting contemporary art as a *Soprintendenza Speciale*, the Ministry did not establish any branch with specific competences in this field until the beginning of the XXI century<sup>35</sup>. Artists and contemporary art institutions were often absent or not properly considered in public and legislative discourse, as it emerges in the first chapter of the analysis<sup>36</sup>. This condition persisted in Italy until the very end of the XX century, while in all the other

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<sup>34</sup> The *Biennale* was founded in 1895 and was officially established as an *Ente Pubblico* in 1973 (l. 26 July 1973, n.438). In 1998 (d.lgs. 29 January 1998, n.19) the *Biennale* was transformed into *Società di cultura* and reformed in 2004 as foundation (d.lgs. 8 January 2004, n.1). The *Triennale* was founded in 1931 (R.D. 25 June 1931, n. 949) *Ente Pubblico*, the transformed into a foundation in 1999 (d.lgs. 20 July 1999). The *Quadriennale* was founded in 1927. It was established as *Ente Pubblico* (R.D. 1 July 1937, n. 2023) and then transformed into foundation in 1999 (art. 8, d.lgs. 28 October 1999, n.149). The *Istituto Nazionale per la Grafica* was founded in 1975 and in 2015 obtained the administrative autonomy (D.P.C.M. 29 August 2014, n.171, art.30). For a brief history of the contemporary art institutions in Italy see MATTIROLO A., VANNINI S., *I musei di arte contemporanea in Italia*, in BALDI P. (ed.), *MAXXI Museo Nazionale delle Arti del XXI secolo*, Electa, 2006.

<sup>35</sup> In this regard, see the analysis developed in the second and third chapters. The reflections of Becker are particularly interesting for investigating the nature of the relationship between artists and the State. "To summarize, the state participates in the network of cooperation, the art world, which produces the works characteristic of a particular medium at a particular time. It creates the framework of property rights within which artists get economic support and make reputations. It limits what artists can do when it protects people whose rights may have been infringed by artists intent on producing their work. It gives open support to some forms of art, and to some practitioners of those forms, when they appear to further national purposes. It uses state power to suppress work which seems likely to mobilize citizens for disapproved activities or prevent them from being mobilized for appropriate purposes. (...) all artists depend on the state and their work embodies that dependence". BECKER H.S., *Art Worlds*, University of California Press, 1982, 191.

<sup>36</sup> In this regard, see the first chapter of the thesis. The research questions the fulfilment of this gap by the Ministry in the field of contemporary art in the time span analysed.

European countries the support to contemporary arts was developed through diversified instruments and strategies<sup>37</sup>.

The first attempts of the State to define a clear policy towards contemporary art appeared in 1998 with the foundation of the Centre for the documentation and enhancement of contemporary arts (then renamed MAXXI under the guise of a foundation under private law). The creation of the new institution was followed in 2001 by the establishment of the first branch of the central ministerial organization for contemporary art, the DARC - Directorate General for Contemporary Art and Architecture.

However, in recent years scholars re-emphasised the gaps of the Italian system in promoting contemporary art and artists, when facing, among other issues, occasional public support policies, not always based on a clear knowledge of international mechanisms<sup>38</sup>. The investigation of the reasons for the marginality of young Italian contemporary artists abroad showed the weaknesses of the system when compared with other foreign models<sup>39</sup>. Among the causes, the

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<sup>37</sup> For a broader comparative analysis see SACCO P.L., SANTAGATA W., TRIMARCHI M., *L'arte contemporanea italiana nel mondo*, Skira, 2005.

<sup>38</sup> SACCO P.L., SANTAGATA W., TRIMARCHI M., *L'arte contemporanea italiana nel mondo*, Skira, 2005, 112. This condition was confirmed also by the research, promoted by the Ministry and developed by Angela Vettese and Walter Santagata, concerning contemporary art in Italy in SANTAGATA W., *Libro bianco sulla creatività. Commissione sulla creatività e produzione di cultura in Italia* (D.M. 30 novembre 2007), Mibac, 2007.

<sup>39</sup> SACCO P.L., *La giovane arte italiana nella prospettiva internazionale: problemi e opportunità*, in SACCO P.L., SANTAGATA W., TRIMARCHI M., *L'arte contemporanea italiana nel mondo. Analisi e strumenti*, Skira, 2005, 90. In this regard, see also, SANTAGATA W., *Libro bianco sulla creatività. Commissione sulla creatività e produzione di cultura in Italia* (D.M. 30 novembre 2007), Mibac, 2007. "And it is here that the weakness of the Italian system emerges, which, due to the scarcity of independent spaces, the predominance of a weak and fragmented gallery system and occasional public support policies not based on a clear knowledge of the selection mechanisms operating in the international sphere, makes access to such opportunities extremely difficult for a young Italian artist. (...) The most direct and effective way to overcome these structural weaknesses is then to use the resources for the promotion of young Italian art abroad to increase the integration of the Italian system within the international circuit of

low public resources for supporting and promoting contemporary art and artists, as well as the absence of public spaces and private non-profit institutions for the emergence of young artists were highlighted<sup>40</sup>.

It has been claimed that public financial support to contemporary artists, through varied specific instruments, would reduce this marginal condition by opening the system to a broad internationalisation process that would produce a prolific cooperation among national and international actors<sup>41</sup>. The importance of these

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excellence". SACCO P.L., *La giovane arte italiana nella prospettiva internazionale: problemi e opportunità*, in SACCO P.L., SANTAGATA W., TRIMARCHI M., *L'arte contemporanea italiana nel mondo. Analisi e strumenti*, Skira, 2005, 112. "Many times, in recent years, there have been questions about the difficulties highlighted by the Italian art system, from the reduction of resources to political interference, from the lack of international competitiveness to the decision of many artists and curators to go and work abroad, from the lack of critical debate to the scarce presence of artistic research in publishing and media, from the backwardness of the educational system to the chronic lack of strategies, visions and ability to 'make a system'". Opinions emerged during the *Forum dell'arte contemporanea italiana* in 2015. *Atti del Forum dell'arte contemporanea italiana 2015*, 25-27 settembre, Prato, 15.

<sup>40</sup> In order to solve this problem Sacco proposed to activate grants for exhibitions and residencies abroad that would allow foreign institutions to get to know Italian artists during longer periods of time. The same grant program was proposed for Italian curators that could facilitate their residencies in foreign institutions and the promotion and knowledge of Italian artists abroad. Moreover, the author proposed to start residencies for foreign curators in Italy that would provide the occasions for researching into the Italian artistic scene. Similar projects have been developed after 2006 by the Directorate General for the promotion of contemporary art. In this regard, see the third chapter.

<sup>41</sup> SACCO P.L., *La giovane arte italiana nella prospettiva internazionale: problemi e opportunità*, in SACCO P.L., SANTAGATA W., TRIMARCHI M., *L'arte contemporanea italiana nel mondo. Analisi e strumenti*, Skira, 2005, 112-113. Furthermore, the analysis developed by Lavagna and Trimarchi in the same text is particularly important for understanding the essential elements for the promotion of contemporary art and artists: informative infrastructures, institutional activities, regulation of private activities, scholarships and prizes, funding national activities, funding activities abroad, funding exchanges. The research was based on the study of the national cases, such as Brazil, Finland, France, Great Britain and the Netherlands. This important publication was promoted by the DARC – Direzione Generale per l'architettura e l'arte contemporanee.



statements particularly emerges in the fourth chapter of the research where the specific ministerial tools for the contemporary are analysed and questioned.

During the history of the Ministry of Cultural Heritage, ministerial policies for contemporary art and artists have been implemented and improved through a series of instruments, strategies and projects that this thesis investigates, in view of critiques evidenced by scholars across the years regarding the complex relationship between the Ministry and contemporary art<sup>42</sup>.

## **2. The importance of investigating the promotion of contemporary art**

Since the foundation of the Ministry of Cultural Heritage, the attention of the public administration has been focused on two main normative efforts. On one side, the constant reorganization of the ministerial body and branches, while on the other side, the activity of codification with the aim of delimiting the object of the administrative intervention, differentiating the goals and tools available<sup>43</sup>. A real coordination between these two spheres has never been established and this lack of harmonization has produced a series of imbalances in the administration of this crucial field in Italy<sup>44</sup>.

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LAVAGNA M., TRIMARCHI M., *Le politiche di promozione dell'arte contemporanea all'estero. Modelli, strumenti e meccanismi d'azione*, in SACCO P.L., SANTAGATA W., TRIMARCHI M., *L'arte contemporanea italiana nel mondo*, Skira, 2005, 115-144.

<sup>42</sup> In 2012 two Italian contemporary art curators, Cecilia Canziani and Ilaria Gianni, stated that "Italy is going through a very delicate political moment in which cultural production is considered as a secondary issue to the government. The inadequacy of the system, and of the State, is in Italy often the element that triggers alternative and inventive solutions (...) Italy is also a very fragmented country, lacking in debate and initiatives." HAMELIJNCK R., TERPSMA N. (ed.), *Italian Conversations. Art in the age of Berlusconi*, Fucking Good Art, Nero, 2012, 3.

<sup>43</sup> CASINI L., *Ereditare il futuro*, il Mulino, 2016, e-book, 54.

<sup>44</sup> "(...) the solutions found by the legislator were not always timely and organic. Since the post-war period, there have been many legislative initiatives on heritage and cultural activities, but very few have been systematic". CASINI L., *Ereditare il futuro*, il

Contemporary art, with its peculiar and evolving features, that will emerge in the following sections of the analysis, becomes an important testing ground for broadly investigating the development of the Italian public administration policy concerning cultural heritage across the years, particularly with regard to the organization of the Ministry of Cultural Heritage and to the legislative instruments created for its promotion, support and enhancement. As described below, these two elements are central to the ecology of the research investigation.

In the light of the literature concerning the promotion of culture by the State, the research intends to retrace a history of the ministerial organization and tools for contemporary art in Italy since the foundation of the Ministry of Cultural Heritage in 1974 until today, as one of the main actors for the promotion and support of contemporary art nationally and internationally<sup>45</sup>. The period of time taken into consideration goes from 1974, when the Ministry of Cultural Heritage was founded thanks to the will, among others, of Giovanni Spadolini<sup>46</sup>, to 2020 when this research ends.

In fact, even if several studies have been developed regarding the promotion and support to contemporary art in Italy, a comprehensive analysis of the history of the Ministry of Cultural Heritage for the

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Mulino, 2016, e-book, 67. The author underlines in the same text also how the lack of a clear definition of the terms “tutela” and “valorizzazione” when the Ministry was founded in the seventies was a setback that has only been resolved recently. It could be argued that this absence directly affected also the policies for the promotion, support and enhancement of contemporary art in Italy, since the protection (*tutela*) of cultural heritage has been the main focus of the public administration for so long. Contemporary art and artists, in turn, need to be promoted, supported and enhanced, more than simply protected.

<sup>45</sup> As the following chapters show and argue, the foundation of the Ministry in 1974 marked a fundamental turning point for the administration and promotion of culture in Italy.

<sup>46</sup> SPADOLINI G., *I beni culturali dall'istituzione del ministero ai decreti delegati*, Firenze, 1976. SPADOLINI G., *Una politica per i beni culturali*, Casa Editrice Colombo, 1975. SPADOLINI G., *Beni culturali: diario, interventi, leggi*, Vallecchi, 1976.

promotion of this crucial field has never been traced before. The investigation intends to fill this gap in the existing literature in order to offer an extensive overview of the ministerial action for the contemporary and to suggest possible lines of development for the future.

The study of the ministerial organization and its tools to support and promote contemporary art in Italy opens up a series of broad and crucial dilemmas that do not solely concern the administration of contemporary art, but have a more wide-reaching impact regarding the whole administration of cultural heritage.

The research focuses on three of these fundamental issues: the ministerial organization for the contemporary, the tools applied for its promotion and the definition of the *contemporary art* term in relation to the juridical notion of cultural property.

First of all, the issue of the organization of the public administration concerning cultural heritage. To what extent did the organization of the Ministry of Cultural Heritage influence the promotion of contemporary art? The organization of the centralized ministerial body has been particularly affected by frequent transformations that inevitably impacted the whole system of protection, support and enhancement of contemporary art and cultural heritage in general<sup>47</sup>.

For this reason, the evolution of the ministerial organization and branches for the promotion of contemporary art are investigated. The nature of the diverse organizations is taken into consideration by the analysis from the juridical and historical point of view, in order to understand how these organizations, across the years and phases of

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<sup>47</sup> For 46 years the Ministry of Cultural Heritage was led by 27 ministers. Most of them lasted between one and two years. Only Antonio Gullotti (1983-1987), Giuliano Urbani (2001-2005) and Dario Franceschini (2014-2018) were in charge for four subsequent years. In this regard, see the final chronology.

the ministerial history, have been reformed between coherent and unsystematic attempts<sup>48</sup>.

Secondly, the research examines the introduction and evolution of the crucial tools for promoting and supporting contemporary art and questions the coherence of the political design. What has been the nature of the specific tools for promoting and supporting contemporary art in Italy? They appeared, among others, under the guise of prizes, scholarships, public calls for funding contemporary art institutions and increase contemporary collections.

The contemporary art field appears to be an important proving ground where the difficult definition of the term and scope of intervention, on a juridical level, together with the presence of living artists, as main characters and objects of the promotion and support, and of a plurality of public and private actors<sup>49</sup> evidently increase the traditional problems related to the enhancement and promotion of cultural heritage and reinforce the complexity of the ministerial functions.

In the attempt to carry out its duties, the Ministry defines the essential tools that guarantee the fulfillment of governmental policies for the

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<sup>48</sup> "(...) there are also several vices in the structure of the Ministry. Some are 'original' and date back to 1974, others emerged or accompanied subsequent reforms. In particular, three of them can be indicated: the misalignment between organizational design and substantive discipline; the lack of coordination between the reorganization of the Ministry and the administrative reforms; the lack of connection between reorganization and definition of administrative functions". CASINI L., *Ereditare il futuro*, il Mulino, 2016, e-book, 424.

<sup>49</sup> The importance of private organisations and individuals for the promotion and development of contemporary art and artists in Italy is undeniable. The thesis, focusing on the ministerial intervention in the field, analysed their important role in relation to policies, tools and programs promoted by the central administration in the time span taken into consideration by the research. Their essential role in the establishment of dialectical relationships and complementary forms of support with the Ministry particularly emerges in the application of certain tools for the promotion of contemporary art, such as prizes, exhibitions and funding programmes. This topic is investigated in detail in the fourth chapter.

cultural field. The tools are applied by the public administration for protecting, supporting, promoting and enhancing cultural heritage. These diverse instruments face plural interests and bodies, coexisting in the cultural field<sup>50</sup>. The administration of the contemporary is particularly characterized by a plurality of groups of interest deriving from the “living matter” of its subject. For this reason, the nature of its tools is closely investigated.

Lastly, the third dilemma refers to the complexity of defining *contemporary art* and its immaterial dimension from the juridical and administrative point of view<sup>51</sup>. How have the legislator and the public administration policies been affected by the evolving material and immaterial nature of contemporary art? The first section of research tries to reply to this fundamental question by examining the relationship between the State and contemporary art and the understanding of the term from the public administration and the legislator’s point of view.

### 3. Structure of the thesis and investigative tools

The thesis, in order to trace the history of the organization of the Ministry of Cultural Heritage and to analyse the projects and tools

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<sup>50</sup> “This is, in particular, the strong disconnection of the organizational design with the actual definition of administrative functions, understood with regard to both the public purpose and the related means, institutions and procedures”. CASINI L., *Ereditare il futuro*, il Mulino, 2016, e-book, 430-431.

<sup>51</sup> This issue is strictly related to the difficulty of defining *cultural heritage* in general. For a broader analysis of the problems related to the immaterial dimension of contemporary artistic expressions see DONATI A., *Law and art: diritto civile e arte contemporanea*, Giuffrè Editore, 2012; DONATI A., *La definizione giuridica di opera d'arte e le nuove forme di espressione artistica contemporanea*, in *La Rivista del Consiglio, Studi e commenti*, Anno 2017-2018; AJANI G., DONATI A., *I diritti dell'arte contemporanea*, Umberto Allemandi & C., 2011; DONATI A., *La definizione giuridica di opera d'arte e le nuove forme di espressione artistica contemporanea*, in *La Rivista del Consiglio*, 2012-2018, 118-128; DONATI A., “*Art as Idea as Idea*”: *diritto e creazione artistica contemporanea*, in *Quaderni del Dottorato Fiorentino in Scienze Giuridiche*, Maggioli Editore, 2017. See also MARINI F.S., *La tesi di Giannini sull'immaterialità del bene culturale e rilievi critici*, in *La tutela costituzionale dei beni culturali*, Giuffrè, 1998.

relating to the promotion of contemporary art, follows a chronological path that enables the reader to visualize the evolution of the Italian administration for the contemporary.

The research starts with the analysis, in the first chapter, of use of the term contemporary art in parliamentary debates and within administrative acts and regulations. The aim is to trace a possible definition of the term for the Italian public administration by contextualizing it with the use made by the Italian legislator. The necessity of analyzing these documents emerged from the lack in the legal system of clear and defined regulatory provisions concerning contemporary art, that could limit its scope and understanding. However, the problematic absence of a true definition allows a certain flexibility, which intrinsically characterizes the essence of contemporary art itself.

The following chapters reach the heart of the research questions. The second and third chapters analyze the evolution of ministerial organization with particular attention to the branches responsible for the promotion of the contemporary.

The second chapter goes back to the origins of the Ministry of Cultural Heritage. In this section, the analysis focuses on the history and organisation of five important institutions that consistently contributed to the promotion of contemporary art in Italy after the foundation of the Ministry in 1974: the Galleria Nazionale d'Arte Moderna e Contemporanea in Rome, the Biennale in Venice, the Triennale in Milan, the Quadriennale in Rome and the National Museum of the Arts of the XXI century, founded in Rome in 1998. The role played by these institutions in promoting contemporary art was (and still is) of fundamental importance both nationally and internationally.

The third chapter signs an important turning point in the organization of the public administration through the creation of the first Directorate General for contemporary art in 2001. Starting from this

year, the analysis focuses on the evolution of the internal organization of the Ministry in relation to the contemporary. Several reforms followed multiple changes of government, leading to fluctuating expansion and retraction of the competences and policies for the contemporary over the course of two decades.

Lastly, the analysis of the ministerial organization is followed by a closer examination, in the fourth chapter, of the instruments and projects applied to promote contemporary art over the years. This section investigates the nature of the tools applied for its promotion and the effects of the organization on the policies towards contemporary art, artists and institutions. Thanks to the study of the archival materials made available by the current Directorate General Contemporary Creativity, it was possible to deepen the research into the various ministerial projects and funding for contemporary art.

The investigation is enriched, in the final Appendix, by the analysis of the ministerial financial statements regarding the funding for contemporary art between 1974 and 2019<sup>52</sup>.

The conclusions of the thesis, after replying to the questions that lead the research, define the possible evolutions of the ministerial organization and tools for the promotion and support to contemporary art and artists in Italy and abroad.

The research is based on the study of the archival documents<sup>53</sup> related to ministerial activities and policies towards contemporary art,

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<sup>52</sup> Thanks to the help of the Directorate General for Budget, the analysis included the data related to the investments for contemporary art projects and institutions coming from the annual financial statements of the Ministry between 1974 and 2018. These data were complemented with the institutional financial sheets of the *Biennale*, *Triennale* and *Quadriennale*.

<sup>53</sup> "(...) the object of the research is not so much the formal structure of the institution, reflected in the norm and codified in the golden rules to which it is formally obliged to adhere, but rather daily practice, the concrete implementation of the norm in the context of the activity, the grey zone in which, to quote the great Eduardo, 'the voices inside' act. These 'inside voices' can be the voices of the men and women who lead the institution, or those of the administrative bodies that give them legs and arms to

coming from the Directorate General for Budget of the Ministry of Cultural Heritage, the Galleria Nazionale d'Arte Moderna e Contemporanea, the Quadriennale, the Triennale and the Biennale archives. The documents included ministerial acts, decrees, public calls, circular letters, internal and external communications between the Ministry and its institutions.

Moreover, the research was broadened through the analysis of the activity of the Directorate General destined for the promotion of contemporary art and its following organisational evolutions. The documents come from the digital and internal archives made available by the Directorate General, including specific data regarding the funding for contemporary art with a particular focus on the years 2010-2016.

Furthermore, the archival research of the documents is complemented with the analysis of the specific regulations and parliamentary debates surrounding the ministerial organisation and promotion of contemporary art in Italy.

In addition, a series of interviews with some of the protagonists of the Italian contemporary art world (artists, directors of museums and foundations, gallerists, curators, current and former ministerial functionaries) broadened the breadth of the investigation and highlighted critical aspects that do not always emerge from the documents.

The research keeps a multidisciplinary approach in order to maintain a comprehensive perspective on this complex topic and field of knowledge<sup>54</sup>. This approach characterises the research in the history

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function, or even those of the hidden interests that nestle in them and find an audience there." . MELIS G., *La storia delle istituzioni*, Carocci editore, 2020, 33-34. These voices live in the archives as the author states, by making reference to the lesson of his master Sabino Cassese. In particular see, CASSESE S., *Governare gli italiani. Storia dello Stato*, Il Mulino, 2019.

<sup>54</sup> "The arguments are numerous and the legal perspective, although necessary and indispensable, requires integration with that of other disciplines. Integration between



of institutions<sup>55</sup>. The investigation, in fact, fits into the tradition of the history of institutions, thanks to the historical approach towards the topic<sup>56</sup> which leads the research methodology, with a specific focus on administrative law<sup>57</sup>. The analysis is complemented with the

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skills is in fact the only way to address the complex issues related to cultural heritage". CASINI L., *Ereditare il futuro*, il Mulino, 2016, e-book, 31-32.

<sup>55</sup> In this regard, see MELIS G., *La storia delle istituzioni*, Carocci editore, 2020, where the author emphasizes the importance of contamination among diverse disciplines for this specific field of study that refuses the rigidity of disciplinary delimitations and methodologies, for a more flexible approach that is necessary for interpreting and analysing the quick transformations of the contemporary world. In the attempt to reply to the question of what the discipline of the history of institutions in the XXI century should be, the author states that "will increasingly have to look beyond disciplinary or presumed disciplinary boundaries: therefore open ports, dry-stone walls torn down and reception for those coming from other shores; navigable seas for all, contamination, interweaving, crossbreeding, loans and 'returns' of concepts and methodologies, scientific curiosity, courage and imagination in the experimentation of the new: the history of institutions is polycentric, and here, in this 'not being' and not wanting to be framed in the fences of traditional knowledge lies its true identity (a 'subversive' identity, I would say). In this, the history of the institutions of the 21st century adheres, albeit in its own small way, to the culture in profound transformation that characterizes the age we live in, which is that of networks, of connection, of intersection". MELIS G., *La storia delle istituzioni*, Carocci editore, 2020, 131.

<sup>56</sup> DANTINI M., *Arte e politica in Italia. Tra fascismo e Repubblica*, Donzelli Editore, 2018. DE FELICE F., *Nazione e crisi: le linee di frattura*, in *Storia dell'Italia Repubblicana. L'Italia nella crisi mondiale l'ultimo ventennio*, vol. 1, Giulio Einaudi, 1996. EMILIANI A., *Istituzioni e politiche per i beni culturali. Materiali per una storia. Scritti di Mario Serio*, Bononia University Press, 2004. EMILIANI A., *Una politica dei beni culturali*, Bononia University Press, 2014. PINTO S. (ed.), *L'istituzione pubblica per l'arte contemporanea*, in *OttoNovecento*, 2/1996, 42-49. POLI F., *Il sistema dell'arte contemporanea*, Editori Laterza, 2015. RAGUSA A., *I guardiani delle muse. Il patrimonio culturale ed ambientale in Italia dalla Costituente all'istituzione del Ministero (1946-1975)*, FrancoAngeli, 2014. RAGUSA A. ed., *La Nazione allo specchio. Il bene culturale nell'Italia unita (1861-2011)*, Piero Lacaita, 2012. RAGUSA A., *Alle origini dello stato contemporaneo. Politiche di gestione dei beni culturali e ambientali tra Ottocento e Novecento*, FrancoAngeli, 2011. SALVAGNINI S., *Il sistema delle arti in Italia 1919-1943*, Minerva, 2000.

<sup>57</sup> Among others, AJANI G., DONATI A., *I diritti dell'arte contemporanea*, Umberto Allemandi & C., 2011. DONATI A., *Law and art: diritto civile e arte contemporanea*, Giuffrè Editore, 2012. DONATI A., *La definizione giuridica di opera d'arte e le nuove forme di espressione artistica contemporanea*, in *La Rivista del Consiglio, Studi e commenti*, Anno 2017-2018. SPADOLINI G., *Beni culturali: diario, interventi, leggi*, Vallecchi, 1976. SPADOLINI

disciplines of contemporary art history and theory<sup>58</sup>, cultural economics<sup>59</sup> and policies<sup>60</sup> that enlarge its horizons of investigation.

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G., *I beni culturali dall'istituzione del ministero ai decreti delegati*, Firenze, 1976. SPADOLINI G., *Una politica per i beni culturali*, Casa Editrice Colombo, 1975. TARASCO A. L., *Diritto e gestione del patrimonio culturale*, Laterza, 2019. TARASCO A.L., *Il patrimonio culturale: modelli di gestione e finanza pubblica*, Editoriale scientifica, 2017. TARASCO A.L., *La redditività del patrimonio culturale. Efficienza aziendale e promozione culturale*, Giappichelli Editore, 2006. FORTE P., *Il contemporaneo in Italia. Evoluzione normativa e modelli di gestione*, in *Economia della Cultura*, Marzo 2014.

<sup>58</sup> See the relevant section of the final bibliography for extended references.

<sup>59</sup> Among others, SACCO P.L., SANTAGATA W., TRIMARCHI M., *L'arte contemporanea italiana nel mondo*, Skira, 2005. PENNELLA G., TRIMARCHI M., *Stato e mercato nel settore culturale*, il Mulino, 1993. SANTAGATA W., *Libro bianco sulla creatività. Commissione sulla creatività e produzione di cultura in Italia (D.M. 30 novembre 2007)*, Mibac, 2007. SANTAGATA W., *Simbolo e merce. I mercati dei giovani artisti e le istituzioni dell'arte contemporanea*, il Mulino, 1998. SANTAGATA W., *Il governo della cultura. Promuovere sviluppo e qualità sociale*, il Mulino, 2014. TRIMARCHI M., *Economia e cultura. Organizzazione e finanziamento delle istituzioni culturali*, FrancoAngeli, 2002. TRIMARCHI M., *Le politiche per l'arte e la cultura tra decentramento e privatizzazione*, in BERNARDI L. (ed.), *La finanza pubblica italiana. Rapporto 1999*, il Mulino, 1999. DE LUCA M., GENNARI SANTORI F., PIETROMARCHI B., TRIMARCHI M. (ed.), *Creazione contemporanea. Arte, società e territorio tra pubblico e privato*, Luca Sossella editore, 2004.

<sup>60</sup> Among others, concerning the study of the cultural policies, PAQUETTE J., REDAELLI E. (ed.), *Arts management and cultural policy research*, Palgrave Macmillan, 2015. O'BRIEN D., *Cultural policy: management, value and modernity in the creative industries*, Routledge, 2013. MCGUIGAN J., *Rethinking cultural policy*, Open university press, 2004. BELL D. and OAKLEY K., *Cultural Policy*, Routledge, 2015. LEWIS J. & MILLER T. (Eds.), *Critical Cultural Policy Studies: A Reader*, Blackwell, 2004. Turrini A., *Politiche e management pubblico per l'arte e la cultura*, EGEA, 2009. While regarding the analysis of the public policies and management see BOBBIO L., POMATTO G., RAVAZZI S., *Le politiche pubbliche. Problemi, soluzioni, incertezze, conflitti*, Mondadori Università, 2017. LA SPINA A., *Politiche pubbliche. Analisi e valutazione*, Il Mulino, 2020. BORGONOVÌ E., FATTORE G., LONGO F., *Management delle istituzioni pubbliche*, Egea, 2015. GIANNELLI N., *L'analisi delle politiche pubbliche*, Carocci, 2008.

## Chapter 1.

### The difficult task of defining contemporaneity

#### 1. Introduction

Before heading to the core of the research it is necessary to understand how the term *contemporary art* has been used by the Italian institutions since the foundation of the Ministry of Cultural Heritage in 1974. It has already been underlined how Italian juridical studies and literature concerning cultural heritage have a very recent history, that started in the middle of the XX century and has only been further developed in the last forty years<sup>61</sup>.

The literature regarding contemporary art from a legal perspective is even more recent and was mostly developed in the last twenty years, particularly from the point of view of private law<sup>62</sup>. The embryonic nature of these studies has resulted in a series of delays and misunderstandings of certain crucial aspects and definitions of the cultural heritage field, such as that of *contemporary art*, whose intrinsic undefinable notion contributed to the complexity of juridical analysis and political discussions and was reflected in ministerial organisation and functioning<sup>63</sup>.

The juridical definition of cultural heritage (*beni culturali*) is variable and liminal. In fact, it needs to be enriched by a variety of other disciplines in order to define its essential traits, as Massimo Severo Giannini stated in 1976<sup>64</sup>. In the same way, the term *contemporary art*,

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<sup>61</sup> CASINI L., *Ereditare il futuro*, Capitolo I, il Mulino, 2016.

<sup>62</sup> Among others, the studies of Alessandra Donati are of particular relevance for the contemporary art field, DONATI A., *Law and art: diritto civile e arte contemporanea*, Giuffrè Editore, 2012. DONATI A., *La definizione giuridica di opera d'arte e le nuove forme di espressione artistica contemporanea*, in *La Rivista del Consiglio, Studi e commenti*, Anno 2017-2018. AJANI G., DONATI A., *I diritti dell'arte contemporanea*, Umberto Allemandi & C., 2011.

<sup>63</sup> In this regard, see the analysis developed in the second and third chapters.

<sup>64</sup> "(...) it is a liminal concept, a concept to which the legal legislation does not give its own content, its own definition for other legally enshrined traits, but rather operates by

despite being or not being recognised as cultural heritage, has an evolving nature following the development of artistic practices and expressions. The term lacks a clear definition in the Italian juridical system and constantly demands adjustments and updates coming, in particular, from the disciplines of contemporary art history and theory.

The complex nature of contemporary art reinforces the necessity of investigating this field from a juridical and multidisciplinary<sup>65</sup> perspective. This approach enriches the existing debates and literature in order to better understand the scope of ministerial intervention in the field.

An important contribution to the comprehension of the notion of the term *contemporary art* for the ministerial administration, before its foundation in 1974, comes from the reflections developed in the *Relazione della Commissione d'indagine*, headed by Francesco

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reference to non-legal disciplines, which is part of the historicity of cultural property". GIANNINI M.S., *I beni culturali*, in *Riv. trim. dir. pubbl.*, 1976, 5.

<sup>65</sup> In accordance with Howard S. Becker, author of the fundamental work *Art Worlds* (1982), the analysis does not consider the contemporary art world as an autonomous phenomenon free from the bonds that regulate collective activities. For this reason, political, juridical, economic and social contexts are taken into consideration throughout the research. For a complete history of Italy between 1974 and today see SABBATUCCI G., VIDOTTO V. (ed.), *Storia d'Italia. 6. L'Italia contemporanea dal 1963 a oggi*, Editori Laterza, 1999. See also for the socio-political background MONTANELLI I., *Storia d'Italia 1965-1993*, RCS Libri, 2006. MONTANELLI I., *Storia d'Italia 1993-1997*, RCS Libri, 2006. GINSBORG P., *A History of Contemporary Italy. Society and politics 1943-1988*, Penguin Books, 1990. GINSBORG P., *Italy and its Discontents. Family, civil society, state 1980-2001*, Palgrave Macmillan, 2003. PIZZORNO A., *Le trasformazioni del sistema politico italiano, 1976-92*, in *Storia dell'Italia Repubblicana. L'Italia nella crisi mondiale l'ultimo ventennio*, vol. 2, Giulio Einaudi, 1996. MAFAI M., *Diario italiano 1976-2006*, Laterza, 2008. For an insight into the Italian artistic and cultural context of the time see, among others, CELANT G. (ed.), *Identité italienne. L'art en Italie depuis 1959*, catalogue of the exhibition Centre Pompidou, Paris, 1981, 439 – 645. GUERCIO G., MATTIROLO A. (ed.), *Il confine evanescente. Arte italiana 1960-2010*, Electa, 2010. MELOTTI M., *Vicende dell'arte in Italia dal dopoguerra agli anni Duemila*, FrancoAngeli, 2017.

Franceschini, for the protection and enhancement of the historical, archeological, artistic and landscape heritage in 1967<sup>66</sup>.

The *Relazione* proposed, in the “declarations” section<sup>67</sup>, a reform of the institutions for contemporary art and expanded the notion of the term for the Italian governmental institutions.

In particular, the “declaration LXVII” envisaged the adoption of specific organs for the enhancement of contemporary art, by including photography, scenography, theatre, radiophonic and TV representations and other media that were not yet considered by the public administration of the time. Moreover, the text, together with the establishment of an autonomous administration for cultural heritage<sup>68</sup>, recommended a revision of the existing organs for audio and cinema productions.

The analysis also underlined the importance of revising the discipline concerning the public initiative for the organization of contemporary

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<sup>66</sup> “(...) for the protection and enhancement of historical, archaeological, artistic and landscape heritage”. In particular, the Franceschini Commission (1964-1966) offered essential reflections for the foundation of the future Ministry regarding these peculiar and fundamental fields for the Italian State. However, the Commission was not suggesting the establishment of a complex and bureaucratic ministerial structure, but was imagining a softer organization made of autonomous administrations and agencies. Furthermore, it should be recalled that the works of the Commission gave birth to the definition of cultural good as “il bene che costituisce testimonianza materiale avente valore di civiltà”. COMMISSIONE FRANCESCHINI, *Per la salvezza dei beni culturali in Italia*, 3 vol., Roma, 1967, vol. 1, 64-65, 102, 381-397.

<sup>67</sup> “(...) to be used as proposals for the revision of national cultural heritage protection laws, administrative structures and arrangements, and for the related financial adjustments”, Parte II - Organizzazione, Titolo VII – Dell’organizzazione centrale, in COMMISSIONE FRANCESCHINI, *Per la salvezza dei beni culturali in Italia*, 1 vol., Roma, 1967, 102.

<sup>68</sup> That was imagined more as an agency than a traditional ministerial organization. See GIANNINI M.S., *Ristrutturiamo il Ministero dei beni culturali, Relazione al convegno su La tutela attiva dei Beni Culturali tra intervento pubblico e iniziativa privata*, Roma, 10 maggio 1986, in *Il sole 24 Ore - Domenica*, in *Scritti*, VIII, Milano, 2006, 539-544. CAVALIERI E., *La tutela dei beni culturali. Una proposta di Giovanni Urbani*, in *Riv. Trim. Dir. Pub.*, 2011, n. 2, 473-494.

art exhibitions. Nonetheless, according to the *Commissione Franceschini*, the institutions for contemporary and applied arts needed to be restructured by rewriting their statutes and providing administrative autonomy. These elements would guarantee a clear distinction of institutional functions between the administrative and artistic sphere<sup>69</sup>.

These statements are particularly important not only in relation to the notion of *contemporary art* described by the Commission, but also in relation to the future developments of contemporary art administration after the foundation of the Ministry. The results of the works of the Commission were essential for the establishment of the whole ministerial organization. However, these reflections were not fully integrated and applied in the new ministerial body. In fact, the Ministry of Cultural Heritage, founded in 1974, lacked a proper branch for the promotion of contemporary art inside the central administration until the beginning of the XXI century<sup>70</sup>.

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<sup>69</sup> "Declaration LXVII - Bodies for contemporary art. With regard to contemporary art, in the opinion of the appropriate National Committee, there are organizations for the enhancement of contemporary art and new media or that so far have no suitable center of reference, such as photography, set design, theater, radio and television performances, and others. The existing bodies for discography and cinematography will be aggregated to the Autonomous Administration, and to be reviewed in their structures. In addition, a more accurate discipline of contemporary art exhibitions of public initiative will have to be developed. (...) The Institutes for contemporary arts, figurative and applied arts, are to be reviewed in their statutes and structures, guaranteeing their autonomy, according to the following criteria: to clearly identify the tasks, avoiding any mixing and duplication; to separate the administrative office from the artistic office decision; to compose the latter with persons independent from the administrations, of recognized competence and with short duration of the office. (...) for enhancement activity; the Commission does not propose the creation of new bodies, but considers that the existing ones should be reorganized. Public initiatives also need to be reorganized; while private initiatives can only be free, public initiatives cannot continue to take place in today's chaotic and episodic way". COMMISSIONE FRANCESCHINI, *Per la salvezza dei beni culturali in Italia*, 3 vol., Roma, 1967, vol. 1, 64-65, 102, 381-397.

<sup>70</sup> This aspect is further analyzed in the following chapter, with particular regard to the

When analysing the most recent regulation in the cultural heritage and contemporary art field, it emerges that, before the enactment of the Cultural Heritage and Landscape Code (d.lgs. 42/2004), the legislative decree (d.lgs.) 29<sup>th</sup> October 1999, n. 490, *Testo unico delle disposizioni legislative in materia di beni culturali e ambientali*<sup>71</sup>, article 2, section 6, stated that the works of living authors or those created less than fifty years before were not subject to its provisions<sup>72</sup>. However, this statement needed to be integrated with section 1, subsection c) of the same article, that protected as cultural property the collections or series of objects that have an exceptional artistic or historical interest<sup>73</sup>.

The current Italian juridical system does not either provide a clear definition of the term *contemporary art*<sup>74</sup>. The Cultural Heritage and

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role that the *Galleria Nazionale* acquired after the foundation of the Ministry in 1974.

<sup>71</sup> Published in the *Gazzetta Ufficiale* on 27<sup>th</sup> December 1999, n. 302. For a comment on the decree definition of the term *beni culturali* see PITRUZZELLA G., *La nozione di bene culturale*, in *Aedon* 1, 2000.

<sup>72</sup> Art. 2, section 6, “the things indicated in paragraph 1 letter a), which are the work of living authors or which were not produced more than fifty years ago, are not subject to this Title”.

<sup>73</sup> Art. 2, section 1, letter c), “ (...) collections or series of objects, to whomsoever they may belong, which through tradition, renown and particular environmental characteristics are as a whole of exceptional artistic or historical interest”. “In this regard, it seems plausible to argue that the collection of works by a living artist, whose individual works are not protected under the sixth paragraph, could instead receive it under paragraph 2”. PITRUZZELLA G., *La nozione di bene culturale*, in *Aedon* 1, 2000.

<sup>74</sup> “In this regard, two orders of consideration must be given. First, the provisions that give a limited legal relevance to works of contemporary art, such as art. 64 of the Cultural Heritage and Landscape Code, which obliges them to be provided, in commerce, with certificates of authenticity and provenance (the violation is sanctioned in articles 178 and 179 of the Code). (...) Also to the works of contemporary art, although not constituting cultural properties *stricto sensu*, there is a provision dictated for the generality of cultural properties and that is the payment of taxes through the transfer of works of art even if ‘of living authors or whose execution dates back even to less than fifty years, of which the State is interested in the acquisition’ (art. 28-bis, d.p.r. 29 September 1973, n. 602). And it is reasonable to imagine that the next step with respect to the acquisition of contemporary works of art (as infra-fifty years or, from 2017, infra-seventy years) is their inclusion in public collections and, therefore, their definitive qualification as cultural properties within the meaning of Article 10, paragraph 2, of the

Landscape Code (d.lgs. 42/2004) in general does not protect contemporary art if the author is still alive and if less than fifty years have passed since the creation of the artwork<sup>75</sup>.

However, in accordance with article 10 of the Code, contemporary artworks indirectly fall under cultural property law if they are part of museum collections (section 2, letter a)<sup>76</sup> or if they acquire a special artistic value that needs to be recognized and declared (section 3). These works are considered cultural property<sup>77</sup> if they are owned by

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Code". TARASCO A.L., *Ai confini del patrimonio culturale tra luoghi comuni e processi di produzione della cultura*, in *Aedon*, 2018, 1. See also, CASINI L., *Oltre la mitologia giuridica dei beni culturali*, in *Aedon*, 2012, 1-2.

<sup>75</sup> Article 10 of the Code states that "5. Salvo quanto disposto dagli articoli 64 e 178, non sono soggette alla disciplina del presente titolo le cose indicate al comma 1 e al comma 3, lettere a) ed e), che siano opera di autore vivente o la cui esecuzione non risalga ad oltre settanta anni, nonché le cose indicate al comma 3, lettera d-bis), che siano opera di autore vivente o la cui esecuzione non risalga ad oltre cinquanta anni". Art. 10, comma 5, d.lg. n. 42/2004, subject to the limit of 70 years, in accordance with Art. 1, comma 175, lett. a), n. 2), law 4 August 2017, n. 124. Reformed by article 1, comma 175, lett. a), n. 2), L. 4 August 2017, n. 124. The article makes reference to the paragraph 1 that describes the extension of the term *cultural good* as "le cose immobili e mobili appartenenti allo Stato, alle regioni, agli altri enti pubblici territoriali, nonché ad ogni altro ente ed istituto pubblico e a persone giuridiche private senza fine di lucro, ivi compresi gli enti ecclesiastici civilmente riconosciuti, che presentano interesse artistico, storico, archeologico o etnoantropologico".

<sup>76</sup> " (...) it must be said that the provision of art. 10, paragraph 2, of the Code is capable of attracting to the universe of cultural heritage also works of contemporary art that could never be qualified as such: the simple reception of these works in public (state or not) museum collections is, in fact, capable of transforming the creation of a living author or those who have deceased less than 70 years before into cultural property only if the museum director decides to include them in the collections entrusted to his care". TARASCO A.L., *Ai confini del patrimonio culturale tra luoghi comuni e processi di produzione della cultura*, in *Aedon*, 2018, 1.

<sup>77</sup> For a broader definition of the term *cultural property* and the Italian *beni culturali* see GIANNINI M.S., *I beni culturali*, in *Rivista Trimestrale di diritto Pubblico*, n.5, 1976, 3-23. CASSESE S., *I beni culturali da Bottai a Spadolini*, *Rassegna degli Archivi di Stato*, 1975, 116-142. CASINI L., *La globalizzazione giuridica dei beni culturali*, in *Aedon*, Il Mulino, n.3, 2012. MERRYMAN J.H., *The public Interest in Cultural Property*, in 77 *California Law Review*, 339, 1989. ALIBRANDI T., *Beni culturali*, in *Enciclopedia Giuridica*, V, Roma, Ist. Enc. It., 1988. A first definition of the term *bene culturale* appears in GRISOLIA M., *La tutela delle*



public bodies or non-profit private entities, ecclesiastic bodies included<sup>78</sup>. Furthermore, they are considered cultural property if their important cultural interest has been explicitly declared, regardless of their owners<sup>79</sup>. The delimitation of contemporary artworks to be recognized as cultural goods depends also on the necessity that these objects can be easily exchanged on the market<sup>80</sup>. Also for this reason, it is doubtful whether a direct and explicit recognition of contemporary art under the provisions of article 10 would reinforce its protection, enhancement and promotion.

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*cose d'arte*, Roma, Soc. Il Foro It. Ed., 1952, 546.

<sup>78</sup> D.lgs. 42/2004, Art. 10, section 2 "Sono inoltre beni culturali: a) le raccolte di musei, pinacoteche, gallerie e altri luoghi espositivi dello Stato, delle regioni, degli altri enti pubblici territoriali, nonché di ogni altro ente ed istituto pubblico".

<sup>79</sup> The complexity of this declaration emerges from the words of Tarasco. "In assessing whether or not to declare something of the past as 'cultural property' there is not always a consensus of views between the judgements of the Administration and the authentic feeling of society; a similar gap is registered, but much more frequently, in the evaluation of contemporary art where there is often a furrow (which there is not even an attempt to fill) between the courtly judgements of the critics and the concrete emotional reactions of the public (often annoyed and not exalted)". TARASCO A.L., *Il design quale testimonianza della civiltà italiana nel mondo*, in *Aedon*, 2017, 2. In this regard, see also FORTE P., *Il contemporaneo in Italia. Evoluzione normativa e modelli di gestione*, in *Economia della Cultura*, Marzo 2014, 5-6.

<sup>80</sup> For a broader analysis of the relationship between contemporary art and the market see LUPO A., *La nozione positiva di patrimonio culturale alla prova del diritto globale*, in *Aedon*, 2019, 2. For the analysis of the mechanisms and regulatory system of the Italian art market see SARAVALLE A., *Alla ricerca del mercato dell'arte perduto*, in CAVAZZONI F., *Il pubblico ha sempre ragione? Presente e futuro delle politiche culturali*, IBL Libri, 2018, 131-144. FORTE F., MANTOVANI M., *I mercati dei beni artistici e culturali*, in FORTE F., MANTOVANI M., *Manuale di economia e politica dei beni culturali*, Rubettino, 2004, 123-278. TRIMARCHI M., *I mercati dell'arte contemporanea: preferenze individuali, azione pubblica e strategie private*, in DE LUCA M., GENNARI SANTORI F., PIETROMARCHI B., TRIMARCHI M. (ed.), *Creazione contemporanea. Arte, società e territorio tra pubblico e privato*, Luca Sossella editore, 2004, 23-40. SACCO P.L., *La giovane arte italiana nel contesto internazionale: opportunità, vincoli e incentivi*, in DE LUCA M., GENNARI SANTORI F., PIETROMARCHI B., TRIMARCHI M. (ed.), *Creazione contemporanea. Arte, società e territorio tra pubblico e privato*, Luca Sossella editore, 2004, 55-71. VETTESE A., *Investire in arte. Produzione, promozione e mercato dell'arte contemporanea*, Il Sole 24 Ore, 1991.

The material and often immaterial condition of contemporary artworks and the frequently difficult determination of authorship according to traditional paradigms also enrich the complexity of its regulation in the intellectual property field (l. 633/1941)<sup>81</sup>. However, these issues do not solely concern the Italian legal system.

When looking at the definition of *contemporary art* from a comparative perspective, it emerges that even in other European legal systems its connotation is indefinite. The cases of Belgium<sup>82</sup> and France<sup>83</sup>, for instance, show similar difficulties in drawing up a unique definition of the term in relation to intellectual property law due to its dematerialization tendency and the ambiguity of artwork and author notions. Analogous issues appear in the United Kingdom where the strict categories of artwork, protected under the Copyright Designs and Patents Act 1988 and set out in section 4(1), limit its application in the evolving contemporary art field<sup>84</sup>.

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<sup>81</sup> Law 22 April 1941, n. 633, *Protezione del diritto d'autore e di altri diritti connessi al suo esercizio*. And R.d. 18 May 1942, n. 1369, *Approvazione del regolamento per l'esecuzione della legge 22 aprile 1941-XIX, n. 633, per la protezione del diritto d'autore e di altri diritti connessi al suo esercizio*. In this regard, see MANTOVANI M., *La tutela della proprietà intellettuale di artisti, autori ed editori*, in FORTE F., MANTOVANI M., *Manuale di economia e politica dei beni culturali*, Rubettino, 2004, 153-172. DONATI A., *Law and art: diritto civile e arte contemporanea*, Giuffrè Editore, 2012. AJANI G., DONATI A., *I diritti dell'arte contemporanea*, Umberto Allemandi & C., 2011. DONATI A., *La definizione giuridica di opera d'arte e le nuove forme di espressione artistica contemporanea*, in *La Rivista del Consiglio, Studi e commenti*, Anno 2017-2018. TARASCO A.L., *La redditività del patrimonio culturale. Efficienza aziendale e promozione culturale*, Giappichelli Editore, 2006, 43-44. STABILE S., GUERZONI G., *Diritto d'autore, diritto di seguito nell'arte contemporanea e nel mercato globale*, in DE LUCA M., GENNARI SANTORI F., PIETROMARCHI B., TRIMARCHI M. (ed.), *Creazione contemporanea. Arte, società e territorio tra pubblico e privato*, Luca Sossella editore, 2004, 73-85.

<sup>82</sup> PUTTEMANS A., DEMARSIN B. (ed.), *Les aspects juridiques de l'art contemporain*, Larcier, 2013.

<sup>83</sup> MOUREAU N., SAGOT-DUVAUROUX D., *Le droit d'auteur confronté aux créations contemporaines*, in *La Découverte*, 2001/4, n. 17, 17-20. WALRAVENS N., *L'oeuvre d'art en droit d'auteur. Forme et originalité des oeuvres d'art contemporaines*, Economica, 2005.

<sup>84</sup> TAN D., *UK Copyright law – utilitarian objects versus world renown art pieces*, in *The Student Journal of Law*, Issue 6, April 2014.

The investigation will now head to the analysis of some of the legislative proposals concerning the promotion of contemporary art. These documents offer an essential insight into the debates surrounding this particular field from the seventies until today. This section is followed by an examination of some administrative acts that indirectly demonstrate the attempt to define and comprehend the term *contemporary art*. All these texts open up a series of reflections regarding the complex definition of the contemporary, necessary to understand ministerial activities and organization for this crucial subject.

## **2. Perils and promises of the legislative proposals for contemporary art**

In order to understand in depth the notion of *contemporary art* for the Italian administration and its institutions, this section analyses the use of the term in some of the parliamentary acts, discussions and legislative proposals that have been drafted since the foundation of the Ministry of Cultural Heritage, between 1975 and today. They lead to interesting reflections concerning the state of contemporary art in Italy during those decades and indirectly offer extensive or shorter definitions of the object of their action.

The importance of understanding the usage of the term derives from the necessity of defining the direction and the extent of ministerial and legislative interventions and scope concerning the contemporary art field over the years. This will constitute the basis for broader research across the documents and the analysis of the related reforms, that will be developed in the following chapters.

In 1975, the Chamber of Deputies, while discussing the norms regarding the recognition of authenticity of contemporary artworks, highlighted the importance of granting total freedom to contemporary artistic expression, while also protecting it through specific measures. The debate made reference mainly to the works of dead artists more than accentuating the importance of also protecting those of living

artists<sup>85</sup>. In fact, article 2 and 4 of the proposal also referred only to the works of dead artists<sup>86</sup>. This fact highlights the reductive consideration of contemporary art productions at that time in legislative debates.

Furthermore, in 1979, according to the bill *Istituzione dell'Archivio delle opere grafiche d'arte contemporanea*, proposed by the Italian Socialist Party (PSI), the relevance of contemporary art to the period emerged from the more prominent role played by the graphic works acquired nationally and internationally during the seventies, not only in the private market, but also in contemporary art institutions and museums. Graphic art appeared to be a pliable art form that required specific legislative instruments of protection<sup>87</sup>. However, it only offered a partial view of the variety of evolving contemporary art expressions at that time.

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<sup>85</sup> "For some time there has been a need to remove as much as possible from the disputability of unilateral attestations of the verification of the authenticity of works of contemporary art, especially of deceased authors, also in order to counter the frequent episodes of disruption that characterize the uncontrolled development of a market increasingly less respectful of the provisions of law". Proposta di legge Evangelisti (DC) e Trombadori (PCI), *Norme per il riconoscimento della autenticità delle opere d'arte contemporanea*, Camera dei Deputati, Atti parlamentari, 15 aprile 1975, 1.

<sup>86</sup> "The owners, holders or holders in any legal capacity of works of contemporary art by a deceased author, may ask the Ministry of Cultural and Environmental Heritage for a reasoned historical-critical opinion on the authenticity of the works". Proposta di legge Evangelisti e Trombadori, *Norme per il riconoscimento della autenticità delle opere d'arte contemporanea*, Camera dei Deputati, Atti parlamentari, 15 aprile 1975, 2.

<sup>87</sup> The definition given by the proposal was "è opera grafica originale d'arte contemporanea quella ottenuta da una o più matrici direttamente incise dall'artista o da esso appositamente elaborate per essere realizzata come opera grafica, e stampata direttamente dall'autore o sotto il suo controllo" (article 2). Disegno di legge Maravalle e Zito, *Istituzione dell'Archivio delle opere grafiche d'arte contemporanea*, Atti parlamentari, Senato della Repubblica, 12 luglio 1979. However, the *Istituto Nazionale per la Grafica* had already been founded in 1975 "con compiti di salvaguardia, catalogazione e divulgazione di beni concernenti la produzione grafica e fotografica" (article 29, D.P.R. 805/1975).

In 1983, the complexity of establishing a clear and precise definition of the term *contemporary art* emerged also from the law proposals that, even as late as the eighties, interchanged the terms “modern” and “contemporary”, as synonyms of the same artistic and temporal expression. In fact, the Christian-Democrat bill *Disciplina del mercato dell'arte moderna* included among the objects of the modern art market the paintings, sculptures and graphic works of contemporary living artists or those who had died less than thirty years before<sup>88</sup>.

What is more, the introduction to the proposal underlined a view of Italian contemporary artists which persisted over the years. It stated that Italy had important contemporary artists who were not sufficiently supported by the national system's organization and, for this reason, were confined to a provincial status<sup>89</sup>.

A law proposal that appears to be particularly relevant for contextualizing the condition of Italian contemporary art during the eighties is the 1984 bill *Promozione e sviluppo delle istituzioni di arte contemporanea e altri interventi riguardanti le attività artistiche*<sup>90</sup>, proposed by the Italian Communist Party (PCI).

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<sup>88</sup> “(...) for the purposes of this law, a modern art dealer is anyone who professionally sells to the public - or exhibits for commercial purposes - works of painting, sculpture, graphics by contemporary authors or, more generally, objects of contemporary art, even if he is the author or reproducer. Contemporaries are understood to be authors either living or deceased for no more than thirty years”. The proposal totally ignores the temporal limit already established in 1939 by the law n. 1089 concerning contemporary artworks. Disegno di legge Mezzapesa, Santalco, Fimognari, *Disciplina del mercato dell'arte moderna*, Atti parlamentari, Senato della Repubblica, 13 agosto 1983.

<sup>89</sup> “We have good artists and second to none, but not having an effective organization behind them, they remain 'provincial'”. Disegno di legge Mezzapesa, Santalco, Fimognari, *Disciplina del mercato dell'arte moderna*, Atti parlamentari, Senato della Repubblica, 13 agosto 1983, 114.

<sup>90</sup> Disegno di legge Chiarante, Argan, Valenza, Berlinguer, Ferrara, Maffioletti, Mascagni, Nespolo, Papalia, Grossi, Canetti, *Promozione e sviluppo delle istituzioni di arte contemporanea e altri interventi riguardanti le attività artistiche*, Atti parlamentari, Senato della Repubblica, 20 gennaio 1984. In order to understand in depth the important role of Giuseppe Chiarante and Giulio Carlo Argan for the regulation of cultural heritage in

The debate that preceded the law proposal highlighted how the cultural policies of the Italian State in the previous decades had been lacking specific initiatives for the knowledge, promotion and enhancement of contemporary art<sup>91</sup>. In fact, it emerged from the introduction to the law that limited financial resources, the absence of an adequate legal system and institutional deficiencies prevented the State from enriching public collections of contemporary art, with regard not only to national artistic expressions, but also to international ones<sup>92</sup>.

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Italy see ARGAN G.C., *Il governo dei beni culturali*, in *Storia dell'arte*, n. 19, 1973, 189-191. CHIARANTE G., *Il ruolo della cultura per il progresso del paese: documento*, Roma 19 aprile 1988, in *La ricerca scientifica in Europa e le vie dello sviluppo*, Trieste 26-27 aprile 1988, Direzione PCI, 1988. ARGAN G.C., *Al Ministro per i beni culturali*, in *Storia dell'arte*, n. 73, 1991, 257-260. ARGAN G.C., BONFATTI PAINI, CHIARANTE G., *Dodici leggi per i beni culturali*, Agint Service, 1992. CHIARANTE G., *Beni culturali, tutela, investimenti, occupazione*, Associazione Bianchi Bandinelli, 1994. CHIARANTE G. (ed.), *Il nuovo Ministero per i beni e le attività culturali: delusione dopo le attese*, in *Italia Nostra: bollettino dell'Associazione nazionale italiana per la tutela del patrimonio artistico e naturale*, n. 351, 1998. CHIARANTE G., *Giulio Carlo Argan: storia dell'arte e politica dei beni culturali*, Graffiti Editore, 2002. CHIARANTE G., *Sulla patrimonio spa e altri scritti sulle politiche culturali*, Graffiti, 2003. CHIARANTE G., *I beni culturali come patrimonio di civiltà: l'impegno di Argan al Senato*, in VALERI S. (ed.), *Giulio Carlo Argan, progetto e destino dell'arte*, Atti del convegno di studi, Roma 26-28 February 2003, 133-140. PALIERI M.S., *Patrimonio SOS: la grande svendita del tesoro degli italiani*, Nuova iniziativa editoriale, 2004. CHIARANTE G., D'ANGELO U. (ed.), *Beni culturali e paesaggio: la nuova versione del codice*, Iacobelli 2009. D'ANGELO U., SCOGNAMIGLIO R. (ed.), *L'Italia dei beni culturali: i nodi del cambiamento. Ricordando l'impegno e le proposte di Giuseppe Chiarante*, Atti del Convegno Roma, 3<sup>rd</sup> December 2013.

<sup>91</sup> "Within the framework of the cultural policy of the Italian State, a sector which in recent decades has shown particularly serious shortcomings has been - despite the capacity and scientific and professional commitment of individual operators and scholars - that of initiatives for the knowledge and enhancement of contemporary art". Disegno di legge Chiarante, Argan, Valenza, Berlinguer, Ferrara, Maffioletti, Mascagni, Nespolo, Papalia, Grossi, Canetti, *Promozione e sviluppo delle istituzioni di arte contemporanea e altri interventi riguardanti le attività artistiche*, Atti parlamentari, Senato della Repubblica, 20 gennaio 1984.

<sup>92</sup> A deeper analysis of the institutional deficiencies of the contemporary art system in Italy is developed in the second and third chapters. "On the one hand, in fact, the action aimed at acquiring a richer documentation of the artistic production of our time for

In addition, the proponents argued that public policies for supporting artistic production, besides the 2% Law that considered artworks as embellishment of public buildings, were still very poor<sup>93</sup>. This situation was also perceived as the result of the absence of research institutes, laboratories and places for experimentations that could allow the development of the artistic practices<sup>94</sup>.

However, the intervention of the municipalities, provinces, regions<sup>95</sup> and of cultural organizations in implementing new forms of

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public collections has been largely insufficient (due to financial constraints, legislative deficiencies, institutional deficiencies): entire chapters of the art of this century (and not only that of other countries but also that of Italy) are almost absent or in any case not adequately documented in museums and public galleries. And, of course, there have been and are even greater gaps - with, of course, praiseworthy exceptions - in the action aimed at spreading and circulating, starting from school, adequate knowledge of culture and research in the field of visual arts". Disegno di legge Chiarante, Argan, Valenza, Berlinguer, Ferrara, Maffioletti, Mascagni, Nespolo, Papalia, Grossi, Canetti, *Promozione e sviluppo delle istituzioni di arte contemporanea e altri interventi riguardanti le attività artistiche*, Atti parlamentari, Senato della Repubblica, 20 gennaio 1984.

<sup>93</sup> The law n. 717/1949, called "2% law", was enacted in 1949 immediately after the Second World War during the reconstruction period to support the promotion of culture through the creation of artworks in new public buildings. The norm states that a percentage of the overall budget for the works concerning the construction or renovation of buildings should be destined for the production of an artwork to be installed in the new construction.

<sup>94</sup> "(...) On the other hand, there has been almost no state policy to support artistic production. The only intervention was, in practice, the one carried out through the so-called '2% law': an intervention, therefore, of an essentially welfare State nature and, moreover, dominated by the old and outdated concept of the work of art as 'embellishment'. Above all, there has been no state policy aimed at creating - with the establishment of research and documentation institutes and spaces for experimentation and laboratory activities - new and more favourable structural conditions for artistic work and for the circulation and knowledge of artists' works". Disegno di legge Chiarante, Argan, Valenza, Berlinguer, Ferrara, Maffioletti, Mascagni, Nespolo, Papalia, Grossi, Canetti, *Promozione e sviluppo delle istituzioni di arte contemporanea e altri interventi riguardanti le attività artistiche*, Atti parlamentari, Senato della Repubblica, 20 gennaio 1984.

<sup>95</sup> The Regions were established with the law 16<sup>th</sup> May 1970, n. 281. The distinction of competences between the State and the Regions for the protection and enhancement of cultural heritage was introduced by the constitutional law 18<sup>th</sup> October 2001, n. 3. The

production contributed to partially fill the gap left by the State, through their interdisciplinary experiments and new research in the visual arts<sup>96</sup>. In 1984 ministerial attention towards contemporary art was very weak and the only permanent state institution for the promotion and enhancement of this specific field was the *Galleria Nazionale d'Arte Moderna e Contemporanea* in Rome, as *Soprintendenza Speciale*<sup>97</sup>. For this reason, the law proposal intended to strengthen the structural and institutional conditions where contemporary artists could act in an independent and plural environment<sup>98</sup>.

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reform provided that the protection of cultural heritage is an exclusive competence of the State, while its enhancement is a shared competence between the State and the Regions.

<sup>96</sup> "(...) Only in more recent years, particularly in the last decade, a relatively new fact has begun to emerge in the visual arts scene: the considerable quantity and variety of initiatives supported by municipalities, provinces and regions. (...) The initiatives promoted by local authorities, in this certainly not easy scenario, have not only filled spaces in which the state initiative could not intervene effectively and have helped to extend interest in artistic production, with respect for freedom of expression and for the plurality of orientations and trends; but they have also experimented or are experimenting with new forms of production and cultural organisation, more open to interdisciplinarity, experimentation, new technologies and new research in the field of visual arts". Disegno di legge Chiarante, Argan, Valenza, Berlinguer, Ferrara, Maffioletti, Mascagni, Nespolo, Papalia, Grossi, Canetti, *Promozione e sviluppo delle istituzioni di arte contemporanea e altri interventi riguardanti le attività artistiche*, Atti parlamentari, Senato della Repubblica, 20 gennaio 1984.

<sup>97</sup> See the second chapter for further details concerning the role and history of the *Galleria Nazionale d'Arte Moderna e Contemporanea* in Rome and the other Italian institutions for the contemporary.

<sup>98</sup> "(...) It is clear, however, that effective action in this field cannot be entrusted solely to the spontaneous initiative of local authorities, without any support in national legislation and the financial and organisational commitment of the State. (...) The guiding principle of our proposal is the constitutional principle of the freedom of culture and therefore absolute respect for the pluralism of trends and different forms of expression and artistic research. For this reason, the task assigned to public initiative (State, regions, municipalities) is essentially that of creating structural and institutional conditions that favour a wider development of artistic culture and of production and research in the field of visual arts: while as far as the direction and activity of contemporary art institutions are concerned, precise guarantees of respect for pluralism and autonomy of culture are provided for. (...)". Disegno di legge Chiarante, Argan,



These reflections are certainly important in order to offer an overview of the contemporary art world in Italy during those years before heading to the analysis of the ministerial organization and tools for contemporary art and artists in the time span taken into consideration by the research.

In 1990, the Socialist bill regarding the establishment of the *Biennale del Mediterraneo* also presented a critical view of the policies for the promotion of Italian contemporary art, with a specific focus on the condition of the Southern Italian regions. In particular, investments in contemporary art, on the occasion of the *Biennale del Mediterraneo*, were seen as an effective measure for fighting against the various forms of collective criminality that dominated those areas. Contemporary art was described as an active cultural, political and economic tool for reaffirming the State's role and its importance to the public<sup>99</sup>.

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Valenza, Berlinguer, Ferrara, Maffioletti, Mascagni, Nespolo, Papalia, Grossi, Canetti, *Promozione e sviluppo delle istituzioni di arte contemporanea e altri interventi riguardanti le attività artistiche*, Atti parlamentari, Senato della Repubblica, 20 gennaio 1984. These concepts were emphasised also in 1991 in the Disegno di legge Chiarante, Argan, Nocchi, Callari Galli, Longo, *Promozione e sviluppo delle istituzioni di arte contemporanea e altri interventi per agevolare la produzione artistica*, Atti parlamentari, Senato della Repubblica, 2 aprile 1991 "But it is mortifying to note that important Italian artists of this century, from Futurism to Metaphysics, to the most recent trends, are better represented in major foreign museums than in our own, not to mention the almost absolute absence of fundamental authors of contemporary art worldwide".

<sup>99</sup> "(...) Around the philosophy that has guided the public intervention, critical reflections on their welfare State character take place (...). There is also reflection on the parallel growth of the phenomena of organized crime such as the mafia, the Camorra, the 'ndrangheta. Due to criminal actions, directed towards representatives of the judiciary, other bodies of the State or private citizens, the need and the will to strengthen the presence of the public institutions in the southern regions is growing. (...) There is a need for action of a non-contingent nature and not motivated by the emergency: in our opinion, it is necessary to take action that induces a cultural and ethical renewal among the population, laying the foundations for a wide diffusion of a concept of the State that is not foreign but alive in the conscience of the citizens. (...) We are referring to the cultural institutions through which the State can, without undue ingestion, promote an overall development of the population, encouraging the emergence of the most

However, in 1993, in the bill proposed by the Democratic Party of the Left (PDS), regarding the promotion and development of contemporary art institutions, the complex and fragile nature of the policies for contemporary art were reiterated<sup>100</sup>.

Furthermore, in 1997, the bill concerning the norms for creating and acquiring artworks in public buildings, collectively proposed by deputies of various factions, stressed the relevance of contemporary art and public art for the whole national heritage. It emphasized how this went far beyond the artistic embellishment of architectural interventions<sup>101</sup>. In fact, contemporary art was described as a common good, its promotion a public duty and as a source for promoting further investments and employment<sup>102</sup>.

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significant artistic and cultural experiences (...)". D'Amato Carlo, Capria, Di Donato, Mundo, Zavettieri, Savino, Andò, Iossa, Marzo, Reina, Barbalace, Amodeo, Mastrantuono, Principe, *Istituzione dell'Ente "Biennale del Mediterraneo" di arte contemporanea*, Atti parlamentari, Camera dei Deputati, 18 ottobre 1990. The same idea was underlined in 1992 by the Proposta di legge D'Amato, Mundo, Zacettieri, Savino, Andò, Marzo, Reina, Barbalace, Principe, *Istituzione dell'ente "Biennale del Mediterraneo" di arte contemporanea*, Atti parlamentari, Camera dei Deputati, 23 aprile 1992.

<sup>100</sup> "We are forced to remind you that, in the context of the serious shortcomings that have characterised the Italian State's policy in recent decades for the promotion, protection, increase and enhancement of the country's artistic heritage, one of the weakest points is undoubtedly that of contemporary art". Disegno di legge Bucciarelli, Nocchi, Chiarante, Londei, Pierani, *Promozione e sviluppo delle istituzioni di arte contemporanea e altri interventi per agevolare la produzione artistica*, Atti parlamentari, Senato della Repubblica, 24 giugno 1993. Underlined also in 1996 by the Disegno di legge Bucciarelli, Manieri, Biscardi, Viviani, Bruno Ganeri, Pagano, *Promozione e sviluppo delle istituzioni di arte contemporanea e altri interventi per agevolare la produzione artistica*, Atti parlamentari, Senato della Repubblica, 5 luglio 1996.

<sup>101</sup> As stated in the provisions of the 2% law.

<sup>102</sup> "Public art, besides being a testimony of our time, is also a form of possible future, a common heritage that qualifies our civilized living. (...) Revitalizing the contemporary heritage of art must therefore become a moral imperative for the enjoyment of artistic culture as well as a public duty. (...) The concept of artistic 'embellishment' of architecture, now largely outdated, must be removed from the old legislative dictates, replaced with ways that favour a greater variety of interventions. (...) The cultural heritage, the existing artistic heritage and that which this bill is intended to increase,

In 1998, the report of the VII Permanent Commission for cultural heritage, scientific research, spectacle and sport, delivered by Aldo Masullo (PDS), regarding the bill *Istituzione del Centro per lo sviluppo delle arti contemporanee e di nuovi musei, nonché modifiche alla normativa sui beni culturali*, included in the term *contemporary art* the whole domain of the visual arts, by taking into consideration architecture and audiovisual expressions. However, it excluded the performing arts, such as music, theatre and dance<sup>103</sup>.

The bill presented by Veltroni (PDS), Ciampi (independent), Bersani (PDS), Bassanini (PDS)<sup>104</sup>, for establishing the new Centre for contemporary arts, recognized the lack of intervention by the Italian public institutions in contemporary arts during the previous decades<sup>105</sup>. The bill recognized the necessity of founding a State

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will be able to feed new segments of investment and employment". Disegno di legge Besso Cordero, Del Turco, Baldini, Bosi, Cò, Erroi, Falomi, Bornacin, FIRRARELLO, Sarto, *Norme per la realizzazione ed acquisizione di opere d'arte negli edifici pubblici*, Atti parlamentari, Senato della Repubblica, 29 luglio 1997.

<sup>103</sup> "(...) here we mean 'art', according to the current distinction, figurative art, also in its compositional-architectural and audiovisual specifications. We do not touch the problem of musical arts and other artistic manifestations, such as theatre, or of related arts, such as dance". *Relazione della 7ª Commissione permanente Istruzione Pubblica, beni culturali, ricerca scientifica, spettacolo e sport*, Aldo Masullo (PDS) su Disegno di legge "Istituzione del Centro per lo sviluppo delle arti contemporanee e di nuovi musei", nonché modifiche alla normativa sui beni culturali, 17 settembre 1998.

<sup>104</sup> They were respectively the minister for cultural and environmental heritage, the minister for finance and the economic program, the minister of industry and craftsmanship, the minister for public functions and regional affairs.

<sup>105</sup> "Public institutions, in part lacking a demonstration of interest in contemporary art, although with significant exceptions at the level of local institutions (...) have not contributed to bringing the artistic world closer together. As is well known, this has meant that the majority of contemporary art, in recent years, have found contacts abroad with the consequence that the works produced by our artists are to a large extent outside our country. (...) The State must set itself the objective of developing contemporary art by providing artists with a place where works of art are exhibited and produced and where artistic research is encouraged through experimentation and any other form of in-depth study. (...) Its institution can also contribute to bringing together a wide range of experiences of contemporary visual culture, with which architecture can be usefully compared (...), such as industrial design, artistic and environmental

institution for displaying and producing contemporary artworks and for encouraging artistic research and experimentation. For the first time, political discourse surrounding contemporary art included industrial design, artistic and environmental installations, multimedia works, fashion and advertising as relevant fields of promotion.

On the other hand, the extension of the term *contemporary art* varied when discussing the measures for supporting the contemporary art market. The deputy Mario Lettieri (DL) on 16<sup>th</sup> November 2004, during the examination of the law proposal *Misure a sostegno del mercato dell'arte contemporanea*, quoted the table, letter a), attached to the d.lgs. 41/1995, *Misure urgenti per il risanamento della finanza pubblica e per l'occupazione nelle aree depresse*, when defining the object of the proposal for the reduction of the taxes concerning contemporary art objects<sup>106</sup>. In fact, the decree n. 41/1995 offered a detailed definition of the term *art objects* by listing in detail several forms of artistic production, from paintings, drawings, collages, printings and engravings, to sculptures, tapestries and photographs<sup>107</sup>.

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installations, multidimensional works, fashion, advertising". Disegno di legge Veltroni, Ciampi, Bersani, Bassanini, *Istituzione del Centro per lo sviluppo delle arti contemporanee e di nuovi musei, nonché modifiche alla normativa sui beni culturali*, Senato della Repubblica, Atti parlamentari, 24 marzo 1998. The proposal was then approved through the law n. 237/1999. For further details see the third chapter.

<sup>106</sup> VI Commissione permanente (Finanze), Martedì 16 novembre 2004, *Misure a sostegno del mercato dell'arte contemporanea*, C. 4663 Carra (Esame e rinvio), 42.

<sup>107</sup> "a)"Oggetti d'arte":

- quadri "collages" e quadretti simili ("tableautins"), pitture e disegni, eseguiti interamente a mano dall'artista, ad eccezione dei piani di architetti, di ingegneri e degli altri progetti e disegni industriali, commerciali, topografici e simili, degli oggetti manufatturati decorati a mano, delle tele dipinte per scenari di teatro, sfondi di studi d'arte o per usi simili;
- incisioni, stampe e litografie originali, precisamente gli esemplari ottenuti in numero limitato direttamente in nero o a colori da una o più matrici interamente lavorate a mano dall'artista, qualunque sia la tecnica o la materia usata, escluso qualsiasi procedimento meccanico e fotomeccanico;
- opere originali dell'arte statuaria o dell'arte scultoria, di qualsiasi materia, purché siano eseguite interamente dall'artista; fusioni di sculture a tiratura limitata ad otto

However, the definition offered by the decree n. 41/1995 and the detailed list did not appear to be updated with the most recent forms of artistic expression of the XX and XXI centuries. Despite the birth of the DARC, the Directorate General for Contemporary Art and Architecture in 2001 which helped to draw state attention towards the policies for contemporary art, the 2004 law proposal ignored the existence of installations, videos, performances, sound and environmental installations and many other forms of artistic production at the dawn of the XXI century. The relevance of these measures and their application would have been weak and very partial at that time for the contemporary art market.

Nonetheless, in 2006 the law proposal promoted by Enzo Carra (PD) and many other deputies<sup>108</sup>, concerning the promotion of

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esemplari, controllata dall'artista o dagli aventi diritto; a titolo eccezionale in casi determinati dagli Stati membri, per fusioni di sculture antecedenti il 1 gennaio 1989, è possibile superare il limite degli otto esemplari;

- arazzi e tappeti murali eseguiti a mano da disegni originali forniti da artisti, a condizione che non ne esistano più di otto esemplari;

- esemplari unici di ceramica, interamente eseguiti dall'artista e firmati dal medesimo;

- smalti su rame, interamente eseguiti a mano, nei limiti di otto esemplari numerati e recanti la firma dell'artista o del suo studio, ad esclusione delle minuterie e degli oggetti di oreficeria e di gioielleria;

- fotografie eseguite dall'artista, tirate da lui stesso o sotto il suo controllo, firmate e numerate nei limiti di trenta esemplari, di qualsiasi formato e supporto (...) ". The list made reference to the content of the law 22<sup>nd</sup> April 1941, n. 633, where article 145 stated that "1. Ai fini dell'art. 144, per opere si intendono gli originali delle opere delle arti figurative, comprese nell'art. 2, come i quadri, i 'collages', i dipinti, i disegni, le incisioni, le stampe, le litografie, le sculture, gli arazzi, le ceramiche, le opere in vetro e le fotografie, nonché gli originali dei manoscritti, purché si tratti di creazioni eseguite dall'autore stesso o di esemplari considerati come opere d'arte e originali".

<sup>108</sup> Proposta di legge Carra, Barbieri, Boato, Bressa, Burtone, Carbonella, Cesario, Colasio, Crisci, D'Agrò, D'Antona, Dato, De Brasi, Duilio, Fabris, Farinone, Fincato, Fogliardi, Frigato, Giachetti, Giovannelli, Gozi, Grassi, Grillini, Laganà, Fortugno, Lomaglio, Lusetti, Mantini, Margiotta, Mariani, Giorgio Merlo, Oliverio, Ottone, Pellegrino, Piro, Poletti, Quartiani, Ranieri, Rotondo, Rusconi, Ruta, Samperi, Sanga, Sasso, Servodio, Tolotti, Vannucci, Villari, Volpini, Zanotti, Zunino, *Disposizioni in favore dell'arte contemporanea*, Atti parlamentari, Camera dei Deputati, 17 luglio 2006. Repurposed in 2008 by the Proposta di legge Carra, D'Antona, Duilio, Giovannelli,

contemporary art, defined the term as the product of the work of living artists, or work produced in the last fifty years, and included photography and industrial design that might have a specific relevance for the national public heritage<sup>109</sup>.

Moreover, the Italian legislator, through the bill *Misure a sostegno del mercato dell'arte contemporanea*, highlighted the peripheral situation of the Italian contemporary art system when contextualized in the broader international environment. In particular, it underlined how the general understanding of *contemporary art* was still more attached to the idea of promoting and enhancing the artists of the past rather than the living ones, despite the strong expansion of the contemporary art field in Italy<sup>110</sup>.

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Laganà, Fortugno, Oliverio, Quartiani, Vannucci, Zunino, *Disposizioni in favore dell'arte contemporanea*, Atti parlamentari, Camera dei Deputati, 29 aprile 2008. The definition was reused by the Disegno di legge De Poli, *Disposizioni in favore dell'arte contemporanea*, Senato della Repubblica, 10 aprile 2013 and by the Disegno di legge De Poli, Casini, *Disposizioni in favore dell'arte contemporanea*, Senato della Repubblica, 23 marzo 2018. These proposals were never adopted.

<sup>109</sup> "Articolo 2 - Definizioni (...) b) arte contemporanea: le opere di artisti viventi o la cui esecuzione risalga a meno di cinquanta anni, compresi i prodotti della fotografia e del design industriale, che rivestano un interesse culturale tale da giustificarne l'acquisizione al patrimonio pubblico, ai sensi di quanto previsto dal piano per l'arte contemporanea predisposto ai sensi dell'articolo 3 della legge 23 febbraio 2001, n. 29(...)". Also in 2007 the plurality of contemporary art expressions is underlined. "Finally, the Commission [Commission VII (Culture, Science, Education), Shorthand Report] has considered the profile of the value of contemporary art as a cultural and economic resource of the country, both as a vehicle of knowledge of this heritage, abroad, and as an instrument of enhancement of the national artistic and cultural heritage, by individual local authorities. On the other hand, it has been clarified that the figurative arts sector has become increasingly confused with that of other sectors, such as cinema and the performing arts, losing in its essential characteristics the specific artistic-representative features. In this sector, in fact, today we are also able to include sectors of cinema and photography through the development of technologies for the production of images, research and expressive languages, extending the territory of contemporary arts out of all proportion". Commissione VII (Cultura, scienza, istruzione), Resoconto stenografico, Indagine conoscitiva, 14 dicembre 2007.

<sup>110</sup> "(...) The time has come to recognize the value of contemporary art production as

Furthermore, the proposal outlined the deficiencies of the Italian regulation of the contemporary art market, by particularly emphasizing the burdensome fiscal system concerning the exchange of the artworks of Italian artists. Thus, the introduction to the law proposal expressed concern about the lack of specific policies for

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well: that of a qualifying and indispensable element in the international image of our country. (...) At present, deceased artists and therefore Italian art of the past are more protected than living artists and therefore contemporary art. This situation is the opposite of what Italy needs today. In fact, despite the difficulties, the sector is expanding rapidly and our artists have succeeded in regaining space on the international stage of contemporary art". Proposta di legge Carra, Abbondanzieri, Adduce, Angioni, Annunziata, Banti, Benvenuto, Bertucci, Bimbi, Boato, Boccia, Bonito, Bova, Buemi, Bulgarelli, Camo, Capitelli, Carbonella, Cardinale, Colasio, Damiani, Delbono, Di Gioia, Fanfani, Franceschini, Frigato, Gambale, Gambini, Grillini, Intini, Lettieri, Santino Adamo Loddo, Tonino Loddo, Lusetti, Maccanico, Magnolfi, Mantini, Raffaella Mariani, Merlo, Molinari, Monaco, Mosella, Ottone, Papini, Pasetto, Luigi Pepe, Pistelli, Quartiani, Rocchi, Rotundo, Ruggeri, Rusconi, Ruzzante, Santagata, Soro, Spini, Squeglia, Stradiotto, Vernetti, Villari, Volpini, *Misure a sostegno del mercato dell'arte contemporanea*, Atti parlamentari, Camera dei Deputati, 3 febbraio 2004. The same ideas were emphasised in 2006 by the Proposta di legge Carra, Barbieri, Boato, Bressa, Burtone, Carbonella, Cesario, Colasio, Crisci, D'Agrò, D'Antona, Dato, De Brasi, Duilio, Fabris, Farinone, Fincato, Fogliardi, Frigato, Giachetti, Giovanelli, Gozi, Grassi, Grillini, Laganà, Fortugno, Lomaglio, Lusetti, Mantini, Margiotta, Mariani, Giorgio Merlo, Oliverio, Ottone, Pellegrino, Piro, Poletti, Quartiani, Ranieri, Rotondo, Rusconi, Ruta, Samperi, Sanga, Sasso, Servodio, Tolotti, Vannucci, Villari, Volpini, Zanotti, Zunino, *Disposizioni in favore dell'arte contemporanea*, Atti parlamentari, Camera dei Deputati, 17 luglio 2006.

contemporary art in Italy<sup>111</sup>, despite the foundation of the Directorate General - DARC in 2001<sup>112</sup>.

Nevertheless, in 2005 the VII Permanent Commission, responsible for culture, science and education, reaffirmed the value of contemporary art to the whole nation as a central component defining the image of the whole Country at national and international level and the importance of supporting it for the cultural enrichment of the society<sup>113</sup>.

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<sup>111</sup> "(...) In the face of a growing attention to contemporaneity that manifests itself both on the part of private individuals and of the institutions themselves, there is a lack of concrete action with regard to contemporary art and refuge continues to be found in the idea that the conservation and enjoyment of existing assets, therefore of artists of the past, are sufficient for our country to be still competitive on an international level. (...) If the policy of preservation and enjoyment is central to the art of the past, for contemporary art, this policy is not resolute because it is made by living artists who, mainly at the beginning of their careers, are in great need of careful fiscal policies in harmony with their world: full of insecurities and periods of mere experimentation in which they are still unknown to all (...)".

<sup>112</sup> "Italian artists are out of the market and therefore out of the international museum circuit because there is a lack of concrete support from institutions and private individuals for our contemporary art. What is missing in one word is 'culture of culture', which makes the operators, from artists to gallery owners, from museum directors to art historians, feel abandoned and at the forefront of a battle lost in international confrontation. The most penalizing aspect for the sector is the fiscal aspect. In fact, the circulation of the works of art of living artists is subject to impediments that find their logic in facts that are foreign to the value of the artist and that penalize the same towards foreign colleagues". Proposta di legge Carra, Abbondanzieri, Adduce, Angioni, Annunziata, Banti, Benvenuto, Bertucci, Bimbi, Boato, Boccia, Bonito, Bova, Buemi, Bulgarelli, Camo, Capitelli, Carbonella, Cardinale, Colasio, Damiani, Delbono, Di Gioia, Fanfani, Franceschini, Frigato, Gambale, Gambini, Grillini, Intini, Lettieri, Santino Adamo Loddo, Tonino Loddo, Lusetti, Maccanico, Magnolfi, Mantini, Raffaella Mariani, Merlo, Molinari, Monaco, Mosella, Ottone, Papini, Pasetto, Luigi Pepe, Pistelli, Quartiani, Rocchi, Rotundo, Ruggeri, Rusconi, Ruzzante, Santagata, Soro, Spini, Squeglia, Stradiotto, Verneti, Villari, Volpini, *Misure a sostegno del mercato dell'arte contemporanea*, Atti parlamentari, Camera dei Deputati, 3 febbraio 2004.

<sup>113</sup> "(...) in the recognition of the value of contemporary art as a qualifying element of the image of the country also at international level and of the prejudicial nature of its support for the cultural enrichment of society (...)". VII Commissione permanente,



Then, in 2007, the report of the Commission VI (*Finanze*), Chamber of Deputies, Enzo Carra again recognised the importance of contemporary art not only from the cultural point of view, but also from the economic one. He included within the field of contemporary art all creative activities ranging from architecture to design, from fashion to craftsmanship, from graphic works to advertising<sup>114</sup>.

Furthermore, in 2019, the bill *Disposizioni per la diffusione della cultura e dell'arte italiana e agevolazioni in favore delle imprese artistiche e artigianali*, presented by a group of deputies from *Forza Italia* party, reaffirmed the importance of promoting contemporary art and took stock of the Italian situation at that time in comparison with the international context<sup>115</sup>. The weaknesses of the system appeared evident, despite

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(Cultura, scienza e istruzione), Mercoledì 21 settembre 2005, *Misure a sostegno del mercato dell'arte contemporanea*. Nuovo testo, C. 4663 Carra (Parere alla VI Commissione, Esame e conclusione).

<sup>114</sup> "(...) illustrates its bill, which is based on the consideration of the now fundamental role of contemporary art, not only in the field of culture, but also in the economic development of a country with an advanced economy. In fact, it points out that the most developed countries have now taken note of the strategic value of contemporary artistic creativity also as a source of 'pure research', from which all the various 'creative' activities, from architecture to design, from fashion to craftsmanship, from graphics to advertising, can be drawn". Commissione VI (Finanze), Camera dei Deputati, *Resoconto della VI Commissione permanente*, 21 giugno 2007.

<sup>115</sup> "Our country boasts a great artistic tradition, testified by the presence of a very significant number of monuments and works of art, despite this, it is one of the least developed in Europe in terms of policies in support of contemporary art. In the face of increasing attention to this sector, both from private individuals and institutions, the idea that the conservation and enjoyment of existing properties, the fruit of artists of the past, are sufficient conditions to guarantee our country an adequate level of competitiveness on an international level also in the enhancement of art and it is not realized, however, that the enhancement of contemporary art and craftsmanship, a booming market, need ad hoc rules that must be different from those applicable to the artistic heritage of the past". Disegno di legge Mallegni, Galliani, Masini, Berardi, Craxi, Cangini, Ferro, Barboni, Binetti, Rizzotti, Alderisi, Gallone, Perosino, *Disposizioni per la diffusione della cultura e dell'arte italiana e agevolazioni in favore delle imprese artistiche e artigianali*, Senato della Repubblica, 7 giugno 2019. Moreover, contemporary artworks in 2019 were seen as instruments for the protection of human rights as it emerged from the speech of Fabrizio Petri, president of the *Comitato interministeriale per i diritti umani*.

the many years of experience the Italian State had in creating policies for contemporary art<sup>116</sup>.

As revealed by the analysis and the study of the documents, the uses of the term *contemporary art* across parliamentary acts appear to be varied and not always coherent and updated with the parallel evolution of contemporary artistic practices in Italy and worldwide. The results of the research into these documents prove how complex and difficult the creation of a unique and stable definition of the term *contemporary art* is for the whole legal order and its institutions.

The study reveal that, besides the legislative proposal for the institution of the Centre for the documentation and enhancement of contemporary arts presented by four ministers in 1998<sup>117</sup>, none of the bills analysed were ever adopted.

Besides understanding the definition of the term *contemporary art*, the interest of the analysis emerges also from the approach to contemporary art and the attention of the legislator towards certain specific aspects. In fact, even if these proposals were not enacted, they testify to the interest of the legislative body towards the contemporary and show a stronger sensibility to some matters over others.

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“The second very important thing we do with the European Union is work on contemporary art. The Farnesina is launching the initiative for an exhibition, which will then have to go to Vienna and Geneva, on the relationship between contemporary art and human rights, because we want to promote awareness of human rights more and more. This exhibition will be held by the Farnesina Collection of contemporary art and the Fondazione Sandretto Re Rebaudengo in Turin, which is one of the most important in the world, precisely because we want to make a public/private speech”. Commissione III, *Comitato permanente sui diritti umani nel mondo, Resoconto stenografico*, Mercoledì 6 marzo 2019.

<sup>116</sup> In this regard, see the second and third chapters for a broader analysis of the policies for contemporary art in Italy put into force by the Ministry of Cultural Heritage since its foundation in 1974.

<sup>117</sup> This legislative proposal offered also the most up to date and extensive definition of the term *contemporary art*.

In particular, the topics discussed by the Parliament regarded the establishment of new institutions for promoting contemporary art nationwide, considering also different local contexts. Moreover, they intended to reinforce the Italian market of contemporary art through fiscal interventions. They addressed the issue of recognizing the authenticity of the artworks and proposed additional forms of support and promotion for the field.

The discourses introducing the legislative proposals often demonstrated awareness of the deficiencies of the Italian contemporary art system, especially if compared with foreign contexts. In addition, they continued to address contemporary art as created both by living and deceased artists.

Contemporary art was perceived as a collective and common good, presenting the image of the Country on the world stage. The debates recognised its economic importance and its intrinsic value for the enrichment of the society. However, the understanding of the term described in the text analysed leaves doubts regarding the awareness and comprehension of the extent of contemporary art at the time. They included in the contemporary art realm drawings, printings, paintings, sculptures, photographs, engravings and tapestries, but only rarely, and more recently, considered audiovisual or architectural works, design or fashion. Among these diverse artistic practices, they never included performances or others performing arts.

In conclusion, the overall understanding of *contemporary art* in the legislative proposals appeared only to partially consider the extent of contemporary art practices and their continuous changes from the seventies until today, regardless of the variety of the pursued subjects<sup>118</sup>.

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<sup>118</sup> A broader overview of the artistic expressions and practices from the seventies to today in the west world can be found in FOSTER H., KRAUSS R., BOIS Y.-A., BUCHLOH B.H.D., JOSELIT D., *Art since 1900*, Thames & Hudson, 2016. Regarding the

### 3. Fragments of a relational notion. Emblematic administrative acts for defining the contemporary in the XXI century

A final note to this first section of the analysis emerges from the administrative use of the term *contemporary art*. Regardless of the plural legislative proposals, a stronger and specific attention of the public administration towards the contemporary, after the foundation of the Ministry of Cultural Heritage, evidently appeared only at the beginning of the XXI century when a series of reforms affected the ministerial organization and tools for the promotion of this crucial field<sup>119</sup>.

A uniform definition across the years also seems to be lacking in specific administrative acts for the contemporary art field. Some of these secondary sources are analyzed in this section in the attempt to trace a possible evolution of the understanding of the term *contemporary art* by the administration in the XXI century. A definition of the term often indirectly appears in the provisions and contributes to the expansion of reflections already developed in the previous part of the analysis.

One first example emerges from the case of the *Piano per l'arte contemporanea* (PAC – Plan for Contemporary Art), established by article 3 of the law 23<sup>rd</sup> February 2001, n. 29<sup>120</sup>. The ministerial decree

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Italian context see CELANT G. (ed.), *Identité italienne. L'art en Italie depuis 1959*, catalogue of the exhibition Centre Pompidou, Paris, 1981. CHIMENTO F., *Arte italiana del terzo millennio*, Mimesis, 2013. DE MARCHIS G., *Album di viaggio in quarant'anni di arte italiana: 1960-2000*, Umberto Allemandi & C., 2005. MELOTTI M., *Vicende dell'arte in Italia dal dopoguerra agli anni Duemila*, FrancoAngeli, 2017. PINTO S. (ed.), *Una storia dell'arte in Italia nel XX secolo*, Skira, 2002. PINTO S., *Una storia dell'arte in Italia nel XX secolo*, in *Lezioni di Storia dell'Arte. Dall'Impressionismo alla cultura artistica contemporanea*, Skira, 2005. VALENTINI V. (ed.), *L'arte di fine millennio*, in *Intervalli tra film, video, televisione*, Sellerio, 1989.

<sup>119</sup> This topic is further investigated in the next chapters.

<sup>120</sup> Before 2001 attempts to define contemporary art in administrative acts after the foundation of the Ministry seem to be lacking. However, a broader understanding of the residual and marginal importance given to contemporary art between 1974 and 1998 by the Ministry clearly emerges in the second chapter, particularly in the section

D.M. 24<sup>th</sup> April 2002, *Adozione del Piano per l'arte contemporanea*<sup>121</sup> explicitly defined the object of its application by differentiating the notion of *contemporary art*, already defined by the decrees mentioned above. It included the works of living artists or artworks created less than fifty years before, as well as photography and industrial design if of cultural interest for public heritage. The archives of artists, collectors and gallerists, together with the photographic and audiovisual materials necessary for the study and knowledge of contemporary heritage were also considered as complementary objects of intervention for the *Piano per l'arte contemporanea*<sup>122</sup>.

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devoted to the history and analysis of the *Galleria Nazionale* and its correspondence with the internal ministerial offices and functionaries. "1. Al fine di consentire l'incremento del patrimonio pubblico di arte contemporanea, anche mediante acquisizione di opere di artisti italiani e stranieri, il Ministro per i beni e le attività culturali predispone un «Piano per l'arte contemporanea», per la realizzazione del quale, ivi comprese le connesse attività propedeutiche e di gestione del medesimo, è autorizzata, a decorrere dall'anno 2002, la spesa annua di lire 10.000 milioni". For further details concerning the PAC see the fourth chapter. When the Plan was started, the definition of the term could be deduced from the primary source of the *Testo Unico delle disposizioni legislative in materia di beni culturali e ambientali*, d.lgs. 29<sup>th</sup> October 1999 (Abolished by the d.lgs. 22 January 2004, n. 42, article 184). Article 2, paragraph 6 of the decree, as already mentioned above, by following the provisions of the law 1089/1939, excluded from its competence the artworks of living artists or those made less than fifty years before. Moreover, an understanding of the *contemporary art* category could be obtained from the article 2 of the d.lgs. 368/1998 where, among other ministerial competences, it listed the protection, management and enhancement of cultural and environmental heritage; the promotion of all the cultural activities, including theatre, music, cinema, dance, other forms of spectacle, photography, plastic and figurative arts and industrial design.

<sup>121</sup> Published in the *Gazzetta Ufficiale* n. 231 on the 2<sup>nd</sup> October 2002.

<sup>122</sup> "8. Sono oggetto del Piano le opere di artisti viventi o la cui esecuzione risalgia, a meno di 50 anni, compresi i prodotti della fotografia e del design industriale, che rivestano un interesse culturale tale da giustificare l'acquisizione al patrimonio pubblico. Concorrono all'incremento del patrimonio pubblico d'arte contemporanea, anche se in forma complementare, gli archivi di artisti, collezionisti, galleristi, i fondi fotografici, audiovisivi e in genere la documentazione che abbia diretta attinenza con questo patrimonio, ne accresca la conoscenza e ne favorisca lo studio". D.M. 24<sup>th</sup> April 2002, *Adozione del Piano per l'arte contemporanea*. In 2003 Pio Baldi, Director-General (*Direttore generale per l'architettura e l'arte contemporanea* – DARC), stated that "even the concept and notion of the visual arts 'contaminating' the closely-related spheres of

The criteria identified in the ministerial decree for expanding the public heritage are of particular importance for understanding the role of contemporary artworks to the national public heritage. The cultural interest should emerge from an absolute and relative value judgement and from the evaluation of the conservation requirements of the works acquired for the public heritage, along with their potential capacity as objects of public enjoyment<sup>123</sup>.

Moreover, the *Circolare*<sup>124</sup> (circular letter) 24<sup>th</sup> February 2014 of the V Service, Directorate General for Landscape, Fine Arts, Contemporary Art and Architecture, regarding the application of the *Piano per l'arte contemporanea 2014*, expanded the previous definition by including contemporary architectural heritage<sup>125</sup>.

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architecture, fashion, advertising and quality industrial production are broadening out". DARC-MiBACT, *I luoghi del Contemporaneo*, Gangemi Editore, 2003.

<sup>123</sup> "12. The increase in public heritage must first and foremost satisfy a cultural interest. The identification of this interest presupposes: a) a value judgment on the works to be acquired or commissioned, which must be expressed not only in an absolute sense, considering their characteristics, but also in a relative sense, considering their relationship both with the public heritage of contemporary art in general and with the collection, building or context for which they are intended; b) an evaluation of the conditions of conservation and enjoyment that can be ensured for these works. Compatible with the pursuit of the cultural interest, the convenience of the acquisition and commissioning operations must also be guaranteed". D.M. 24<sup>th</sup> April 2002, *Adozione del Piano per l'arte contemporanea*.

<sup>124</sup> Prot. 4999, Class. 28.07.00/1.17, signed by the Director-General Maria Grazia Bellisario.

<sup>125</sup> "The Plan covers the works of living artists or dead less than 50 years before, including products of photography and industrial design, and architectural designs and models of such cultural interest as to justify their acquisition of public heritage. It should be noted that the archives of artists, architects, collectors, gallery owners, photographic and audiovisual collections and, in general, the documentation related to this heritage contribute to the increase of the public heritage of contemporary art, even if in a complementary form, increasing its knowledge and favouring its study and contributing to the diffusion of the principles of quality and sustainability of the interventions through the careful use of contemporary language". *Circolare* Prot. 4999, Class. 28.07.00/1.17, Direttore Generale Maria Grazia Bellisario, V Service, Direzione Generale per il paesaggio, le belle arti, l'architettura e l'arte contemporanea, 24<sup>th</sup>

In addition, the reflections of the High Council for Cultural and Landscape Heritage in 2016, on the importance of contemporary art for the Italian State and for its citizens, offer further analysis which contextualizes the role and understanding of *contemporary art* in the discourse of the Italian public administration and its representatives. It emphasized the relational character of contemporary art and its relevance for building a national and international community<sup>126</sup>.

It is also interesting to reflect on the organizational and denomination evolution of the ministerial Directorate General responsible for contemporary art since 2001<sup>127</sup>. The DARC - Directorate General for Contemporary Art and Architecture was established through the D.P.R. 29<sup>th</sup> December 2000 n. 441, *Regolamento recante norme di organizzazione del Ministero per i beni e le attività culturali*. Article 5 of the decree established the specific competences of the DARC. It included the promotion of architectural and urban culture, together

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February 2014.

<sup>126</sup> "Contemporary art has a specifically public vocation because the research of artists, for decades now, is not so much focused on the work itself as on the gradient of relationality that the work triggers, the ability of the work to activate the imagination, to be able to mobilize new horizons of experience and behavior. In this sense, works of contemporary art have an effective presence in the fabric of our cities only if they have the possibility of becoming the identity heritage of communities. This objective requires a particular poignancy in the quality of these interventions, requires their cadence, their assiduous presence and requires, above all, participation and preparation according to bottom-up processes, for those who will then have to identify with these works, because the gradient of contemporary art is also a gradient of strong experimentation and not of immediate cultural permeability. (...)". MESSINA M.G., *Mozione del Consiglio Superiore Beni culturali e paesaggistici del Mibact "Il futuro delle città d'arte"*, Mantova 12 novembre 2016. Resoconto della seduta straordinaria del giorno 12 novembre 2016, Teatro Bibiena, Mantova, Consiglio Superiore Beni culturali e paesaggistici, 1-17.

<sup>127</sup> The evolution of the Directorates General is analysed in detail in the third chapter.

with contemporary art<sup>128</sup>. However, the decree did not offer a specific definition of the term *contemporary art*<sup>129</sup>.

Only in 2019, through the D.P.C.M. 2<sup>nd</sup> December 2019 n. 169, that established the Directorate General Contemporary Creativity and Urban Regeneration and expanded its competences to other creative fields, did the norms identify a more specific definition of the term *contemporary art* that across the years has been applied to diverse media. In fact, article 21 in particular described the functions of the new Directorate General by explicitly mentioning contemporary art and architecture, including design, fashion, photography, video art and applied arts<sup>130</sup>.

Apart from these documents, it was difficult to identify additional sources which could better articulate the understanding of the term *contemporary art* from the perspective of the Ministry. Even if they do not offer a cohesive view of the definition, their fragments address the complexity of defining the scope of ministerial intervention.

According to these administrative acts, *contemporary art* included general artistic expressions, photography and design. Archival and audiovisual documents were considered only as complementary

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<sup>128</sup> Article 5, D.P.R. 29<sup>th</sup> December 2000 n. 441 “1. La direzione generale per l’architettura e l’arte contemporanee ha competenza in materia di promozione della cultura architettonica ed urbanistica e dell’arte contemporanea”.

<sup>129</sup> There was the same lack of a clear definition in the following evolutions of the DG: the PARC (*Direzione generale per la qualità e la tutela del paesaggio, l’architettura e l’arte contemporanee* - D.P.R. 26<sup>th</sup> November 2007, n. 233); the PaBAAC (*Direzione generale per il paesaggio, le belle arti, l’architettura e l’arte contemporanee* - D.P.R. 2<sup>nd</sup> July 2009, n. 91); the DGAAP (*Direzione generale arte e architettura contemporanee e periferie urbane* - article 12 of the D.P.C.M. 171/2014). This last reform expanded the competences of the Directorate General but did not offer a specific definition.

<sup>130</sup> “1. La Direzione generale Creatività contemporanea svolge le funzioni e i compiti relativi alla promozione e al sostegno dell’arte e dell’architettura contemporanee, ivi inclusa la fotografia e la video-arte, delle arti applicate, ivi compresi il design e la moda, e della qualità architettonica ed urbanistica. La Direzione sostiene altresì le imprese culturali e creative e promuove interventi di rigenerazione urbana (...)”. Article 21, D.P.C.M. 2<sup>nd</sup> December 2019, n. 169.



sources for contributing to the knowledge of the artworks. Architecture was introduced only in 2014, while fashion, video art and applied arts explicitly appeared only in 2019. However, the relational value of contemporary art in building communities appeared to be broadly recognized even outside the competent Directorate General.

#### **4. Contemporaneity as a hybrid and mobile object of knowledge**

Despite the plurality of the legislative proposals mentioned above, the system of contemporary art in Italy still lacks specific primary and secondary regulations that could better define the extent of the term. This condition is a physiological state of the subject in the juridical realm. In fact, it could be argued that, as with the term *cultural heritage*, also *contemporary art* is a liminal concept, despite the plural legislative and administrative attempts to partially delimit its understanding. According to the definition given by Giannini in 1976 this liminal condition implies “a concept to which the legal legislation does not give its own content, its own definition for other legally enshrined traits, but rather operates by reference to non-legal disciplines”<sup>131</sup>.

However, even if a clear definition could contribute to better define the scope of ministerial intervention for contemporary art, it might not consistently contribute to the development of the contemporary art market at a national and international level, or of artistic production, contemporary art institutions and networks. These fields need specific regulations (and competences) aimed at incentivizing their development in Italy and abroad. Some of these aspects are further investigated throughout the analysis.

Contemporary artists and institutions have not always been properly included or considered in public and legislative discourse and the imprecise understanding of the term testifies to this absence. This situation persisted in Italy until the very end of the XX century when

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<sup>131</sup> GIANNINI M.S., *I beni culturali*, in *Riv. trim. dir. pubb.*, 1976, 5. Translation by the author.

the first Directorate General for contemporary art and the National Museum for the Arts of the XXI century were founded. This shift in the scope and organization of the Ministry of Cultural Heritage contributed to readdress, also in legislative debates, subjects that were previously neglected or superficially exploited for political strategies and interests.

The notion of *contemporary art* today is strictly intertwined with its symbolical and socio-economical value.

The monopolistic production of the work of art depending only on the will of the artist at the beginning of their career, acquires an oligopolistic character when it is forced to open itself to the market where a plurality of actors are involved. Merchants and galleries, collectors, critics, museum directors and curators are all involved in a complex process of recognition of the artwork and of its creator. Their distribution, legitimization and historicizing processes are all part of the contemporary art system. The role of the public becomes relevant in this synergic process only in a second phase when a widespread recognition of a particular artist is consolidated<sup>132</sup>.

As with the term *culture*, the term *contemporary art* is also historically characterized by plural semantics<sup>133</sup>. The definition of the term *contemporary art* is difficult and characterized by continuous changes

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<sup>132</sup> See BOURDIEU P., *Les règles de l'art: genèse et structure du champ littéraire*, Paris: Seuil, 1992. POLI F., *Il sistema dell'arte contemporanea*, Editori Laterza, 2015. ALLOWAY L., *Network. The Art World Described as a System*, in ALLOWAY L., *Network. Art and the Complex Present*, UMI Research Press, 1984. BECKER H.S., *Art Worlds*, University of California Press, 1982. BELTING H., BUDDENSIEG A., WEIBEL P., *The Global Contemporary and the Rise of New Art Worlds*, MIT Press, 2013. SACCO P.L., *La giovane arte italiana nel contesto internazionale*, in DE LUCA M., GENNARI SANTORI F., PIETROMARCHI B., TRIMARCHI M. (ed.), *Creazione contemporanea. Arte, società e territorio tra pubblico e privato*, Luca Sossella editore, 2004, 55-71. ZORLONI A., *The Economics of Contemporary Art*, Springer-Verlag, 2013.

<sup>133</sup> Regarding the use of the term *culture* in contemporary constitutionalism and its plural semantics see CAVAGGION G., *Diritti culturali e modello costituzionale di integrazione*, Giappichelli, 2018, 1-30.

in its media and techniques<sup>134</sup>. The problem is not only a matter of terminology, but also of temporality<sup>135</sup>. The definition of its time span is still unclear and difficult. Is it really necessary to have a more specific and precise definition of the term *contemporary art* from the legislative point of view in order to have a clearer and safer administration of this complex system?<sup>136</sup> The rapid evolution which the ministerial branches for the promotion of contemporary art have been subject to since the beginning of the XXI century probably gives a partial reply to the question<sup>137</sup>.

These normative gaps and dilemmas, that obviously involve not only the legislator and the public administration but also art historians and professionals in the field, show the intrinsic necessity of a particular

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<sup>134</sup> KRAUSS R., *A voyage on the North Sea. Art in the Age of the Post-Medium Condition*, Thames & Hudson, 1999. ECO U., *Opera aperta. Forma e indeterminazione nelle poetiche contemporanee*, Milano, 2006. THORNTON S., *Seven days in the art world*, W.W. Norton, 2008. See, for example, the table that lists the categories of “beni mobili artistici e culturali secondo il mercato” in FORTE F., MANTOVANI M., *Manuale di economia e politica dei beni culturali*, Rubettino, 2004, 40-41. All the diversified objects listed could be recollected to the notion and expression of contemporary art and artists. For an insight into the immaterial dimension of cultural heritage in the Italian juridical system see CASSESE S., *I beni culturali tra Bottai e Spadolini*, 1975, in *L'amministrazione dello Stato*, Milano, 1976, 152. GIANNINI M.S., *I beni culturali*, in *Riv. trim. dir. Pubbl.*, 1976, 3.

<sup>135</sup> “The possible dissociation between the technical-discretionary judgement of the Administration of Cultural Heritage and the judgement of the community is also in the awareness of the Council of State which, in its opinion n. 548/2018 (Section II, 5<sup>th</sup> March 2018) recognizes that ‘the judgement on the relevant historical-artistic interest of a work of art (...) is irreducibly characterized even by a high degree of changeability not only in different historical periods, based on the change in aesthetic values of the time, but, in the same period, by virtue of the extreme subjectivity of the same - as is also attested by the dramatic ‘disconnection’ of the assessments expressed by critics and the ‘liking’ of the works by citizens - users of the same good - that has given rise to news and lively debate among scholars themselves on the same possibility of qualifying certain ‘artistic products’ as ‘works of art’”. TARASCO A.L., *Ai confini del patrimonio culturale tra luoghi comuni e processi di produzione della cultura*, in *Aedon*, 1, 2018.

<sup>136</sup> In this regard, see CRISMANI A., *Libertà dell’arte e limiti del diritto*, in *Diritto, economia e società. In ricordo di Luisa Cusina*, EUT, 2018, 57-79.

<sup>137</sup> See the third chapter for further details concerning the development of the Ministry for the management and promotion of contemporary art.

subject to evolve continuously in order to fulfil its essence<sup>138</sup>. This hybrid and mobile object of knowledge refuses to be defined with specific forms, media, disciplines and geographical areas.

As demonstrated, the legislative and administrative attempts to create an incomplete definition of the contemporary art term have been the result of a historicisation process. However, producing an ultimate definition of contemporary art appears to be ironically at odds with its central character: contemporaneity<sup>139</sup>.

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<sup>138</sup> "It does not therefore seem useful or sensible for the jurist to try to crystallize a definition of culture, or rather, to choose which of the hundreds of definitions already elaborated is the preferred one. The vagueness of the concept must not, however, become an excuse for the jurist to disregard the issues of culture and the interaction between culture and constitutionalism. The most correct approach therefore seems to be an acknowledgement of the non-univocity and versatility of the term, as well as its flexibility with respect to different social phenomena". CAVAGGION G., *Diritti culturali e modello costituzionale di integrazione*, Giappichelli, 2018, 7. The same could be stated of the contemporary art term and field of knowledge. See also CRISMANI A., *Libertà dell'arte e limiti del diritto*, in *Diritto, economia e società. In ricordo di Luisa Cusina*, EUT, 2018, 57-79.

<sup>139</sup> For a broader analysis of the term see the relevant section in the bibliography at the end of the thesis.

## Chapter 2.

### At the origins of the ministerial organisation for contemporary art

#### 1. Introduction

The contemporary art world is a complex network made up of a plurality of actors and institutions. Among them, the State and its branches are central characters of the system<sup>140</sup>.

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<sup>140</sup> In 1982, Howard S. Becker, in his fundamental analysis of the art system, stated that “the state (...) affects what artists do and produce by directly intervening in their activities. Intervention takes various forms: open support, censorship, and suppression. (...) The state acts because it has interests of its own. The interests the state pursues through its intervention in the arts have to do with the preservation of public order – the arts being seen as capable both of strengthening and of subverting order – and with the development of a national culture, seen as a good in itself and as something which promotes national unity (“our heritage”) and nation’s reputation among other nations”. BECKER H.S., *Art Worlds*, University of California Press, 1982, 180. In 2006 Ludovico Pratesi asked in an interview to Pier Luigi Sacco which subjects guarantee a correct and real diffusion of contemporary art over the territory. Sacco replied that “in European countries, public administrations still have a fundamental and indispensable role to play in facilitating such dissemination. The administration must become the main interlocutor in this activity; it must be credible and open the doors to other stakeholders such as entrepreneurs. Its commitment may not be financial, but it must be project-based.”. In PRATESI L., *I Musei d’Arte Contemporanea in Italia*, Skira, 2006, 27. For a more recent perspective on the contemporary art network and actors see POLI F., *Il sistema dell’arte contemporanea*, Editori Laterza, 2015. ALLOWAY L., *Network. The Art World Described as a System*, in ALLOWAY L., *Network. Art and the Complex Present*, UMI Research Press, 1984. BELTING H., BUDDENSIEG A., WEIBEL P., *The Global Contemporary and the Rise of New Art Worlds*, MIT Press, 2013. ZORLONI A., *The Economics of Contemporary Art*, Springer-Verlag, 2013. THOMPSON D., *The \$12 Million Stuffed Shark*, Griffin, 2008. For a broader analysis of the relationship between the State and the arts, from an economical perspective, see TRIMARCHI M., *Economia e cultura. Organizzazione e finanziamento delle istituzioni culturali*, FrancoAngeli, 2002. DE LUCA M., GENNARI SANTORI F., PIETROMARCHI B., TRIMARCHI M. (ed.), *Creazione contemporanea. Arte, società e territorio tra pubblico e privato*, Luca Sossella editore, 2004. PENNELLA G., TRIMARCHI M., *Stato e mercato nel settore culturale*, il Mulino, 1993. SACCO P.L., SANTAGATA W., TRIMARCHI M., *L’arte contemporanea italiana nel mondo*, Skira, 2005.

This chapter, and the following one, intend to analyse the organisation of the Ministry of Cultural Heritage since its foundation in 1974 with regard to contemporary art<sup>141</sup>. In particular, the second chapter investigates the evolution of the ministerial branches and institutions responsible for the promotion of the contemporary between 1974 and the beginning of the XXI century, when the first Directorate General for contemporary art was founded.

The study focuses on the cases of the *Galleria Nazionale d'Arte Moderna e Contemporanea* in Rome<sup>142</sup>, the *Biennale* in Venice, the *Triennale* in Milan, the *Quadriennale* in Rome and the case of the National Museum of the Arts of the XXI century, founded in Rome in 1998.

These institutions partially made up for the absence of a specific internal branch of the Ministry's organisation for the promotion of contemporary art after 1974, acting from a peripheral and autonomous position, directly funded by the central administration and under its control. Their organisational nature is investigated from

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<sup>141</sup> For an introduction to the public policies for the Italian contemporary art system see SANTAGATA W., *Simbolo e merce. I mercati dei giovani artisti e le istituzioni dell'arte contemporanea*, il Mulino, 1998. "A culture cannot live only from its past, it must look to the contemporary, to the creative moment. The society that recognizes this need must equip itself with public structures that help the production of culture, that enhance the value of young artists at national and international level, that orient collecting towards an open social role and that enlarge the public of art lovers and enthusiasts. Politics, if it is not discriminating, if it protects as a supreme value the freedom of cultural expression, and of artistic expression in particular, is a strategic resource. (...) Italian cultural policy in the artistic field seems to be the victim of a Dantean phenomenology: for some reason it recalls the past, but does not see in the present". SANTAGATA W., *Simbolo e merce. I mercati dei giovani artisti e le istituzioni dell'arte contemporanea*, il Mulino, 1998, 163.

<sup>142</sup> The analysis needed to be delimited due to the abundance of sources. The selection inevitably lead the research towards the analysis of certain aspects more than others. Specific aspects of the institutional life of the *Soprintendenza*, such as the role of and the relationship with the satellite institutions, Mario Praz Museum House (under the Galleria's competence since 1986), Manzù Collection, Hendrik Christian Andersen Museum (under the Galleria's competence since 1979) and Boncompagni Ludovisi Museum (under the Galleria's competence since 1972), were not analysed in detail.

a juridical and historical point of view in order to trace their relationship with the Ministry and their role for the contemporary art field.

The analysis takes into account some crucial aspects of their organisations in order to elucidate the main issues that these institutions had to face throughout their organisational evolutions. In particular, the financial autonomy, the dependency from the Ministry for the day-to-day administration and the self-government in fulfilling their mission are considered distinctive characters of their institutional history and development.

The research was made possible thanks to the archival materials detailing the institutional history of the cases mentioned above across the years. The relevant regulations, the statutes, the ministerial administrative documents and communications have been analysed together with the publications promoted or published during the same time span.

Before heading to the analysis of the origins of the Ministry of Cultural Heritage and its institutions for the contemporary, it is necessary to briefly introduce the history of the relationship of the Italian public administration with contemporary art, through a diachronic perspective, since the unification of the Italian State. The regulatory framework, the ministerial organization and tools, applied for promoting contemporary art, are introduced together in order to offer a complete overview of the Italian administrative system at that time.

After the state unification in 1861<sup>143</sup>, the new organisation of the Ministry of Public Education (Royal Decree 11<sup>th</sup> August 1861, n. 202)

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<sup>143</sup> For a brief history of the Italian institutions for contemporary art since the national unification in 1861 see PINTO S. (ed.), *L'istituzione pubblica per l'arte contemporanea*, in *Ottocento*, 2/1996, 42-49. See also PINTO S., *La promozione delle arti negli Stati italiani dall'età delle riforme all'Unità*, Einaudi, 1982, vol. 1, 794-1079. For a definition and history of the State see BOBBIO N., *Stato, governo, società. Per una teoria generale della politica*, Einaudi, 1985. For an introduction to the history of the ministerial organization for cultural heritage see CASINI L., *Ereditare il futuro*, il Mulino, 2016. For a broader history

included the administration of the arts and its institutions (museums, academies, archives, etc.) under the control of the first Division. Between 1863 and 1874 the second Division was added and then transformed into the *Provveditorato artistico* in 1876.

The years of the liberal state, under the *Statuto Albertino*, between the unification and the advent of the fascist regime<sup>144</sup>, were a testing ground for the creation of a proper administration for cultural heritage. Contemporary art was already supported, with particular regard to the activity of living artists, through direct acquisitions and prizes. The Directorates General specifically created for the administration of cultural heritage, under the Ministry of Public Education, and its institutions embody the ancestors of the Directorates General for the promotion of contemporary art that would be established only at the beginning of the XXI century, under the Ministry of Cultural Heritage.

In 1875 the Directorate General of Excavations and Museums of Antiquities was established with different competences from those of the *Provveditorato*. Finally, in 1880 the Directorate General was converted into Directorate General of Antiquities and Fine Arts extending its competences without any specific administrative act and absorbing the functions of the *Provveditorato*. For the first time the arts were administrated by a single, structured and specific body<sup>145</sup>.

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of the Italian public administration see ASTUTO G., *L'amministrazione italiana. Dal centralismo napoleonico al federalismo amministrativo*, Carocci, 2009. BONINI F., *Storia della pubblica amministrazione in Italia*, Mondadori Education, 2004. CAPANO G., GUALMINI E. (ed.), *Le pubbliche amministrazioni in Italia*, Il Mulino, 2011.

<sup>144</sup> For a broader history of the liberal state see FIORAVANTI M., *La genesi dello Stato liberale*, in *L'unificazione istituzionale e amministrativa dell'Italia*, Collana degli atti del convegno del 150 anniversario dell'Unità d'Italia, 2010, 113-127. TRANFAGLIA N., *Il deperimento dello stato liberale in Italia*, in *Quaderni storici*, Vol. 7, n. 20 (2), Maggio-Agosto 1972, 677-702.

<sup>145</sup> R.d. 13<sup>th</sup> March 1882 n. 679. MUSSACCHI M. (ed.), *L'archivio della Direzione generale delle antichità e belle arti (1860-1890)*, I, Ministero per i beni culturali e ambientali, Ufficio centrale per i beni archivistici, 1994, 1-108.



Moreover, the R.d. 22<sup>nd</sup> March 1877, n. 3753 and 3754 established specific funds for the acquisition of living artists' works after the abolition of the pensions for artists. The decrees established elastic criteria for choosing the winning works<sup>146</sup>. They were preceded by the R.d. 4<sup>th</sup> July 1866 n. 3058 that established four prizes for the promotion of Italian painters and the growth of contemporary art. In 1881 the prizes were then abolished through the R.d. 12<sup>th</sup> May 1881 n. 225. Moreover, article 2 of the decree established specific funds for state acquisitions of the best artworks displayed in national exhibitions with the aim of establishing a national gallery of modern art<sup>147</sup>.

The birth of the Directorate General of Antiquities and Fine Arts introduced contemporary art as a specific subject among the competences of the public administration. In fact, the *Galleria Nazionale d'Arte Moderna* was then finally founded through the R.d. 26<sup>th</sup> July 1883, n. 1526 for the acquisition of artworks made by living artists or those who had died less than five years before<sup>148</sup>.

Article 1 of both the 1902 Nasi Law n. 185, *Portante disposizioni circa la tutela e la conservazione dei monumenti ed oggetti aventi pregio d'arte o di antichità*, and the 1909 Rosadi Law n. 364, that regulated the

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<sup>146</sup> The priority should be given to the artworks "that will stand out for the importance of the subject". In this regard, see AINIS M., FIORILLO M., *L'ordinamento della cultura. Manuale di legislazione dei beni culturali*, Giuffrè, 2015.

<sup>147</sup> Art. 2. R.d. 12<sup>th</sup> May 1881, n. 225, "la somma che era assegnata per conferire ogni anno i detti premi, sarà spesa quindi innanzi nell'acquisto o in commissioni di opere d'arte".

<sup>148</sup> See the following section for an insight into the history of the *Galleria Nazionale d'Arte Moderna e Contemporanea*. For a more in-depth history of museums for living artists in other European countries see BASTOEN J., *L'art contre l'Etat? La trajectoire architecturale du Musée du Luxembourg dans la construction de l'illégitimité de l'action artistique publique. 1848–1920*, European doctoral thesis in architecture, Université Paris Est, 2015. BÉNÉDITE L., *Le Musée des artistes contemporains*, in *La Gazette des Beaux-Arts*, May 1892, 401-415. BERTINET A., *Les Musées de Napoléon III. Une institution pour les arts (1849-1872)*, Paris, Mare et Martin, 2015. LORENTE J. P., *Les Musées d'art moderne et contemporain: une exploration conceptuelle et historique*, translated from the Spanish by Julien Bastoen, Paris, L'Harmattan, 2009. POMIAN K., *Le musée face à l'art de son temps*, in *Cahiers du Musée National d'Art Moderne*, 03/1989, 5-10.

inalienability of antiquities and fine arts, excluded from their scope art objects produced less than fifty years before by living artists<sup>149</sup>.

Moreover, thirty years later, under the fascist regime<sup>150</sup>, the law n. 1089 enacted in 1939, *Tutela della cose di interesse artistico o storico*, promoted by the Minister for the National Education Giuseppe Bottai, stated the possible belonging of contemporary works of art to the artistic patrimony of the State. This was provided that the authors were not living or the creation of the works dated back at least fifty years<sup>151</sup>. This law affected the development of Italian legislation for several decades.

The law 22<sup>nd</sup> May 1939, n. 823 reorganised the *Soprintendenze* for the antiquities and the arts by establishing the first *Soprintendenza* for contemporary art under the *Galleria Nazionale d'Arte Moderna* in Rome that was nominated *Soprintendenza alle Gallerie di Roma. II. Arte*

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<sup>149</sup> BALZANI R., *Per le antichità e le belle arti. La legge n. 364 del 20 giugno 1909 e l'Italia giolittiana*, Il Mulino, 2003.

<sup>150</sup> "If the relations that Fascism maintained with figurative culture can be defined as a real image policy, it is because they are part of a global project of the regime. This globality manifests itself both in the articulation of the structures of control and legitimization of figurative production, and in the objectives pursued by Fascism from time to time, during its interventions in the figurative field, throughout the whole of the twenty-year period". MALVANO L., *Fascismo e politica dell'immagine*, Bollati Boringhieri, 1988. For an insight into the relationship between fascism, images and policies see CAZZATO V. (ed.), *Istituzioni e politiche culturali in Italia negli anni trenta*, 2 voll., Istituto Poligrafico dello Stato, 2001, vol. 1, 27-122; DEL PUPPO A., *Modernità e nazione. Temi di ideologia visiva nell'arte italiana del primo Novecento*, Quodlibet, 2012; DANTINI M., *Arte e politica in Italia. Tra fascismo e Repubblica*, Donzelli Editore, 2018.

<sup>151</sup> Article 1 states "non sono soggette alla disciplina della presente legge le opere di autori viventi o la cui esecuzione non risalga ad oltre cinquanta anni". While article 1 of the 1902 Nasi Law stated "ne sono esclusi gli edifici e gli oggetti d'arte di autori viventi, o la cui esecuzione non risalga ad oltre cinquant'anni". Further insight regarding the role of Bottai can be found in CASSESE S., *Un programmatore degli anni Trenta: Giuseppe Bottai*, in *Politica del diritto*, I, 1970, 3, 404-447; DANTINI M., *Corporativismo, "genialità", Nazione. Giuseppe Bottai e le politiche dell'arte*, in DANTINI M., *Arte e politica in Italia. Tra fascismo e Repubblica*, Donzelli Editore, 2018, 59-98; DANTINI M., *L'entre-deux-guerres in Italia. Storia dell'arte, storia della critica, storia politica*, Aguaplano, 2019.

*Contemporanea*<sup>152</sup>. The role of the *Soprintendenza* aimed at guaranteeing the continuity of studies in the fields of particular interest for Italian culture<sup>153</sup> with a retrospective function, not specifically focused on the promotion of contemporary art, under the newly named Directorate General of the Arts, under the Ministry of National Education<sup>154</sup>. The new office was also asked to promote residencies, scholarships and academies together with the Artists' Unions, in accordance with the corporative political model of the fascist regime.

In 1940 in the magazine *Le arti: rassegna bimestrale dell'arte antica e moderna*, Giovanni Gentile, philosopher and Minister of National Education between 1922 and 1924, affirmed that the traditional notion of the term *contemporary art* had been finally abandoned. This overarching contemporary dimension covered the antiquities and recent artistic productions, nullifying traditional temporal distinctions<sup>155</sup>.

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<sup>152</sup> The law 7<sup>th</sup> December 1961, n. 1264, art. 13 ended the *Soprintendenze*'s distinction into classes. The name "*classe II*" was removed from the Galleria's denomination.

<sup>153</sup> Law 22<sup>nd</sup> May 1939, n. 823 "assicurare continuità di studi in campi di particolare interesse per la cultura italiana". MATARAZZO L., *Il nuovo ordinamento delle Soprintendenze alle opere di antichità e d'arte*, in *Le arti*, Aprile-Maggio 1939. "The fascist regime will also perfect an articulated system of trade union, provincial, inter-provincial and national exhibitions, a system that was broken in the aftermath of the fall of the regime." in PINTO S. (ed.), *L'istituzione pubblica per l'arte contemporanea*, in *Ottonevecento*, 2/1996, 42-49. See also PINTO S., *La promozione delle arti negli Stati italiani dall'età delle riforme all'Unità*, Einaudi, 1982, vol. 1, 794-1079.

<sup>154</sup> The new ministerial denomination was introduced in 1929 with the R.d. 12<sup>th</sup> September 1929, n. 1661. MUSSACCHI M. (ed.), *L'archivio della Direzione generale delle antichità e belle arti (1860-1890)*, I, Ministero per i beni culturali e ambientali, Ufficio centrale per i beni archivistici, 1994, 1-108.

<sup>155</sup> "(...) By now everyone knows that the truly ancient, that is the ancient that has a value and that man therefore has an interest in preserving and protecting, is modern, present, alive: alive of that same life of which it was alive in the soul of the artist creator, and of which every true work of art of our time can be alive. Therefore, this prohibits and fallacious distinction between ancient and modern which seemed to inspire the government of artistic interests by the State." The author makes reference to the transformation of the name of the Directorate General Antiquities and Fine Arts in 1939 into Directorate General of the Arts. GENTILE G., *Arte contemporanea*, in *Le arti: rassegna*

The concept that supported an agnostic State in the contemporary art field, forbidden to judge which artists would enter into the history of art, had, according to the author, failed. Promoting and encouraging the arts was seen as a duty of the State, a State of culture that could not ignore artistic expressions and institutions<sup>156</sup>.

Moreover, the importance of artists' participation to the political sphere was further underlined by Giuseppe Bottai, Minister of National Education (1936-1943). Bottai affirmed that the Office for Contemporary Art, created in 1939 under the Ministry of National Education and the Directorate General of the Arts, and therefore under the control of Lazzari and Bottai, had specific educational functions for the whole Nation, in line with the paternalistic attitude

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*bimestrale dell'arte antica e moderna*, Anno II, Fascicolo III, 1940, XVIII, 142- 143. "In fact, discussing how contemporary Italian art has to be, in content and form, means admitting that contemporary Italian art does not exist and must be created. To constitute an office like all the others and without pretending to change the face of the world, means instead to recognize that a contemporary Italian art exists: and being a collective good, it wants to be protected and administered by the Government. (...) the State prefers to build history on the reality of the facts, recognizing that artists have a national and social function directly and exclusively conditioned by the aesthetic validity of their works. (...) [the State] does not intend to turn national artistic energies to practical and political ends, knowing well that art is a finite reality and has no purpose outside of itself, but from the historical content that every work of art contains, because of the very topicality of creation, it deduces essential values for the definition of the particular civilization of our time and our people". PELLIZZI C., *Per l'arte contemporanea*, in *Le arti: rassegna bimestrale dell'arte antica e moderna*, Anno II, Fascicolo III, 1940, XVIII, 140-141.

<sup>156</sup> "Promoting, encouraging art has always been considered a duty of the modern state; which is a state of culture, and cannot ignore art; and if it preserves and protects the ancient, it thereby proves that it is not agnostic in the matter, and that it cannot be disinterested in what is art, because it distinguishes itself from what art is not. And the State, in choosing its teachers in art schools, the judging boards of competitions for pensioners, and the jury of exhibitions, and there in choosing the works to be purchased, does not certainly represent an agnostic faith. (...) It is necessary to take care of these living people; and to study them seriously, as the Italian administration has been studying and treating the dead for a long time". GENTILE G., *Arte contemporanea*, in *Le arti: rassegna bimestrale dell'arte antica e moderna*, Anno II, Fascicolo III, 1940, XVIII, 144.

of the fascist State<sup>157</sup>. Analyzing the relationship between fascism and images, it has been underlined how Bottai defined the political role of artistic expressions, carriers of specific ideological significance<sup>158</sup>.

The Office for Contemporary Art was, in fact, a powerful instrument of intervention in contemporary artistic production by controlling its expression, quality and quantity “to multiply the volume of artistic energy that contributes to defining the physiognomy of contemporary Italian civilization”. The consecratory role of the Office for Contemporary Art intended to legitimize artistic contemporary productions, including them among the “ideal heritage of the nation” and exalting the artists’ moral dignity<sup>159</sup>.

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<sup>157</sup> “(...) It is logical and necessary (...) to make sure that artists can fully correspond to the idealism that Fascism has set for them by calling them to participate, through the unions, in the active politics of the State. (...) The office for contemporary art is simply the means by which the State proposes to protect the artistic heritage of contemporary art and to express all the educational content useful to the Nation. The work of art acquired for the ideal heritage of the Nation is a good to be protected and administered in the same way as the State administers and protects ancient works of art”. Interview to the national newspaper *Corriere della Sera* on the 24<sup>th</sup> January 1940. The article is reported by SCARPA P., *L’ufficio per l’arte contemporanea*, in *Le arti: rassegna bimestrale dell’arte antica e moderna*, Anno II, Fascicolo III, 1940, XVIII, 183. In the same publication the Director-General Marino Lazzari declared during an interview to *Il Giornale d’Italia* on January 12<sup>th</sup> 1939: “The recognition of the validity of an artistic fact at the historical level can only come from the State, since in the State the supreme responsibility for the education of the people is assumed”. It is clear across these statements how at that time the term contemporary art primarily indicated the art made by living artists. For further details concerning the birth of the Office for contemporary art (*Ufficio per l’arte contemporanea*) and the prizes see RORRO A., *I premi d’incoraggiamento*, in FREZZOTTI S., ITALIANO C., RORRO A., *Galleria Nazionale d’Arte Moderna & Maxxi. Le collezioni 1958-2008*, Electa, 2009, 736-737. SALVAGNINI S., *Il sistema delle arti in Italia 1919-1943*, Minerva, 2000, 395-402.

<sup>158</sup> “Bottai was the main proponent, and theorist of the elite’s governing role and his artistic policy was therefore a choice involving precise political options. (...) The work of art, therefore, could make use of its own aesthetic quality to become the bearer of demanding ideological meanings” MALVANO L., *Fascismo e politica dell’immagine*, Bollati Boringhieri, 1988, 38.

<sup>159</sup> MALVANO L., *Fascismo e politica dell’immagine*, Bollati Boringhieri, 1988, 37.

After the fall of fascism and the end of the Second World War, the Italian State applied a cautious approach towards the administration and promotion of contemporary art as a direct consequence of the propagandist fascist policies for the contemporary. However, the legislation enacted during that period affected the birth and life of the new Republic for many years to come<sup>160</sup>. The law n. 1089/1939, in fact, remained in force until 1999, when the *Testo unico delle disposizioni legislative in materia di beni culturali e ambientali* was enacted through the legislative decree n. 490/1999.

After the end of the war, during the years that preceded the foundation of the Ministry, the *Soprintendenza* at the *Galleria Nazionale* expanded its role and importance for the development of contemporary art nationwide under the direction of the *Soprintendente* Palma Bucarelli. The Galleria was responsible for the promotion of national and international contemporary art prizes in Italy and for the promotion of Italian artists' exhibitions abroad<sup>161</sup>.

However, the individual initiative of the *Soprintendenza* could not fill the gap in the ministerial administration regarding the contemporary. This was exacerbated in the seventies when the Galleria lost its special access to funds for new acquisitions and also due to a restricted interpretation of the competences of the new Ministry and reduced financial resources<sup>162</sup>, after previous abolition of prizes and

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<sup>160</sup> BOBBIO N., *Dal fascismo alla democrazia. I regimi, le ideologie, le figure e le cultura politiche*, Baldini & Castoldi, 1997.

<sup>161</sup> These tasks are essential tools for the promotion of contemporary art implemented by the Directorate General today.

<sup>162</sup> Despite the attempts of *Soprintendente* Faldi to make collective acquisitions through consultancy with a specific committee in order to guarantee fair and controlled policies of acquisitions, the Ministry of Cultural Heritage after its foundation followed a strict interpretation of its competences, excluding artworks made in the previous fifty years and consequently limiting the available funding. The importance of these funds for the promotion and support of contemporary art is visible in the documents regarding the numerous acquisitions obtained before the seventies, especially under the *Soprintendenza* of Palma Bucarelli. In this regard, see MARINI CLARELLI M.V., *Cinque decadi*, in FREZZOTTI S., ITALIANO C., RORRO A., *Galleria Nazionale d'Arte Moderna*

acquisitions from international exhibitions<sup>163</sup>. The organisation and role of the *Galleria Nazionale* at national and international level, after the foundation of the Ministry, is further analysed in the following sections of the chapter.

## 2. Institutionalising culture in response to a democratic crisis: the Ministry of Cultural and Environmental Heritage

Giovanni Spadolini, the first minister of the Ministry of Cultural and Environmental Heritage<sup>164</sup>, in the introduction to the book *Beni culturali. Diario, interventi, leggi* published in December 1976, claimed that the foundation of the Ministry was inspired by the exceptional situation of “democratic emergency” that was taking place at that time. This resistance movement demanded that the Italian State

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& MAXXI. *Le collezioni 1958-2008*, vol. 1, Electa, 2009, 25.

<sup>163</sup> “In reality, the protection law [of 1939] favours a shift towards more retrospective tasks rather than promotion, and this is left to the initiative or not of the superintendents, in a void of regulations that is increasingly evident and which, paradoxically, with the establishment of the Ministry of Cultural and Environmental Heritage, becomes even more pronounced, thus losing the Galleria the benefit of special access to funds for purchases, after having already suffered the abolition of incentive prizes and purchases at major exhibitions due also to the changes in the statute after 1968”. PINTO S. (ed.), *L’istituzione pubblica per l’arte contemporanea*, in *OttoNovecento*, 2/1996, 43. Pinto made reference to the reform of the *Biennale* Statute. However, the research of Clarissa Ricci in the Archive of the *Biennale* (ASAC) proved that it was only in 1973 that the *Biennale* Statute was actually reformed, by abolishing the *Ufficio Vendite* with the aim to redefine the relationship of the institution with the market, under significant development at that time. The abolition of this office inevitably had important effects on other state institutions, such as the *Galleria Nazionale*, which had been among the major buyers at the *Biennale* until then. In this regard, see RICCI C., *Breve storia dell’Ufficio Vendite della Biennale di Venezia 1895-1972. Origini, funzionamento e decline*, in *Ricerche di S/Confine*, Vol. VIII, 1, 2017.

<sup>164</sup> “(...) Spadolini refused to call the new Ministry as ‘of culture’, or even ‘of cultural heritage’, in favour of the denomination ‘for cultural and environmental heritage’, aiming to limit the protagonism of the minister and the administrative structure in favour of an activity linked to things, real problems, society and its needs. Today we would say at the service of the citizen”. MELIS G., *Dal Risorgimento a Bottai e a Spadolini. La lunga strada dei beni culturali nella storia dell’Italia unita*, in *Aedon*, 3, 2016. However, the translation Ministry of Cultural Heritage is customary in English.

returned to its responsibilities, which had previously been neglected, as a modern European State<sup>165</sup>.

The Ministry of Cultural and Environmental Heritage was established in 1974 with the Law Decree (d.l.) 14<sup>th</sup> December 1974 n. 657, then law 29<sup>th</sup> January 1975 n. 5<sup>166</sup>. It was responsible for particular subjects that were previously under the competence of the Ministry of Public Education (antiquities and fine arts, academies and libraries), the Ministry of the Interior (State archives) and the Presidency of the Council of Ministers (State sound and music library, book publishing and promotion of culture)<sup>167</sup>.

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<sup>165</sup> "In a difficult and even dramatic phase of the life of the Republic, undermined by a deep economic, social and moral crisis that threatens the very solidity of the democratic institutions of the country, between the end of '74 and the end of '75, the two-tone government Moro-La Malfa makes that appeal to the civil conscience of the nation aimed at restoring to the Italians, but not only to the Italians, their heritage of history and civilization: a choice to bring the country back to those responsibilities of modern and European State, too often betrayed or evaded". SPADOLINI G., *Beni culturali: diario, interventi, leggi*, Vallecchi, 1976, IX.

<sup>166</sup> Then organised through the D.P.R. 3<sup>rd</sup> December 1975 n. 805. For further insight into the history of the Ministry and the debates surrounding its foundation see CAMELLI M., *I tre tempi del Ministero dei beni culturali*, in *Aedon*, 3, 2016. MELIS G., *Dal Risorgimento a Bottai e a Spadolini. La lunga strada dei beni culturali nella storia dell'Italia unita*, in *Aedon*, 3, 2016. BRUNO I., *La nascita del Ministero per i beni culturali e ambientali*, LED Edizioni Universitarie, 2011. In this regard, see also the related parliamentary discussions and the law proposals, Proposta di legge Badini Confalonieri, *Istituzione del Ministero dei beni e delle attività culturali*, Camera dei Deputati, Atti parlamentari, 12 aprile 1974. Proposta di legge Menicacci, Nicosia, Aloï, Cerullo, Grilli, Franchi, de Michieli Vitturi, Alfano, Cotecchia, *Istituzione del Ministero dei beni culturali, del turismo e dello spettacolo con il trasferimento dal Ministero della pubblica istruzione della Direzione generale delle antichità e belle arti all'attuale Ministero del turismo e dello spettacolo*, Camera dei Deputati, Atti parlamentari, 23 ottobre 1974.

<sup>167</sup> "In accordance with the programmatic declarations made by the Prime Minister when the new Government was presented to the Chambers, he [Spadolini] stressed the need and urgency of entrusting the management of cultural heritage and the environment to the specific competence of a specially constituted ministry, in order to ensure the organic protection of interests of extreme importance both nationally and internationally. In particular, the new ministry and its services, the powers of the Ministry of Public Education for antiquities and fine arts, academies and libraries, and



The Ministry was founded thanks to the initiative of Spadolini and motivated by an urgency to offer unitary competence for the protection of the fundamental fields of cultural and environmental heritage, both at international and national level<sup>168</sup>. The Ministry was conceived as an expression of the constitutional provisions and a tool for institutional renovation in time of crisis<sup>169</sup>.

After the foundation of the Ministry, the relevant ministerial branch responsible for the promotion and enhancement of contemporary art at national level was still the *Soprintendenza* at the *Galleria Nazionale d'arte moderna e contemporanea*<sup>170</sup>, that appeared to assume the role and

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those of the Presidency of the Council of Ministers towards State Discotheque, are devolved to the new ministry. Other competences will be subsequently attributed in the field of entertainment and State archives.”. Comunicato della Presidenza del consiglio, 15 dicembre 1974, quoted in SPADOLINI G., *I beni culturali dall’istituzione del ministero ai decreti delegati*, Firenze, 1976, IX. See also, PRESIDENZA DEL CONSIGLIO DEI MINISTRI, *Vita Italiana. Documenti e informazioni. Rivista mensile*, Anno XXIV, n.12, Dicembre 1974, 1203-1204.

<sup>168</sup> BARBATI C., *Organizzazione e soggetti*, in BARBATI C., CAMMELLI M., CASINI L., PIPERATA G., SCIULLO G., *Diritto del patrimonio culturale*, Il Mulino, 2017, 82..

<sup>169</sup> “(...) a ministry that considers itself to all intents and purposes ‘constituent’, almost as if to renew, in this profound and general crisis of institutions, the hopes and expectations of the formative age of the Republic that followed the liberation and identified itself in the formulation of the supreme constitutional pact”. SPADOLINI G., *Una politica per i beni culturali*, Casa Editrice Colombo, 1975, 6.

<sup>170</sup> The Galleria was renamed *Soprintendenza alle Gallerie di Roma. II. Arte Contemporanea* by the law 22<sup>nd</sup> May 1939, n. 823. Its retrospective function was organized under the newly named Directorate General of the Arts. The office was also responsible for the promotion of residencies, scholarships and academies together with the Artists’ Unions. The article 24 of the D.P.R. 3<sup>rd</sup> December 1975 n. 805, *Organizzazione del Ministero per i beni culturali e ambientali* stated that “le Soprintendenze speciali al museo delle antichità egizie, con sede in Torino, al museo preistorico ed etnografico e alla galleria nazionale d'arte moderna e contemporanea, con sede in Roma, sino a quando non saranno adottate nuove leggi sui beni culturali, conservano le attribuzioni stabilite dalle norme vigenti”. Furthermore, article 29 of the D.P.R. established the *Istituto nazionale per la grafica* “con compiti di salvaguardia, catalogazione e divulgazione di beni concernenti la produzione grafica e fotografica. In esso confluiscono il Gabinetto nazionale delle stampe e la Calcografia nazionale con le raccolte museali in essi esistenti (...)” that would have been organised under the Directorate General after its foundation in December 2000.

functions that would be served by the Directorate General for contemporary art twenty-five years later<sup>171</sup>. Its organisation and institutional role are analysed in the next section of the thesis, preceded by a brief historical introduction concerning the development of the institution and its collections.

### **3. Acts of resistance for the contemporary. The role of the *Galleria Nazionale d'Arte Moderna e Contemporanea***

After introducing the birth of the ministerial organisation, the investigation analyses the case of the *Galleria Nazionale d'Arte Moderna*

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<sup>171</sup> The role of the Galleria for the promotion of contemporary art at national level was defined in 1939 by the law 22<sup>nd</sup> May, n. 823 and by the D.P.R. 3<sup>rd</sup> December 1975 n. 805, article 24, and preserved its central role in contemporary art until the foundation of the DARC in 2000. The D.P.R. 29<sup>th</sup> December 2000, n. 441, *Regolamento recante norme di organizzazione del Ministero per i beni e le attività culturali*, article 17, paragraph 3, reorganised the *Soprintendenze* and established that the *Soprintendenze Speciali* should be defined through specific decrees. Following this decree the Galleria lost the denomination of *Soprintendenza Speciale*. FREZZOTTI S., ROSAZZA-FERRARIS P., *La Galleria Nazionale d'Arte Moderna: cronache e storia 1911-2011*, Palombi, 2011, 369. To contextualise the origins and developments of the name see the letter that the *Soprintendente* Sandra Pinto sent to the Councilor Giampietro Paolo Cirillo in 1996 in the unheard attempt to modify the name of the Galleria to *Soprintendenza speciale all'arte contemporanea*. *Galleria Nazionale d'Arte Moderna*. Soprintendente Pinto, Soprintendenza speciale alla galleria nazionale d'arte moderna e contemporanea di Roma, al Consigliere Giampietro Paolo Cirillo, Capo Ufficio Legislativo, Ministero per i Beni Culturali e Ambientali, lettera 18 marzo 1996, in Pos 7, b3 (1996) Denominazione Galleria (da GNAM a SACS). Soprintendente Pinto, Soprintendenza speciale alla galleria nazionale d'arte moderna e contemporanea di Roma, al Direttore Generale Ufficio Centrale per i Beni AAAS, Ufficio legislativo del ministro, Ministero per i Beni Culturali e Ambientali, Invio elementi utili per la stesura del D.M. di nuova denominazione della Soprintendenza, 11 aprile 1996, in Pos 7, b3 (1996) Denominazione Galleria (da GNAM a SACS). Moreover, see Soprintendente Pinto, Soprintendenza speciale alla galleria nazionale d'arte moderna e contemporanea di Roma, al Ministro Ministero per i Beni Culturali e Ambientali, lettera 10 aprile 1996, in Pos 7, b3 (1996) Denominazione Galleria (da GNAM a SACS). However, other institutions were also responsible for promoting contemporary art in Italy through international exhibitions, such as the *Biennale* in Venice, the *Triennale* in Milan, the *Quadriennale* in Rome or the *Istituto Centrale per la Grafica* in Rome.

e *Contemporanea* from a historical point of view, in order to understand its institutional role for the promotion of contemporary art at national and international level.

The decision to establish a museum in Rome, in which to collect all excellences presented in national exhibitions, was the first sign of the political awareness of the new Italian State, unified in 1861. On 12<sup>th</sup> May 1881 in the ministerial decree n. 225 of the Ministry of Public Education, the minister Guido Baccelli recognised the necessity of founding the new *Galleria Nazionale per l'Arte Moderna*<sup>172</sup>. The creation of this museum institution aimed to establish a symbolic common cultural identity for the whole Country<sup>173</sup>.

In 1883, Guido Baccelli obtained the King's approval<sup>174</sup> for the establishment of the Galleria in Rome and funding for the acquisition of the artworks that would compose the museum collection<sup>175</sup>. In 1883 the first *Esposizione Nazionale della capitale della nuova Italia* was organised in Rome in the new *Palazzo delle Esposizioni* in Via

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<sup>172</sup> The decree is published in LAFRANCONI M., *Da via Nazionale a valle Giulia (1885-1915). Il trentennio d'esordio dell'istituzione e l'Ottocento come "arte vivente". Appendice documentaria*, in DI MAJO E., LAFRANCONI M. (ed.), *Galleria nazionale d'arte moderna. Le collezioni. Il XIX secolo*, Milano 2006, 360.

<sup>173</sup> For further references to the Galleria's history see BUCARELLI P., *La Galleria Nazionale d'arte moderna: Roma – Valle Giulia*, Istituto Poligrafico dello Stato, 1973; FREZZOTTI S., ROSAZZA-FERRARIS P., *La Galleria Nazionale d'Arte Moderna: cronache e storia 1911-2011*, Palombi, 2011; La Galleria Nazionale, *The National Gallery*, published 27 December 2018 on <https://medium.com/lagallerianazionale/the-national-gallery-4aa462d51228>.

<sup>174</sup> *Regio Decreto che istituisce in Roma una galleria d'arte moderna*, 26 luglio 1883 n. 1526 signed in Turin by the king Umberto I. Archivio generale Sezione storica della Galleria Nazionale d'Arte Moderna e Contemporanea Appendix Doc. 69.

<sup>175</sup> R.d. 26 luglio 1883, n. 1526. See also Acquisto di opere d'Arte alla Esposizione Nazionale di Roma nel 1883 che costituì il primo nucleo della Galleria Nazionale d'Arte Moderna, in Pos 7, (1902-1916) 1° Residenza Galleria presso il Palazzo delle Esposizioni sito in via Nazionale. Michetti, Bistolfi, Ojetti, D'un nuovo regolamento della Galleria Nazionale d'Arte Moderna, 15 novembre 1919, in Pos 7, (1902-1916) 1° Residenza Galleria presso il Palazzo delle Esposizioni sito in via Nazionale.

Nazionale, built by Pio Piacentini<sup>176</sup>. On 5<sup>th</sup> March 1885, the Galleria, located on the first floor of the *Palazzo delle Esposizioni*, opened to the public under the direction of the roman painter Francesco Jacovacci<sup>177</sup>.

The museum had to collect the excellent works of living artists, of which 10% could be those of artists who had died in the previous five years or, during the first five years of life of the new institution, those of artists who had died in the previous thirty years<sup>178</sup>. These conditions were then altered with the Royal Decree n. 392, 7<sup>th</sup> March 1912, signed by the minister Luigi Credaro, that also opened the museum spaces to paintings, sculptures, drawings and engravings by artists that had flourished during the XIX century<sup>179</sup>. These decisions

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<sup>176</sup> "That exhibition (...) seemed almost a discovery, people were enthusiastic about modern art and the formation of a large national gallery". BUCARELLI P., *La Galleria Nazionale d'arte moderna: Roma – Valle Giulia*, Istituto Grafico Tiberino, 1955, 3.

<sup>177</sup> "The Museum for contemporary art of united Italy, the last in the order of high culture institutes created in the capital to consolidate the image of the central state, is inspired by an imported French model. This can be deduced, among other things, from the text of the founding decree (...), in which the gallery refers to 'living artists' (...) But the weight of tradition, in a country in search of its own identity in a glorious cultural past as a 'nation', is too great to finally privilege the present, the current history, at least in a specific structure like this one. From now on, therefore, it is decided, with Byzantine subtlety, that 'exceptionally, and for a sum that will never be more than 10% of what is available, it will also be possible to buy works by artists who have died in the last five years, and in the first five years from now, even those of artists who have died in the last thirty years' (art. 3)". DALAI EMILIANI M., *Il museo e l'arte contemporanea*, in EMILIANI A., *Capire l'Italia. I musei*, Touring Club Italiano, 1980, 202. R.d. 26 luglio 1883 signed in Turin by the king Umberto I, Archivio generale Sezione storica della Galleria Nazionale d'Arte Moderna e Contemporanea, Appendix Doc. 69.

<sup>178</sup> As the *Soprintendente* Pinto stated in 2005, "a museum for the present that had been gradually stratified as historical." in PINTO S. (ed.), *Galleria Nazionale d'Arte Moderna. Le collezioni. Il XX secolo*, Electa, 2005, 43.

<sup>179</sup> Art. 1, R.d. 7 marzo 1912 n. 392. "La Galleria Nazionale di arte moderna, istituita in Roma, raccoglierà opere in pittura, scultura, disegno e incisione, senza distinzione di genere e di maniera, degli artisti fioriti dall'inizio del secolo decimonono e di quelli viventi. (...) Per gli acquisti, l'ordinamento e la vigilanza della Galleria nazionale d'arte moderna saranno fatte proposte al ministro segretario di Stato per la pubblica istruzione da una commissione da nominarsi con decreto ministeriale. Tale commissione sarà formata di nove membri, due della sezione II, cinque della sezione III del Consiglio

seemed to affect not only the institutional history and role of the Galleria, but also the collective perception of contemporary art in Italy for many years to come<sup>180</sup>.

The expansion of the collection demanded the opening of a new building<sup>181</sup>. However, on 5<sup>th</sup> December 1892, during a parliamentary interrogation, Ferdinando Martini, the Minister of Public Education, under the first Giolitti government, complained in response to the deputy Odescalchi, that poor funding for the protection and

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superiore per i monumenti e per le opere d'antichità e d'arte, del direttore generale per le antichità e le belle arti e del direttore della Galleria nazionale d'arte moderna, e sarà presieduta dal vice presidente della III sezione del Consiglio suddetto, che ne fa parte di diritto. Il direttore generale per le antichità e le belle arti e il direttore della Galleria nazionale di arte moderna hanno voto consultivo". For a brief introduction to the history of the Galleria see also BUCARELLI P., *La Galleria Nazionale d'arte moderna: Roma – Valle Giulia*, Istituto Grafico Tiberino, 1955, 3.

<sup>180</sup> "This is how the idea of contemporary art, extended to include retrospectively the figurative evidence of more than a century, will be codified by artistic historiography, while the museum, for its part, will see the continuous growth of nineteenth-century documentation, always to the detriment of more recent production". DALAI EMILIANI M., *Il museo e l'arte contemporanea*, in EMILIANI A., *Capire l'Italia. I musei*, Touring Club Italiano, 1980, 202.

<sup>181</sup> Acquisti e doni di una certa importanza fatti per la Galleria dopo il primo nucleo di acquisti alla Esposizione Nazionale di Roma del 1883, in Pos 7, (1902-1916) 1° Residenza Galleria presso il Palazzo delle Esposizioni sito in via Nazionale. Further details concerning the ministerial funding, donations and acquisitions during the first years of the Galleria see BUCARELLI P., *La Galleria Nazionale d'arte moderna: Roma – Valle Giulia*, Istituto Grafico Tiberino, 1955. BUCARELLI P., *La Galleria Nazionale d'arte moderna. Guida breve*, Tip. Ind. Graf. Moderna, 1950. BUCARELLI P., *La Galleria Nazionale d'arte moderna: Roma – Valle Giulia*, Istituto Poligrafico dello Stato, 1973. BUCARELLI P., *Acquisti dalla Galleria nazionale d'arte moderna: 1961*, Bollettino d'arte / Ministero della pubblica istruzione, Direzione generale delle antichità e belle arti, Anno 46, n. 4 (ott.-dic. 1961), 367-370. BUCARELLI P., *Doni alla Galleria nazionale d'arte moderna: 1961*, Bollettino d'arte / Ministero della pubblica istruzione, Direzione generale delle antichità e belle arti, Anno 46, n. 4 (ott.-dic. 1961), 371-373. DE FEO G., ROSAZZA-FERRARIS P., VELANI L., *Galleria Nazionale d'Arte Moderna. Collezioni del XX secolo. Il primo Novecento*, Centro Di, 1987. DI MAJO E., LAFRANCONI M. (ed.), *Galleria Nazionale d'Arte Moderna. Le collezioni. Il XIX secolo*, Electa, 2006. FREZZOTTI S., ROSAZZA-FERRARIS P., *La Galleria Nazionale d'Arte Moderna: cronache e storia 1911-2011*, Palombi, 2011.

promotion of contemporary art undermined the request to open a new venue for the *Galleria Nazionale*<sup>182</sup>.

Finally, in 1911, the architect and engineer Cesare Bazzani (1873–1939) designed *Palazzo delle Belle Arti* for the Universal Exhibition held in Rome in the same year to celebrate the 50<sup>th</sup> anniversary of the unification of Italy. Four years later, the building created by Bazzani became the site of the new *Galleria Nazionale d'Arte Moderna e Contemporanea*, thanks to the initiative of Giovanni Rosadi, Undersecretary of Public Education<sup>183</sup>.

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<sup>182</sup> "In the palace of fine arts, there is only one part of this Gallery, welcomed there by courtesy of the Municipality; another part is in the *Collegio Romano*; another part is in the warehouses of the Ministry, (and it is not possible to place it elsewhere) certainly to the detriment of the objects. But Mr. Odescalchi knows that the Ministry of Education has been assigned by Parliament only a relatively small sum to provide for the custody of contemporary art objects: so that today, with all that has been accumulated, not even a shack is being built. In conclusion, whatever can be done independently of new buildings to protect works of art, I will do it; but whether new buildings are built, I frankly do not have the courage to propose it; and I do not have that courage because I already know what the fate of my proposal would be". The reply to these statements was the request of the deputy Odescalchi to build a good museum within several years by saving money from other ministerial expenses. Camera dei Deputati, Atti Parlamentari, Tornata di lunedì 5 dicembre 1892, Legislatura XVIII, I Sessione, Discussioni, Tornata del 5 dicembre 1892, 174. For further discussions concerning the opening of the new building of the *Galleria Nazionale* see the folder Pos 7, (1902-1916) 1° Residenza Galleria presso il Palazzo delle Esposizioni sito in via Nazionale, Archivio generale Sezione storica, Galleria Nazionale d'Arte Moderna e Contemporanea.

<sup>183</sup> Lettera n. 6, 10 gennaio 1912, Sistemazione delle opere recentemente acquistate, in Pos 7, (1902-1916) 1° Residenza Galleria presso il Palazzo delle Esposizioni sito in via Nazionale. "In order to give a location, albeit temporary, to the works recently purchased in the exhibition in *Valle Giulia*, it is necessary to move others, and then gradually find them a new place, as convenient as possible, (...). As far as possible, I say, since the Galleria is now in a state of plethora and dilapidation, so once again I urge the E.V. to promote a deliberation for the final location. In the meantime, in order to mediate in some way to the lack of space also as a warehouse, I ask V.E. to give me the faculty to carry out, in days and hours when the Galleria is closed, a little tidying up, work that would be compensated, on the funds of the Galleria itself, with some light help from the Ministry". See also Lettera 15 Gennaio 1916, Sindaco Colonna al Ministro della P.I., in Pos 7, (1902-1916) 1° Residenza Galleria presso il Palazzo delle Esposizioni

The first collection followed a regional criteria in accordance with the decision taken by a commission specifically appointed<sup>184</sup>.

The collection of the Galleria was enriched through the works acquired from the *Quadriennali d'Arte* in Rome, the *Biennale* in Venice (of foreign artists from 1909)<sup>185</sup>, exhibitions all around Italy and thanks to numerous private donations<sup>186</sup>. In 1933 Bazzani had to double the exhibition space of *Palazzo delle Belle Arti*. However, these spaces were dedicated at that time to the permanent display of the artworks that were part of the exhibition of the “rivoluzione fascista” in 1932 in the *Palazzo delle Esposizioni*. Some other spaces were used as offices and archives of the regime<sup>187</sup>. During the fascist period the expansion of

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sito in via Nazionale. Michetti, Bistolfi, Ojetti, D'un nuovo regolamento della Galleria Nazionale d'Arte Moderna, 15 novembre 1919, in Pos 7, (1902-1916) 1° Residenza Galleria presso il Palazzo delle Esposizioni sito in via Nazionale.

<sup>184</sup> The members of the commission were Francesco Paolo Michetti, Leonardo Bistolfi, Ugo Ojetti together with a subcommission composed by Ettore Ferrari, Giulio Aristide Sartorio, Vittorio Grassi, Ugo Fleres and Luigi Cällari. For an understanding of the history and development of the Galleria's display across the years see MARINI CLARELLI M.V., *La Galleria nazionale d'arte moderna*, in DI MONTE M.G., CALVANO T., MANGIA P., *Museo tra passato e presente*, Meltemi, 2008, 73-77.

<sup>185</sup> Direttore Generale del Ministero della Istruzione Pubblica al Direttore della Galleria Nazionale d'arte moderna, Avviso di pagamento Cap. 3 1912-1913, Roma 18-4-1913 and Ministro del Ministero dell'Istruzione, Direzione Generale Antichità e Belle Arti, al Direttore della Galleria Nazionale d'arte moderna, Sistemazione delle opere, 22 gennaio 1912, in Pos 7, (1902-1916) 1° Residenza Galleria presso il Palazzo delle Esposizioni sito in via Nazionale, Archivio generale Sezione storica, Galleria Nazionale d'Arte Moderna e Contemporanea. In these documents the scarcity of funding for the management of the Galleria is already explicitly declared by the Ministry. “This Ministry allows this Gallery to arrange the recently purchased works by means of overtime work to be carried out outside normal office hours and, given the scarcity of funds, to be made up for with rigorous economics”. Ministro del Ministero dell'Istruzione, Direzione Generale Antichità e Belle Arti, al Direttore della Galleria Nazionale d'arte moderna, Sistemazione delle opere, 22 gennaio 1912, in Pos 7, (1902-1916) 1° Residenza Galleria presso il Palazzo delle Esposizioni sito in via Nazionale.

<sup>186</sup> BUCARELLI P., *La Galleria Nazionale d'arte moderna: Roma – Valle Giulia*, Istituto Grafico Tiberino, 1955, 4.

<sup>187</sup> BUCARELLI P., *La Galleria Nazionale d'arte moderna: Roma – Valle Giulia*, Istituto Poligrafico dello Stato, 1973, 5.

the collection of the Galleria was focused on national and fascist artistic production, refusing the acquisition of foreign works as a political and ideological choice<sup>188</sup>.

As already mentioned in the introduction, the law 22<sup>nd</sup> May 1939, n. 823 then established the first *Soprintendenza* for contemporary art under the *Galleria Nazionale d'Arte Moderna* in Rome that was nominated *Soprintendenza alle Gallerie di Roma. II. Arte Contemporanea*.

In 1967 Giulio Carlo Argan attacked the fascist policies and their consequences for contemporary art, exclaiming that the lack of modern foreign artworks in contemporary public collections in Italy was a shame and a scandal. He condemned Italian deafness and indifference towards the contemporary art expressions of the time, that museum collections all around the world had already acquired<sup>189</sup>.

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<sup>188</sup> BUCARELLI P., *La Galleria Nazionale d'arte moderna: Roma – Valle Giulia*, Istituto Poligrafico dello Stato, 1973, 6. "D'altra parte il provincialismo e il burocratismo del sistema penalizza il riconoscimento delle avanguardie e l'ingresso di opere straniere" in PINTOS. (ed.), *L'istituzione pubblica per l'arte contemporanea*, in *OttoNovecento*, 2/1996, 42-49. "Dal 1938 la raccolta delle opere d'arte straniere è in temporaneo deposito nella Civica Galleria internazionale d'arte moderna di Venezia" BUCARELLI P., *La Galleria Nazionale d'arte moderna: Roma – Valle Giulia*, Istituto Grafico Tiberino, 1955, 4. "In the twenty years of Fascism, apart from the donations mentioned above (...), the increase in collections for purchases was considerable in terms of quantity but, with few exceptions (some works by Carrà, Sironi, Tosi, Casorati, Martini, Rosai, Prampolini, Guttuso), not in terms of quality, which increasingly fell into the mediocrity of the regime's artistic production; which, in homage to the autarchy, also deprived the Gallery of all the works of foreign artists (numerous, although, with a few exceptions, of little importance), which were transferred to the Civic Gallery of Venice, in exchange for Italian works, some of which were also valuable, but which did not compensate for the error of principle". BUCARELLI P., *La Galleria Nazionale d'arte moderna: Roma – Valle Giulia*, Istituto Poligrafico dello Stato, 1973, 5.

<sup>189</sup> "Now, if the lack of ancient foreign works is a painful and practically unbridgeable gap, the lack of modern foreign works is a disgrace and a scandal: because nothing justifies the fact that Italy does not buy what all the other countries, even the poorest ones, buy for their museums. Paintings by Picasso, Braque, Matisse can be found in all the countries of Europe, Western and Eastern, in all the countries of North and South America, even in North and South Africa: only Italy flaunts the deafest, the most cataclysmic, indifference to the most lively contemporary artistic currents". ARGAN



After the beginning of the Second World War, the Galleria was closed in 1942 and its artworks were kept in a deposit outside of the metropolitan area. In 1944, some of the museum restored galleries were reopened to the public and a small guide was published<sup>190</sup>.

While museums in Florence and Turin were created to display local modern and contemporary art movements, the *Galleria Nazionale* was supposed to represent the contemporary art expressions of the whole nation. After the fall of the fascist regime and the reopening of the Galleria to the public, during the direction of Palma Bucarelli<sup>191</sup> artworks were acquired directly from artists in Italy and abroad in the attempt to grow the public collection and promote their work<sup>192</sup>. In

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G.C., *Musei vivi, Testimonianze*, in *Commissione Franceschini, Per la salvezza dei beni culturali in Italia*, 3 vol., Roma, 1967, 470. See also Michetti, Bistolfi, Ogetti, D'un nuovo regolamento della Galleria Nazionale d'Arte Moderna, 15 novembre 1919, in Pos 7, (1902-1916) 1° Residenza Galleria presso il Palazzo delle Esposizioni sito in via Nazionale, 7. They claimed that "we instead want to mean that forced purchases, for reasons often more political than artistic, in exhibitions, were not the least cause of the squandering of money on works that soon appeared insignificant to all and the decay of this Art Gallery".

<sup>190</sup> The first acquisitions after the war period included artworks by Modigliani, Morandi and the Futurists in the attempt to fill some of the gaps in the collection.

<sup>191</sup> The *Soprintendente* Palma Bucarelli directed the Galleria from 1<sup>st</sup> December 1939 to 1<sup>st</sup> April 1975 when she had to retire because she had reached the maximum age limit in accordance with D.p.r. 29/12/1973, n. 1092. See Invio quietanza, Soprintendente Italo Faldi alla Direzione Provinciale del Tesoro, 17 maggio 1975, and Dichiarazione Soprintendente Italo Faldi, 25 maggio 1977, in Pos 11, Fascicolo personale Dott. Bucarelli Palma, Soprintendente di 1° classe.

<sup>192</sup> Furthermore, the new director installed sculptures in the gardens and supported international artists through exhibitions, among others, of Pablo Picasso, Piet Mondrian and Jackson Pollock. In 1955 Palma Bucarelli claimed that "as a whole, the Gallery is the most important documentation of XIX century and contemporary art in Italy, although it still has imbalances and gaps that are often serious". BUCARELLI P., *La Galleria Nazionale d'arte moderna: Roma – Valle Giulia*, Istituto Grafico Tiberino, 1955, 4.

fact, in the first half of the seventies the Galleria appeared to be a pioneer<sup>193</sup> in the promotion of contemporary art and artists<sup>194</sup>.

In 1975, after the foundation of the Ministry of Cultural and Environmental Heritage, the museum was renamed *Soprintendenza Speciale alla Galleria Nazionale d'Arte Moderna e Contemporanea*<sup>195</sup>.

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<sup>193</sup> In 1960 Bucarelli, Giulio Carlo Argan and Walter Gropius planned the expansion of museum space, a project that was never achieved due to the lack of resources. It would take thirteen years before the architect Luigi Cosenza implemented a project to create a museum that could involve citizens through public and educational programs, with an auditorium and additional gardens. For further references concerning the project of Cosenza see MARSON S., *L'ampliamento di Luigi Cosenza tra allestimenti e mostre*, in FREZZOTTI S., ROSAZZA-FERRARIS P., *La Galleria Nazionale d'Arte Moderna: cronache e storia 1911-2011*, Palombi, 2011, 221-231.

<sup>194</sup> In the first half of the seventies, the Galleria, under the direction of Bucarelli, hosted exhibitions of artists considered experimental and scandalous at that time, like Piero Manzoni and Alberto Burri. Italian museums did not yet recognize their value and the Galleria appeared to be a pioneer in this sense. "The dismissal in 1975, of Bucarelli from the Galleris, of Argan from the Superior Council, closes the great season of the Galleria's statutory triumph for the contemporary (the 'living' art) and marks the beginning of a long loss of visibility of the museum and a halt in the growth of the collections as far as current events are concerned. In fact, 1975 is also the year of birth of the Ministry of Cultural Heritage, which 'forgets' to provide for the last mobile fifty years out of protection, leaving the successive superintendents of the Galleria, all on the level of studies and personal historical interests aimed more at the nineteenth and early twentieth century heritage of the institute". PINTO S. (ed.), *Galleria Nazionale d'Arte Moderna. Le collezioni. Il XX secolo*, Electa, 2005, 18. For further details see the following paragraphs concerning the administration of the Galleria and the activity of the *Soprintendenti* across the years. However, even in those years private donations were fundamental to the growth of the collection. Among others, in 1958 the Gualino donation of the Manzù's sculptures, in 1961 pictures of the Macchiaioli movement, in 1958 the drawings by Modigliani from the Brillouin collection, between 1968 and 1972 several paintings by Capogrossi from the Cardazzo donation, several works by Ettore Colla and Pino Pascali donated by their respective families.

<sup>195</sup> The denomination of the *Soprintendenza* was defined by article 24 of the D.P.R. 3<sup>rd</sup> December 1975 n. 805, *Organizzazione del Ministero per i beni culturali e ambientali*. "Le Soprintendenze speciali al museo delle antichità egizie, con sede in Torino, al museo preistorico ed etnografico e alla galleria nazionale d'arte moderna e contemporanea, con sede in Roma, sino a quando non saranno adottate nuove leggi sui beni culturali, conservano le attribuzioni stabilite dalle norme vigenti." The D.P.R. 29<sup>th</sup> December 2000, n. 441, *Regolamento recante norme di organizzazione del Ministero per i beni e le attività*

However, the dependence of the Galleria on the central administration still deeply affected its institutional life, from the appointment of its functionaries to the assignment of resources for the protection and promotion of modern and contemporary art.

From the beginning of his appointment, the new *Soprintendente* Italo Faldi (1975-1978)<sup>196</sup> emphasized to the newly established Ministry the necessity of the integration of funds for the various and numerous activities falling under the competences of the Galleria's administration<sup>197</sup> (among others, conservation, protection,

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*culturali*, article 17, section 3, reorganised the *Soprintendenze* and established that the *Soprintendenze Speciali* should be defined through specific decrees. Following this decree the Galleria lost the denomination of *Soprintendenza Speciale*. FREZZOTTI S., ROSAZZA-FERRARIS P., *La Galleria Nazionale d'Arte Moderna: cronache e storia 1911-2011*, Palombi, 2011, 369. To contextualise the origins and developments of the name see the letter that the *Soprintendente* Sandra Pinto sent to the Councilor Giampietro Paolo Cirillo in 1996 in the unheard attempt to modify the name of the Galleria in *Soprintendenza speciale all'arte contemporanea*. *Galleria Nazionale d'Arte Moderna*. See Soprintendente Pinto, Soprintendenza speciale alla galleria nazionale d'arte moderna e contemporanea di Roma, al Consigliere Giampietro Paolo Cirillo, Capo Ufficio Legislativo, Ministero per i Beni Culturali e Ambientali, lettera 18 marzo 1996, in Pos 7, b3 (1996) Denominazione Galleria (da GNAM a SACS). Soprintendente Pinto, Soprintendenza speciale alla galleria nazionale d'arte moderna e contemporanea di Roma, al Direttore Generale Ufficio Centrale per i Beni AAAS, Ufficio legislativo del ministro, Ministero per i Beni Culturali e Ambientali, Invio elementi utili per la stesura del D.M. di nuova denominazione della Soprintendenza, 11 aprile 1996, in Pos 7, b3 (1996) Denominazione Galleria (da GNAM a SACS). Moreover, see Soprintendente Pinto, Soprintendenza speciale alla galleria nazionale d'arte moderna e contemporanea di Roma, al Ministro Ministero per i Beni Culturali e Ambientali, lettera 10 aprile 1996, in Pos 7, b3 (1996) Denominazione Galleria (da GNAM a SACS).

<sup>196</sup> See Prof. Italo Faldi Preposizione Soprintendenza gallerie Roma II, 25 marzo 1975, in Pos 11, Fascicolo personale Dott. Bucarelli Palma, Soprintendente di 1° classe. "It should be noted that, by a measure in progress, after consultation with the Board of Directors, with effect from 1<sup>st</sup> April 1975, the S.V. has been assigned to the Superintendent of galleries of Rome II in place of Prof. Palma Bucarelli, who, as from that date, is retired because of age limits".

<sup>197</sup> However, in the seventies, the Galleria received some important donations that led to the establishment of a museums' network spread over municipal and regional territory under the control of the *Soprintendenza*. In 1979 the sculptor Giacomo Manzù donated his collection in Ardea that was opened to the public in 1981. In 1980 the legacy of the

restorations, the construction of the restoration laboratory, cataloguing)<sup>198</sup>. The replies of the Ministry, through the Directorate General Antiquities and Fine Arts (Division VI), were often negative<sup>199</sup>. The limited funds available to ministerial institutions and

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sculptor Hendrick Andersen added another institution under the management of the Galleria. This museum was opened to the public only in 1999 after restoration funded by the *Gioco del Lotto* for the year 1998. In 1986 the scholar and art critic Mario Praz gave his collection from Palazzo Primoli in Rome. It was opened to the public in 1995. In 1995 the Boncompagni Ludovisi museum of decorative arts, fashion and costume was finally inaugurated. These donations increased the *Soprintendenza's* need for specific and additional funding to ensure success in its activities nationwide. In 1980 the *Soprintendente* Giorgio de Marchis claimed a lack of resources for the development and management of these new collections. See below for the archival references. For a brief history of the Galleria's donations see MARINI CLARELLI M.V., *Cinque decadi*, in FREZZOTTI S., ITALIANO C., RORRO A., *Galleria Nazionale d'Arte Moderna & Maxxi. Le collezioni 1958-2008*, Electa, 2009.

<sup>198</sup> Faldi I., Cap. 6522 – Esercizio finanziario 1975. Richiesta fondi, al Ministero dei beni culturali e ambientali, Direzione Generale AA.BB.AA., Divisione II, 30 maggio 1975; Faldi I., Richiesta di fondi sul cap. 6607, al Ministero per i beni culturali – Direzione generale antichità e belle arti, Divisione VI, 9 settembre 1975; Faldi I., Richiesta fondi cap. 6522, Mostra Corot, al Ministero dei beni culturali e ambientali, Direzione Generale AA.BB.AA., Divisione II, 31 ottobre 1975 in Archivio generale Sezione storica della Galleria Nazionale d'Arte Moderna e Contemporanea, Pos 5, B1 (1971-1980) Economato (spese d'ufficio), Richiesta fondi e accreditamenti e varie. All the documents quoted in this chapter can be found in the *Archivio generale Sezione storica* of the *Galleria Nazionale d'Arte Moderna e Contemporanea*.

<sup>199</sup> Ministero dei beni culturali e ambientali, Direzione generale della antichità e belle arti, Divisione VI, al Direttore della Divisione VII, oggetto Cap. 6596 – Integrazione fondi, 1 agosto 1975, Archivio generale Sezione storica della Galleria Nazionale d'Arte Moderna e Contemporanea, Pos 5, B1 (1971-1980) Economato (spese d'ufficio), Richiesta fondi e accreditamenti e varie. Also the *Soprintendente* Marini Clarelli claimed in 2009 that “since 1978, however, a literal interpretation of the competences of the new Ministry has prevailed in relation to the notion of cultural heritage, from which works executed in the last fifty years are excluded. Apart from few private initiatives, such as the Bolaffi Prize, all that remains are the gifts, which must be handled with caution, because there is never a lack of undesirable proposals”. The analysis clearly describes the condition under which contemporary art had to be promoted in Italy at that time. MARINI CLARELLI M.V., *Cinque decadi*, in FREZZOTTI S., ITALIANO C., RORRO A., *Galleria Nazionale d'Arte Moderna & Maxxi. Le collezioni 1958-2008*, Electa, 2009, 25.

branches, in fact, were explicitly declared by the Ministry from its foundation<sup>200</sup>.

Symptomatic of this tendency is, for example, the financial sheet for the year 1981<sup>201</sup> where for the *capitolo*<sup>202</sup> 2034 (budget heading) destined for the functioning and furniture of the offices and the bibliographic resources the requested funds were L. 763.500.000 and the funds assigned L. 446.690.525, while for the *capitolo* 2035, destined above all for the organization of international exhibitions in Italy and abroad, the requested funds were L. 1.076.117.775 and the assigned L. 31.752.775<sup>203</sup>.

Furthermore, the financial sheet for the year 1981 demonstrates that in the resources destined for the expenses of the structural and functional renewal of museum spaces (*capitolo* 8005), the requested

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<sup>200</sup> See, as an exemplary case, the letter Direttore Direzione generale delle antichità e belle arti, al Soprintendente alla Galleria Nazionale d'arte Moderne e Contemporanea, 26 aprile 1976, Prot. N. 2538 Div. VI, Assegnazione dei fondi per il restauro delle opere d'arte mobili ed affreschi di proprietà statale e non statale anno finanziario 1976. “ (...) given the limited funds, it will be difficult for this Ministry to accept further requests for funding”.

<sup>201</sup> Appendix Doc. 7. Prospetto finanziario 1981, Archivio generale Sezione storica, Galleria Nazionale d'Arte Moderna e Contemporanea, Pos 5, B (1979-1982) Economato, Programmazione annuale e triennale, Schede finanziarie A/2 S/P.

<sup>202</sup> For the references regarding the contents of each “*capitolo*” see the Appendix Doc. 6. Contenuto dei capitoli, Archivio generale Sezione storica, Galleria Nazionale d'Arte Moderna e Contemporanea, Pos 5, B (1979-1982) Economato, Programmazione annuale e triennale, Schede finanziarie A/2 S/P.

<sup>203</sup> See *Prospetto finanziario anno 1981 della Soprintendenza Speciale alla Galleria Nazionale d'Arte Moderne Contemporanea*, sent to the Ministry of Cultural and Environmental Heritage on August 28th 1982 accompanied by a letter signed by the *Soprintendente* Dario Durbé and the *Soprintendente Aggiunto* Augusta Monferini Calvesi. Appendix Doc. 5. Lettera Soprintendente Durbé al Ministero dei beni culturali e ambientali, Prospetto finanziario 1981, 28 agosto 1982, Archivio generale Sezione storica, Galleria Nazionale d'Arte Moderna e Contemporanea, Pos 5, B (1979-1982) Economato, Programmazione annuale e triennale, Schede finanziarie A/2 S/P. Appendix Doc. 7. Prospetto finanziario 1981, Archivio generale Sezione storica, Galleria Nazionale d'Arte Moderna e Contemporanea, Pos 5, B (1979-1982) Economato, Programmazione annuale e triennale, Schede finanziarie A/2 S/P.

funds were L. 360.000.000 and the assigned funds L. 18.170.000<sup>204</sup> The hypothesis that the Galleria's activity and mission were strongly affected by the delays and precarity of the resources appears to be a strong one<sup>205</sup>.

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<sup>204</sup> Appendix Doc. 7. Prospetto finanziario 1981, Archivio generale Sezione storica, Galleria Nazionale d'Arte Moderna e Contemporanea, Pos 5, B (1979-1982) Economato, Programmazione annuale e triennale, Schede finanziarie A/2 S/P.

<sup>205</sup> During those years (1982-1987) the works for the enlargement of the museum spaces were the main topic of the discourse surrounding the Galleria's mission and functions. Moreover, several parliamentary interrogations claimed that the closure of Galleria spaces for five years would be excessive for the completion of restoration works. On 29<sup>th</sup> November 1983, the senators Argan, Chiarante, Nespolo, Mascagni, Volponi protested against the closure by asking, firstly, if such measures were previously authorized by the Ministry, secondly, why the works for the enlargement of the Galleria, after the project of Luigi Cosenza, were still not completed and why the only area that the Galleria intended to keep open was a small space for temporary exhibitions, denying the enjoyment and study of the permanent collection for such a long period of time. The completion of the enlargement works depended on the resources offered by Ministry of Public Works. The Ministry promised in March and April 1983 the sum of L. 800.000.000 for the opening of part of the new building. The delay of the funding was the cause of the incompleteness of the new museum section, according to the *Soprintendente*. "It is not the case here to go over the very troubled and unbelievable events of the construction of the enlargement, which have led to an enormous waste of energy and public money, which have been put into a work that has been blocked for years and is in danger of falling into ruin before it has even been completed (see previous parliamentary questions). However, if it is finally completed, as is hoped for by a common political will, this extension will have to be used for temporary exhibitions and other activities, and not for the permanent collections that find their natural place in the historic building built in 1911". Soprintendente Dario Durbé al Ministero per i beni culturali e ambientali, Interrogazione parlamentare n. 4-00371, Res. 39 e 40 del 29 novembre 1983, 13 dicembre 1983, in Pos 24 (1958-1988) Interrogazione parlamentari. Interrogazione Argan, Chiarante, Nespolo, Mascagni, Volponi, al Ministero per i beni culturali e ambientali, Senato della Repubblica, 29 novembre 1983, in Pos 24 (1958-1988) Interrogazione parlamentari. On 13<sup>th</sup> December 1983 the *Soprintendente* Dario Durbé responded to the parliamentary interrogation by rationalizing the decision to temporally close the permanent collection to the public on the basis of flawed and inadequate security system. The progressive obsolescence of the building's electric system, installed between 1911 and 1935, did not guarantee the security of the museum staff, the visitors or the artworks. Moreover, the *Soprintendente* underlined that the organization of temporary exhibitions and the display of part of the

Moreover, from the analysis of the documents it emerges that, despite being officially recognised as *Soprintendenza Speciale* by the central administration for its unique role at national level, the Galleria was subject to the rules and processes imposed on all the other *Soprintendenze* across the nation. In fact, its internal organisation depended on the appointment or direct assignment of the *Soprintendente* and all the other ministerial functionaries<sup>206</sup> by the Ministry of Cultural Heritage. Also through the analysis of the ministerial correspondences, circular letters and communications, the Galleria appeared to be addressed together with all the other state *Soprintendenze*.

Furthermore, the ministerial appointments of the Ministry of Cultural Heritage between 1974 and the end of the century show frequent changes of government that inevitably affected the management of the ministerial branches and institutions<sup>207</sup>. In addition, the

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permanent collection, on a rotational basis, would be guaranteed for the duration of the works. He also confirmed that the partial closure of the museum spaces for the restoration had been approved by the *Direttore Generale* Guglielmo Triches and the *Soprintendenza per i Beni Ambientali e Architettonici del Lazio*. Soprintendente Dario Durbé al Ministero per i beni culturali e ambientali, Interrogazione parlamentare n. 4-00371, Res. 39 e 40 del 29 novembre 1983, 13 dicembre 1983, in Pos 24 (1958-1988) Interrogazione parlamentari.

<sup>206</sup> After the completion of public competitions. The majority of the high functionaries and *Soprintendenti* were art historians. The *Soprintendenti* were usually appointed after direct requests to the central administration. Italo Faldi obtained a decree in literature in 1940, Giorgio de Marchis in philosophy in 1956, Dario Durbé in history of art in 1948, Eraldo Gaudioso in law before and in history of art later in 1945, Augusta Monferini Calvesi in archeology in 1957, Sandra Pinto in history of art in 1962, Maria Vittoria Marini Clarelli in history of art in 1981. For a complete history of the *Soprintendenti* of the *Galleria Nazionale* and its art historian-functionaries until 2012, see MININNI M., *Apparati*, in *Le storie dell'arte. Grandi nuclei d'arte moderna dalle collezioni della Gnam 3*, Gangemi Editore, 2011, 189.

<sup>207</sup> Beside the first ministries of Giovanni Spadolini and Mario Pedini that lasted approximately two years, the following ministers for cultural heritage between 1978 and 1983 were in charge for only one year, or even less: Dario Antoniozzi (DC) 15<sup>th</sup> March 1978 - 5<sup>th</sup> August 1979 (*ad interim*); Egidio Ariosto (PSDI) 5<sup>th</sup> August 1979 - 5<sup>th</sup> April 1980; Oddo Biasini (PRI) 5<sup>th</sup> April 1980 - 28<sup>th</sup> June 1981; Vincenzo Scotti (DC) 28<sup>th</sup>

responsibility of promoting both modern and contemporary art at national and international level, entrusted to one single peripheral branch of the ministerial organisation, being a *Soprintendenza Speciale* and a museum, overburdened the overall institutional activity.

Despite the peripheral condition of the *Soprintendenza*, its strong dependence on the approval of the central administration for every single choice of its institutional life, in fact, heavily affected the museum's management and mission (with particular regard to the promotion of contemporary art which mainly depended on the individual initiative of each *Soprintendente*<sup>208</sup>).

For these reasons, the need of a structural reform of the organisation of the *Galleria Nazionale*, for fully promoting contemporary art and achieving its essential mission nationwide, was already acknowledged in 1980 when the *Soprintendente* de Marchis, in the Annual Report<sup>209</sup> that the Galleria sent to the Ministry on 10<sup>th</sup> October 1981, suggested the possibility of establishing a new juridical organization of the Galleria, granting stronger administrative and

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June 1981 - 1<sup>st</sup> December 1982; Nicola Vernola (DC) 1<sup>st</sup> December 1982 - 4<sup>th</sup> August 1983.

<sup>208</sup> The tools applied by the Galleria and all the other institutions for the promotion of contemporary art in Italy are closely analysed in the fourth chapter.

<sup>209</sup> *Relazione sull'Attività svolta nell'anno 1980*. In 1980 the *Galleria Nazionale* welcomed 186.242 visitors and the income from ticket sales was L. 32.524.350. In 1982 there were 132.359 visitors with an income of L. 55.634.250.



financial autonomy<sup>210</sup> and a more efficient internal organization of its departments and competences<sup>211</sup>.

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<sup>210</sup> However, the *Galleria Nazionale* was transformed into an independent museum with administrative autonomy only in 2014 through the reform enacted by the d.p.c.m. 29<sup>th</sup> August 2014 n. 171 and the d.m. 23<sup>rd</sup> December 2014. For a clearer understanding of the effects of the reform see CASINIL., *Il "Nuovo" statuto giuridico dei musei italiani*, in *Aedon*, n.3, 2014; FORTE P., *I nuovi musei statali: un primo passo nella giusta direzione*, in *Aedon* n.1, 2015; CARMOSINO C., *Il completamento della riforma organizzativa del Mibact: i nuovi istituti autonomi e il rafforzamento dei poli museali*, in *Aedon*, n.1, 2016; CASINIL., *"Learning by experience?" La riforma del Ministero dei Beni e delle Attività culturali e del Turismo*, in *Aedon*, n.3, 2017; GIUSTI M., *I musei autonomi: il caso delle Gallerie Nazionali di Arte Antica*, in *Aedon*, n.1, 2018.

<sup>211</sup> De Marchis was the only *Soprintendente* in those years having two degrees in law and history of art. His attention towards the organizational structure and autonomy of the institution might derive also from his multidisciplinary education. De Marchis claimed that the *Soprintendenza speciale* at that time had mixed competences as its role was not limited in scope purely to the management of the *Galleria Nazionale*. For this reason, the author hoped for the creation of the *Istituto Nazionale per l'Arte Contemporanea* with a significant role at national and international level. This institution would have been responsible for the management of the *Galleria* and through the consolidation of its departments (archival-bibliographic; graphic; conservation and restoration; architecture; photographic; catalogue; didactic; cultural events; museum and art collections; administrative) it would have developed a stronger program for the promotion of Italian contemporary art both nationally and internationally. In fact, the foundation of the *Dipartimento manifestazioni culturali* (Department for cultural manifestations), that the *Soprintendente* proposed, would have been responsible for the organization of exhibitions and special events in Italy and abroad concerning XIX and XX century art for promoting the study and knowledge of contemporary Italian art. At that time, this role was fulfilled by single functionaries who did not have the support of a proper departmental organization and scientific grants. "Instead of limiting itself to the usual, sterile jeremiad about the lack of resources and personnel, it is preferable to submit to the Technical Secretariat of the Hon. Minister a more far-reaching project for the reform of the *Soprintendenza Speciale alla Galleria Nazionale d'Arte Moderna e Contemporanea* within the framework of the new law providing for a special statute for this *Soprintendenza*". The author makes reference to the law 29<sup>th</sup> January 1975 n. 5, D.P.R. 3<sup>rd</sup> December 1975. De Marchis G. to the Segreteria Tecnica dell'On. Ministero, Ministero per i Beni Culturali e Ambientali – Collegio Romano, Roma, in Pos 8, Q (1981-1994) Relazioni al Ministero BCA su attività Galleria. In 1980 the *Galleria Nazionale* promoted the following exhibitions abroad, supported by the Ministry of Cultural Heritage and the Ministry of Foreign Affairs: 1. *XIII Biennale Internazionale del Mediterraneo*, Alessandria d'Egitto, January – February 1980 by displaying artworks

However, his requests were not adopted at that time and, on 3<sup>rd</sup> February 1983, the *Soprintendente* Durbé still complained of the lack of ministerial approval for the evaluations needed at the beginning of the restoration works that were started by the previous *Soprintendente* de Marchis<sup>212</sup>. This withheld approval paralysed museum life, the organisation of the exhibitions and the new display of the collection. Durbé claimed that the delays would inevitably cause the lock down of the whole institution<sup>213</sup>.

The words of Durbé testify to the tragic precarity under which the Galleria had to be administered and the complexity of its relationship with the central administration. He begged the Director-General Triches to receive advice in order to avoid the worst for the Galleria. He asked for confirmation concerning the available funds for each item of the institutional financial statement in order to efficiently

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made by Giulio Turcato, Mimmo Rotella and Arnaldo Pomodoro. 2. *Pittura italiana contemporanea*, Madrid, May – June 1980, with 18 artworks made by Modigliani, Carrà, Severini, Balla, Guttuso, ecc. 3. *Manifesti italiani*, Tokyo, April – June 1980, previously organised at the *Galleria Nazionale* in 1979. 4. *XI Biennale dei Giovani*, Paris, September – November 1980 that displayed 11 Italian artists under 35.

<sup>212</sup> The complex relationship between the *Soprintendenza* and the Ministry for the finalization of the restoration works and the parallel organization of institutional museum activities emerge in the letters that the *Soprintendente* Durbé sent to the Director-General Guglielmo Triches between 1982 and 1983. Durbé affirmed his main preoccupation for the Galleria was to protect, increase and allow the enjoyment of the museum collections, by completing the restoration of the storage and exhibition spaces that were started by de Marchis. Concerning the programme for the following year, Durbé emphasized the importance of the proper, requested ministerial funding for guaranteeing the implementation of the restoration works and for the whole exhibition programme. The incompleteness of the renovation would have delayed and diminished all the institutional activities. Appendix Doc. 12. Lettera Soprintendente Durbé al Direttore Generale Triches, 16 novembre 1982, Archivio generale Sezione storica, Galleria Nazionale d'Arte Moderna e Contemporanea, Pos 5, B (1979-1982) Economato, Programmazione annuale e triennale, Schede finanziarie A/2 S/P.

<sup>213</sup> "(...) In short, the closure of the Gallery to the public will be inevitable, because trouble is pressing on more and more every day (...)" Appendix Doc. 14. Lettera Soprintendente Durbé al Direttore Generale Triches, 3 febbraio 1983, Archivio generale Sezione storica, Galleria Nazionale d'Arte Moderna e Contemporanea, Pos 5, B (1983-1984) Programmazione annuale e triennale e schede finanziarie, A/2 S/P.

organise museum activity, “to get out as honorably as possible from a hindrance that too often (...) makes me turn red, compromising me both on a personal level (...) and, for the lack of credibility of my assertions, in my prestige as *Soprintendente*”<sup>214</sup>.

The funding for the Galleria, also under the *Soprintendente* Gaudio, was the main topic of the correspondence between the museum and the Ministry. The requests for funds were numerous but essential for the “institutional activity, that being unique and irreplaceable within the State, cannot be contracted if you really want the Institute to carry out its essential functions”, which included the protection, collection, enhancement and promotion of modern and contemporary art<sup>215</sup>.

The same issues appear in the letters that the following *Soprintendente*, Augusta Monferini Calvesi, sent to the Ministry during her mandate. On 10<sup>th</sup> July 1989 the *Soprintendente* wrote to the Director-General Sisinni regarding funds for the organisation of temporary exhibitions. She claimed that the debts of the *Soprintendenza* were undermining the reliability of the Galleria<sup>216</sup>. The persistent state of debt of the *Soprintendenza* was also stressed in 1990 when the *Soprintendente*

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<sup>214</sup> Appendix Doc. 14. Lettera Soprintendente Durbé al Direttore Generale Triches, 3 febbraio 1983, Archivio generale Sezione storica, Galleria Nazionale d'Arte Moderna e Contemporanea, Pos 5, B (1983-1984) Programmazione annuale e triennale e schede finanziarie, A/2 S/P. Finally, in the letter sent on 15<sup>th</sup> March 1985, the Central Office for environmental, architectural, archaeological, artistic and historical heritage, Division III, approved the programme for the restoration and renewal of the Galleria, through the *capitolo 8005* that granted the sum of 1.500.000.000 L. Programma di attività per l'anno finanziario 1985, Lettera circolare by Ufficio Centrale per i beni ambientali, architettonici, archeologici, artistici e storici, Div. III, 15<sup>th</sup> March 1985, in Pos 5, B (1983-1984) Programmazione annuale e triennale e schede finanziarie, A/2 S/P, 3.

<sup>215</sup> Appendix Doc. 28. Programmazione 1986-88 Relazione, in Pos 5, B (1986-1991) Programmazione annuale e triennale.

<sup>216</sup> “(...) the amount owed to the suppliers of goods and services of this Institute has reached a level that is difficult to surpass, without seriously undermining the credibility of the *Galleria Nazionale d'Arte Moderna e Contemporanea*”. Appendix Doc. 48. Soprintendente Monferini al Direttore Generale Sisinni, Capitolo 2035 – Manifestazioni speciali ed esposizioni temporanee 1988 e 1989, 10 luglio 1989, in Pos 9, A (1987-1990) Programmazione.

Monferini decried the absence of funds for the organization of exhibitions between 1988 and 1990. The words of the *Soprintendente* are particularly urgent and critical, in contrast with the international prestige and praise that the Galleria was obtaining in that period, thanks to its cultural activities.

“I hope that the Galleria’s exhibition activities will continue to receive more funding than would result from a simple arithmetical division between all the Italian *Soprintendenze*. It would be sad and painful, dear Professor, to see shipwrecked (for the lack of such small amounts of money compared to the money invested in our country for example for the World Cup!) so many efforts, first of all made and desired by you, to bring the *Galleria Nazionale d’Arte Moderna* and Italy on an equal footing with the great Western countries in the field of contemporary art culture. I have great confidence that you will be able to unblock this situation and avoid the paralysis of our activity”<sup>217</sup>.

In the nineties, the advent of the new *Soprintendente* Sandra Pinto seemed to inaugurate a more stable period for the Galleria

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<sup>217</sup> Appendix Doc. 34. Lettera Soprintendente Monferini al Direttore Generale Sisinni, 21 febbraio 1990, Pos 9, A (1969-1990) Corrispondenza col Ministero P.I e Ministero BCA per mostre da allestire in Galleria – Commissione mostre Italia – Estero.

administration<sup>218</sup>. On 4<sup>th</sup> May 1993 the Ministry<sup>219</sup> approved the “Triennial programme 1993/95 – Annual expenditure plan 1993” for the Galleria and its associated institutions<sup>220</sup>. It established L. 400.000.000 for the general expenses of the Galleria and L. 500.000.000 for the organization of exhibitions. During 1994 almost all of the requested funding for the Galleria’s main activities was fully provided by the Ministry<sup>221</sup>. These are the years of the ministry of Alberto

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<sup>218</sup> This situation is confirmed by the words of Marini Clarelli in MARINI CLARELLI M.V., *Cinque decadi*, in FREZZOTTI S., ITALIANO C., RORRO A., *Galleria Nazionale d’Arte Moderna & Maxxi. Le collezioni 1958-2008*, Electa, 2009. “The resources, for once, are to be found, thanks to the extraordinary power of fascination exercised by the deadline of 2000 and the support of the Director General Mario Serio. The new superintendent is certainly not lacking in determination and energy. In the space of two years, she changed the project of ordering and setting up the gallery, but she immediately reconnected with current events, bringing young artists back into the gallery and forcing the Ministry to deal with the long-standing problem of contemporary art acquisitions”. Also Mattiolo and Vannini in 2006 synthesized the history of the Galleria with similar words. “From 1970 onwards, the Ministry of Education, on which the Galleria depended at the time, decided to definitively suspend its purchases at the Venice *Biennale*, believing that the art exhibited there no longer represented official culture: these were the years of the explosion of *Arte Povera*, Conceptual and Behavioral Art, that saw Italy as a leading international player, with exhibitions that still confirm its primary role. In the years between 1972 and 1995, when the opportunities for purchases were closed and the funds available were reduced to the bone, the museum’s activities focused mainly on exhibitions, even though in the 1980s it remained an indisputable point of reference for the national cultural world. A new season would be inaugurated in the mid-nineties with the new exhibition layout by the *Soprintendente* Sandra Pinto, and with the reopening of the doors to the contemporary, thanks to the initiative of *Partito preso*”. MATTILOLO A., VANNINI S., *I musei di arte contemporanea in Italia*, in BALDI P. (ed.), *MAXXI Museo Nazionale delle Arti del XXI secolo*, Electa, 2006, 38.

<sup>219</sup> Under the minister Alberto Ronchey (28<sup>th</sup> June 1992 – 11<sup>th</sup> May 1994) and Carlo Azeglio Ciampi’s government.

<sup>220</sup> Ministero per i beni culturali e ambientali, Ufficio centrale per i beni ambientali, architettonici, archeologici, artistici e storici, Servizio bilancio e programmazione interventi ordinari e straordinari, sez. I, Programmazione Triennale 1993/95 – Piano di spesa annuale 1993, to the Soprintendenti per i beni ambientali, architettonici, archeologici, artistici e storici, 4 Maggio 1993, in Pos 8, R (1991 – 1994) Programmazione triennale.

<sup>221</sup> For the year 1994 the Ministry granted L. 420.000.000 for the general expenses of the

Ronchey, who between June 1992 and May 1994 contributed to reforming cultural administration in Italy.

A big restoration and reorganization involving the management of the Galleria also took place between 1995 and 1999<sup>222</sup>. The *Soprintendente* Sandra Pinto headed these works, using the funds for the 2000 Jubilee year<sup>223</sup>.

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Galleria. The sum corresponds to the funds asked by the Galleria for 1994. For 1995 the funds expected by the Galleria for general expenses were L. 900.000.000 and for 1996 L. 1.000.000.000. Ministero per i beni culturali e ambientali, Ufficio centrale per i beni ambientali, architettonici, archeologici, artistici e storici, Servizio bilancio e programmazione interventi ordinari e straordinari, sez. I, Programmazione Triennale 1994/96 – Piano di spesa annuale 1994, to the Soprintendenti per i beni ambientali, architettonici, archeologici, artistici e storici, 14 Gennaio 1994, in Pos 8, R (1991 – 1994) Programmazione triennale. *Somme a disposizione per interventi urgenti imprevisi su beni architettonici e artistici statali* (30.000.000 L., 11.000.000 L.); *spese per restauro* (70.000.000 L.); *attività didattica* (100.000.000 L.); *mostra Beckman* (300.000.000 L., exhibition later postponed to 1995).

<sup>222</sup> Moreover, during this decade the new exhibition cycle *Partito Preso* was inaugurated by Bruno Mantura, followed by Anna Mattiolo. "(...) takes up, in title and spirit, the *Parti pris* experimented by the Louvre. It is a small exhibition dedicated from time to time to an emerging artist who, with the occasion, deposits one or more works for five years, leaving open the possibility of donation or purchase. The works of Mario Airò, Vanessa Beecroft, Monica Carocci, Sarah Ciraci, Luisa Lambri, Eva Marisaldi, Grazia Toderi, Antonio Catelani, Paola Pezzi, Umberto Cavenago, Ugo Rondinone were acquired in this way. (...) the use of the five-year loan [*comodato*] also brought to the museum works by Stefano Arienti and Cristiano Pintaldi selected at the 1996 *Quadriennale* and artists already on the scene for some time, such as Nunzio, Marco Tirelli, the Studio Azzurro group and even Enzo Mari". MARINI CLARELLI M.V., *Cinque decadi*, in FREZZOTTI S., ITALIANO C., RORRO A., *Galleria Nazionale d'Arte Moderna & Maxxi. Le collezioni 1958-2008*, Electa, 2009, 27.

<sup>223</sup> On 24<sup>th</sup> December 1998 the *Ufficio centrale per i beni archeologici, architettonici, artistici e storici, Servizio bilancio e programmazione, Sezione IV*, provided (*Capitolo 8030*) L. 15.000.000.000 in the 1998 expenditure plan for the completing the works of the Galleria, approved through the decrees of the Ministry of Public Works, designated for urban areas, on the occasion of *Roma Capitale Giubileo 2000 e servizi Tecnici Nazionali*, 16.12.1997 and 12-13.5.1998. *Ufficio centrale per I beni archeologici, architettonici, artistici e storici, Servizio bilancio e programmazione, sezione IV, Decreti 12 e 13 maggio del Ministero dei lavori pubblici delegato per le aree urbane, Roma Capitale Giubileo 2000 e Servizi Tecnici Nazionali* pubblicati nella *Gazzetta Ufficiale* s.g. n.156 del 7.7.1998 - Piano di

The spending plan for 1996 and 1997<sup>224</sup> provided L. 500.000.000 for the organization of exhibitions<sup>225</sup>, while in 1995 the sum was L. 300.000.000<sup>226</sup> and for the year 1998 foresaw L. 700.000.000 for the organization of two exhibitions<sup>227</sup>. However, the letter that the *Soprintendente* Pinto sent to the Director-General on 1<sup>st</sup> August 1996 is particularly explicit about the difficult conditions in which the *Soprintendenza* was still working at that time, stuck with uncertainties concerning the museum's administration and resources<sup>228</sup>. "It's not

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spesa for 1998 – Autorizzazione e impegno per la realizzazione degli interventi a carico dei Capitoli 8030 e 8116 – L. 51.692.704.000. 24 dicembre 1998, in Pos 8, R (2002), Relazione della Corte dei Conti, Rendiconto generale anno finanziario 2001, richiesta elementi conoscitivi. On 28<sup>th</sup> June 1997 the museum reopened its XIX century galleries (south west wing) and displayed its restored façade. There were new doors and red velvet sofas installed in a space with freshly painted walls that hosted the twelve sculptures from the Torlonia collection. A cafeteria was also added. Moreover, in 1997 the Schwarz donation of Surrealism and Dada artworks filled an important gap in the collection of the Galleria. On December 12<sup>th</sup> 1998 the rooms for the art of the late XIX century (south east wing, 1880-1910) were reopened and contained 600 artworks displayed on 2500 square meters. On June 30<sup>th</sup> 1999 seven galleries covering decades of the fifties and sixties reopened with approximately one hundred artworks. At the same time, galleries for the 1911-1950 collection were enlarged through the construction of loft corridors. These rooms were spread over 10.000 square meters and had 1.500 artworks on display. The library space was also renewed.

<sup>224</sup> Appendix Doc. 44. Ministero dei beni culturali e ambientali, Servizio bilancio e programmazione, Sez. I, Approvazione Piano di spesa annuale 1997: D.M. 29 novembre 1996, 2 dicembre 1996, in Pos 8, R (1995-2001) Programmazione triennale 95/97, Piano di spesa annuale 1995, Programmazione triennale 1996-99, Piano di spesa 1996, Programmazione triennale 1997-2000, Piano di spesa 1997, Programmazione triennale 1998-2001, Piano di spesa 1998, 13.

<sup>225</sup> In 1997 the exhibitions were *Forma uno; Parte dell'Italia unita 1861/1911; Meeting di organizzatori di grandi esposizioni; Artisti ungheresi*, in Capitolo 2035.

<sup>226</sup> Appendix Doc. 43. Scheda B, Interventi in corso di attuazione nel 1995, Realizzazione esposizioni temporanee, in Pos 5, B (1995-1997) Programmazione annuale e triennale.

<sup>227</sup> Artisti Ungheresi and Picasso, in Capitolo 2035, Ministero dei beni culturali e ambientali, Servizio bilancio e programmazione, Sez. I, Approvazione Piano di spesa annuale 1998: D.M. 4 dicembre 1997, 10 dicembre 1997, in Pos 8, R (1995-2001) Programmazione triennale 95/97, Piano di spesa annuale 1995, Programmazione triennale 1996-99, Piano di spesa 1996, Programmazione triennale 1997-2000, Piano di spesa 1997, Programmazione triennale 1998-2001, Piano di spesa 1998, 10.

<sup>228</sup> Under the minister Walter Veltroni (18<sup>th</sup> May 1996 – 21<sup>st</sup> October 1998).

fluctuating prospects that give meaning to a hard, Augustan job, but some (...) certainties and some (...) signals of green light. Reassure me and reinforce me, I need it"<sup>229</sup>. As late as December 1996, the *Soprintendente* Pinto claimed that only half of the funds requested to the Ministry for the year 1997 had been made available<sup>230</sup>.

Moreover, as early as 1996, *Soprintendente* Pinto was imagining the foundation of a new institution destined for the promotion and collection of contemporary art for the XXI century<sup>231</sup>. She recognized that until then the Galleria had fulfilled its functions for the protection and promotion of modern and contemporary art, documenting the current artistic production through acquisitions of living artists' works or those created between the XIX and XX century, as well as enhancing other cultural and educational activities through exhibitions<sup>232</sup>. However, the Galleria's institutional activity was perceived to be limited and destined to remain incomplete, until a new institution for collecting the works of the XXI century was established<sup>233</sup>.

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<sup>229</sup> Appendix Doc. 45. Lettera Soprintendente Pinto al Direttore Generale, 1 agosto 1996, in Pos 5, B (1995-1997) Programmazione annuale e triennale.

<sup>230</sup> Appendix Doc. 46. Lettera Soprintendente Pinto al Direttore Generale, 11 dicembre 1996, Pos 5, B (1995-1997) Programmazione annuale e triennale.

<sup>231</sup> PINTO S. (ed.), *L'istituzione pubblica per l'arte contemporanea*, in *OttoNovecento*, 2/1996, 42-49.

<sup>232</sup> However, Pinto hoped for the creation of instruments for the promotion of contemporary art that could take into consideration the duality of its functions: historical and experimental (*fondativa del contemporaneo*). The activity of the Galleria in this sense should consist of: the establishment of a census of contemporary artists and their promotion through exhibitions in the Galleria (that could eventually result in the loan - *comodato* - of some of their displayed works); the critical responsibility of the acquisition of works of living artists after a free loan (*comodato gratuito*) of 5 years (renewable) in the Galleria; a historical responsibility consisting of the registration of the acquired artworks of living artists in the museum collection in the *inventari patrimoniali della collezione di Stato d'arte moderna* (in accordance with the French model). PINTO S. (ed.), *L'istituzione pubblica per l'arte contemporanea*, in *OttoNovecento*, 2/1996, 42-49.

<sup>233</sup> Soprintendente Pinto, Soprintendenza speciale alla galleria nazionale d'arte



This institution would enhance interdisciplinary activities for the promotion of theatre, dance and cinema in the museum's spaces together with the acquisitions of design and architectural works<sup>234</sup>, in accordance with international trends<sup>235</sup>. This would allow a delimitation and definition of the role and competences of the

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moderna e contemporanea di Roma, al Direttore Generale Ufficio Centrale per i Beni AAAS, Ufficio legislativo del ministro, Ministero per i Beni Culturali e Ambientali, Invio elementi utili per la stesura del D.M. di nuova denominazione della Soprintendenza, 11 aprile 1996, in Pos 7, b3 (1996) Denominazione Galleria (da GNAM a SACS).

<sup>234</sup> "With the abolishment of encouragement awards and purchases at major exhibitions, the Superintendent of the Galleria has no choice but to agree with all the Superintendents (historians, archaeologists, architects) in the proposals to be included in a single list of priorities for the opinion of the Minister's Advisory Committees. Topicality - the primary objective, according to logic, of the growth of the national heritage - has consequently occupied the last place in the ranking, a place in practice totally virtual, given that in the last twenty-five years purchases have been made for the Galleria, and also important, but only of a retrospective nature, never of documentation of current events, until the very recent sign of a reversal of the trend by Minister Paolucci, who had a nucleus of important works of the *Transavanguardia* purchased and who expressed his intention to make purchases again at the *Biennale*. But structurally the problem will only be solved once the superintendent has his own budget for the purchases and, modest though it may be, he will be able to allocate it adequately in the various departments of the collections (the 19<sup>th</sup> century, the 20<sup>th</sup> century, current productions, the decorative arts for the Boncompagni Museum, the fields of new development: photography, architecture, design)". PINTO S. (ed.), *L'istituzione pubblica per l'arte contemporanea*, in *OttoNovecento*, 2/1996, 46. Pinto also hoped for the organization of great exhibitions with a thematic focus that could stimulate critical discussions between artists and the public. In relation to this initiative, Pinto proposed to re-establish direct acquisitions for museums and acquisition-prizes ("*premi-acquisto*") of the State institutions (Presidency of the Republic, Presidency of the Council, Ministry of Cultural and Environmental Heritage, Ministry of Public Education, Ministry of Research, Ministry of Foreign Affairs).

<sup>235</sup> After the failure of the new building and auditorium planned by Luigi Cosenza for the Galleria. "The project for the 'new' extension would continue until the death of Luigi Cosenza in 1984, in absolute autonomy from the offices of the *Soprintendenza*, and would 'age' physically and conceptually without either party realizing that it is carrying out a work that is unusable for the changed needs and unrepresentable to anyone familiar with the standards of world museology". PINTO S. (ed.), *Galleria Nazionale d'Arte Moderna. Le collezioni. Il XX secolo*, Electa, 2005, 40.

*Soprintendenza*<sup>236</sup>, divided between collecting and promoting the arts of the XIX and XX century and monitoring contemporaneity for the future<sup>237</sup>.

The project for the foundation of an institution destined for the promotion and conservation of the art of the XXI century was then realized in the following years<sup>238</sup>. The Galleria became responsible for works concerning the foundation of the Centre for the documentation and enhancement of contemporary art<sup>239</sup>, and for the maintenance,

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<sup>236</sup> "(...) the role of the institution or superintendence for contemporary art of the Ministry of Cultural Heritage and Activities should be much more clearly identified in its own right, in terms of its competence in this field, within the management bodies of the major exhibitions". The application of these proposals would have prevented the excessive and uncontrollable expansion of the current national system of great exhibitions. See also, MONTANARI T., TRIONE V., *Contro le mostre*, Einaudi, 2017.

<sup>237</sup> "The mobile observatory of the last fifty years monitors the most recent phenomena and acts, so to speak, as a midwife of what is being created". PINTO S. (ed.), *L'istituzione pubblica per l'arte contemporanea*, in *OttoNovecento*, 2/1996, 44.

<sup>238</sup> "These are in fact the years in which, with the birth of the MAXXI, the museum of the 21<sup>st</sup> century, this institution [the Galleria Nazionale] progressively loses its privileged relationship with the contemporary world for which it was created, but gains a more precise and solid historicisation: rethinking our history allows us to imagine the shape of our future". FREZZOTTI S., ROSAZZA-FERRARIS P., *La Galleria Nazionale d'Arte Moderna: cronache e storia 1911-2011*, Palombi, 2011, IX. However, the openness of the Galleria to the contemporary has never been completely lost. Its successive development shows the constant attention of the museum and of the *Soprintendenza* towards the promotion and research of contemporary artists.

<sup>239</sup> On 20<sup>th</sup> November 2001 the decree signed by the *Segretario Generale* stated that "the *Soprintendenza Speciale alla Galleria d'Arte Moderna e Contemporanea*, without prejudice to the functional dependence of the Directorate General for Artistic, Historical and Demoetnoantropological Heritage, operates under the direct dependence of the Directorate General for Architecture and Contemporary Art with regard to all activities connected with the management of ordinary and extraordinary funds intended for contemporary art, as well as those of a transversal nature, subject to agreement between the two Directorates General".

organisation and display of the buildings<sup>240</sup>. This topic will be further analysed in the last section of this chapter<sup>241</sup>.

Pinto also hoped for the introduction of new professionals and techniques into the museum organization and for the transformation of the *Soprintendenza per l'arte contemporanea* into a reference point that could offer consultancy and expertise to all the other national institutions in the field. She envisaged the creation of incentives, like scholarships and exchange programs, that could broaden the international perspective of Italian artists. Moreover, she proposed to

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<sup>240</sup> The MAXXI depended also on the DARC - *Direzione Generale per l'Architettura e l'Arte Contemporanea*. In this regard, in 2006 Anna Mattiolo and Stefania Vannini stated that "several times, starting from 2001, the year of establishment of the DARC, it has been stressed how appropriate the direct involvement of our Ministry in the contemporary sector was, increasingly developing away from the cultural policy of the central administration. Thinking of a new state museum structure for contemporary art was born, in the first instance, from the need to find other spaces to complement those, now insufficient, of the *Galleria Nazionale d'Arte Moderna*". MATTIROLI A., VANNINI S., *I musei di arte contemporanea in Italia*, in BALDI P. (ed.), *MAXXI Museo Nazionale delle Arti del XXI secolo*, Electa, 2006, 37.

<sup>241</sup> Sandra Pinto, in 2002, in an essay that analysed the development of Italian art during the XX century, affirmed that it was only in 1998 after the Ministry's reform and the establishment of the Ministry of Cultural Heritage and Activities and of the Centre for the documentation and enhancement of contemporary art, that the public institutions started to fill in the gap left by the lack of a long-term cultural policy for the contemporary. PINTO S. (ed.), *Un storia dell'arte in Italia nel XX secolo*, Skira, 2002. However, in 2001 she still complained about the complexity of the management of the *Galleria Nazionale* after the foundation of the *Centro Nazionale per le Arti Contemporanee* and the DG for contemporary art. She addressed the issue of the *Galleria's* promotion of the contemporary by saying "the promotion (virtual, it must be said, for lack of tools) of the art of the last mobile fifty years, not covered by legal protection". She claimed that after the foundation of the new institution for the contemporary the mission and functions of the *Galleria Nazionale* should have been clearly defined in order to rationalize the ministerial organization. See PINTO S., *Il Ministero lancia arte e architettura del XXI secolo: ma che ne sarà della Galleria Nazionale?*, in *Il Giornale dell'arte*, n.198, April 2001, 44. For understanding the reorganisation of the *Galleria's* competences see FONTI D. (ed.), *La GNAM – Galleria Nazionale d'Arte Moderna*, Roma. *Conversazione con Maria Vittoria Marini Clarelli*, in FONTI D., CARUSO R. (ed.), *Il museo contemporaneo*, Gangemi Editore, 2012, 135-147. FREZZOTTI S., ITALIANO C., RORRO A., *Galleria Nazionale d'Arte Moderna & Maxxi. Le collezioni 1958-2008*, Electa, 2009.

establish an experimental laboratory for European artists inside the spaces of the *Galleria Nazionale*<sup>242</sup>.

She also suggested the introduction of tax benefits for the acquisition of living artists' works and the revision of the 2% law to incentivize the commission of public works. In addition, Pinto proposed the establishment of another institution that could be active in international exhibitions, in public calls for public art, for supporting young artists, including the whole realm of visual culture, from design, to photography, from advertising images to fashion<sup>243</sup>. That institution was finally established four years later with the Directorate General - DARC and further developed in 2019 with the foundation of the Directorate General Contemporary Creativity.

The importance of the *Galleria Nazionale* for the promotion of contemporary art in Italy after the foundation of the Ministry of

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<sup>242</sup> The intention was to open this laboratory for contemporary art by the end of 1997. "Scholarships (European exchanges). This is one of the most pressing requests from young artists' groups. Today, with the exception of the few 'adopted' by merchants in the mood for promotion, beginners are either able to provide for themselves or do not have the possibility to document themselves directly in the European and transoceanic capitals of contemporary culture. While foreign educational institutions provide, as in the nineteenth and even eighteenth centuries, for young artists in the national 'academies' in Rome, there is no reciprocity. It would therefore be necessary to have access to some European funding, to provide a certain number of premises for the use of ateliers in the major Italian cities (beyond Rome: Florence, Bologna, Milan, Turin, Naples) and to establish, as for Erasmus, a relationship of exchange with the other countries of the Community. As a single experimentation, the *Galleria Nazionale d'Arte Moderna* will try to promote the availability of an atelier space in its 'laboratory' open not only to national but also European artists". She hoped also that the Galleria could commission works of applied arts and design. "As a single experimentation, the *Galleria Nazionale d'Arte Moderna* is experimenting with the feasibility of offering decorative art objects, signed by artists, in its bookshop". PINTO S. (ed.), *L'istituzione pubblica per l'arte contemporanea*, in *OttoNovecento*, 2/1996, 44.

<sup>243</sup> "(...) at major exhibitions, in competitions for public works, in the incentives to be put in place for young people taking the path of figurative production in its most general sense (adding to 'classical categories' design, photography, advertising image, costume, etc.)". PINTO S. (ed.), *L'istituzione pubblica per l'arte contemporanea*, in *OttoNovecento*, 2/1996, 44.

Cultural Heritage in 1974 emerged throughout the analysis, despite the limitations of its organisation. Its fundamental role in organising contemporary art exhibitions in Italy and abroad, in supporting prizes, in establishing and managing new institutions for the contemporary and being the sole competent state institution with a consistent, even if fragmentary, collection of contemporary art, have made it a vital museum for the development of the contemporary in Italy<sup>244</sup>.

However, the dependence of the Galleria, as *Soprintendenza Speciale*, on the central ministerial administration concerned not only the appointment of its functionaries, but also the assignment of resources for achieving its institutional and dual mission for the protection and promotion of modern and contemporary art. Moreover, the need of the *Soprintendenza* for constant ministerial authorisation from the Director-General for the completion of all its tasks, including above all the renovation of the museum's spaces and the organisation of all its institutional activities, delayed the whole organisation and made it hard for each *Soprintendente* to fulfil their institutional goals and mission.

From the analysis, it appeared that the special status of the Galleria and the uniqueness of its role at national level did not guarantee efficient and simplified procedures for its functioning. This simplification was partially only introduced in 2014 when the *Galleria Nazionale* was transformed into an independent museum with administrative autonomy through the reform enacted by the d.p.c.m. 29<sup>th</sup> August 2014 n. 171 and the d.m. 23<sup>rd</sup> December 2014<sup>245</sup>. Today the

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<sup>244</sup> A deep analysis of the tools (above all, acquisitions, exhibitions and prizes) applied by the Galleria for the promotion of contemporary art is presented in the fourth chapter. In this regard, the work of the Italian municipal museums for the contemporary, spread all around Italy, was a fundamental complementary source for the development of the field at national level.

<sup>245</sup> For a clearer understanding of the effects of the reform see CASINI L., *Il "Nuovo" statuto giuridico dei musei italiani*, in *Aedon*, n.3, 2014; FORTE P., *I nuovi musei statali: un primo passo nella giusta direzione*, in *Aedon* n.1, 2015; CARMOSINO C., *Il completamento*

Galleria is an independent state museum together with several other state institutions<sup>246</sup>.

#### **4. Biennale, Triennale and Quadriennale: a brief history of three sisters for the contemporary**

This section of the research traces a brief history of the *Biennale*, *Triennale* and *Quadriennale* from an administrative perspective and analyses their organisational nature, tools and institutional development over the years. This study is necessary in order to contextualise their important role at national and international level for the promotion and development of contemporary art in Italy.

##### **4.1. Esposizione, ente autonomo, società di cultura: the Venice Biennale**

The *Biennale* was created through the resolution of the Municipality of Venice 19<sup>th</sup> April 1893, *Esposizione biennale artistica nazionale*, to celebrate the silver anniversary of king Umberto I and Margherita di Savoia<sup>247</sup>. The first *Biennale* was opened in 1895 in the *Palazzo*

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della riforma organizzativa del Mibact: i nuovi istituti autonomi e il rafforzamento dei poli museali, in *Aedon*, n.1, 2016; CASINI L., "Learning by experience?" La riforma del Ministero dei Beni e delle Attività culturali e del Turismo, in *Aedon*, n.3, 2017; GIUSTI M., *I musei autonomi: il caso delle Gallerie Nazionali di Arte Antica*, in *Aedon*, n.1, 2018. LEVA L., MENICUCCI V., ROMA G., RUGGERI D., *Innovazione nella governance dei musei statali e gestione del patrimonio culturale: alcune evidenze da un'indagine della Banca d'Italia*, in *Questioni di Economia e Finanza*, 525, Novembre 2019. BERETTA E., FIRPO G., MIGLIARDI A., SCALISE D., *La valorizzazione del patrimonio artistico e culturale in Italia: confronti internazionali, divari territoriali, problemi e prospettive*, in *Questioni di Economia e Finanza*, 524, Novembre 2019.

<sup>246</sup> However, the autonomy, even if it contributed to simplifying the procedures concerning the financial and administrative processes for the museum functioning, still lacked application with regard to museum staff.

<sup>247</sup> The relationship between the birth of the *Biennale* and the Italian unification emerges in PALLUCCHINI R., *Significato e valore della "Biennale" nella vita artistica veneziana e italiana*, in TOMASELLA G. (ed.), *Rodolfo Pallucchini. Scritti sull'arte contemporanea*, Fondazione Giorgio Cini, Scripta edizioni, 2011, 543-562. See also, MIMITA LAMBERTI M., *Il contesto delle prime mostre, dalla fine del secolo alla guerra mondiale: artisti e pubblico ai*

dell'Esposizione, located in the public gardens, *Giardini*, on the *Riva degli Schiavoni*<sup>248</sup>. The exhibition displayed Italian and European artists

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*Giardini*, in *Venezia e la Biennale. I percorsi del gusto*, Fabbri Editori, 1995, 39-47.

<sup>248</sup> For a broader history of the *Biennale* institution and format, among others, see ALLOWAY L., *The Venice Biennale, 1895-1968: From salon to gold fish bowl*, New York Graphic Society, 1968. ALTSHULER B., *Salon to Biennial – Exhibitions That Made Art History Volume I: 1863–1959*, Phaidon, 2008. ALTSHULER B., *Biennials and Beyond: exhibitions that made art history 1962-2002*, Phaidon, 2013. CASTELLANI F., CHARANS E. (ed.), *Crocevia Biennale*, Scalpendi, 2017. COLLICELLI CAGOL S., MARTINI V., *The Venice Biennale at Its Turning Points: 1948 and the Aftermath of 1968*, in DE HARO GARCÍA N., MAYAYO P., CARRILLO J. (ed.), *Making Art History in Europe after 1945*, Routledge, 2020, 83-100. DE SABBATA M., *Tra diplomazia e arte: le Biennali di Antonio Maraini*, Udine, 2006. DI MARTINO E., *La Biennale di Venezia 1895-1995*, Mondadori, 1995. DURAN A., *Paintings, Politics, and the New Front of Cold War. Italy (1928-1942)*, Routledge, 2013. FILIPOVIC E., VAN HAL M., ØVSTEBØ S., *The Biennial Reader*, Hatje Cantz & Bergen Kunsthall, 2010. GIONI M., *In Defense of Biennials*, *Contemporary Art: 1989 to the Present*, eds. Dumbadze A. and Hudson S., Wiley and Sons, West Sussex, 2012, 171-177. GREEN C., GARDNER A., *Biennials, Triennials and documenta. The exhibitions That Created Contemporary Art*, Wiley Blackwell, 2016. JACHEC N., *Politics and Paintings at the Venice Biennale 1948-64. Italy and the 'Idea of Europe'*, Manchester (UK), 2008. MARTINI F., MARTINI V., *Just Another Exhibition. Histories and Politics of Biennials*, Postmedia Books, 2011. MIMITA LAMBERTI M., *1870-1915: i mutamenti del mercato e le ricerche degli artisti*, in *Storia dell'arte italiana*, Parte II, Vol. III, 1982, 100-122. MULAZZANI M., *I padiglioni della Biennale: Venezia 1887-1988*, Electa, 1988. PORTINARI S., *Anni settanta. La Biennale di Venezia*, Marsilio, 2018. RICCI C. (ed.), *Starting from Venice. Studies on the Biennale*, Et al. Edizioni, 2010. RIZZI P., DI MARTINO E., *Storia della Biennale 1895-1982*, Electa, Milano 1982; *La Biennale di Venezia, Le Esposizioni Internazionali d'Arte 1895-1995. Artisti, mostre, partecipazioni nazionali, premi*, Electa, Milano, 1996. SALVAGNINI S., *Il sistema delle arti in Italia 1919-1943*, Minerva, 2000, 36. TOMASELLA G., *Biennali di guerra. Arte e propaganda negli anni del conflitto (1939-1944)*, Il Poligrafo, 2001. VECCO M., *La Biennale di Venezia Documenta di Kassel. Esposizione, vendita, pubblicazione dell'arte contemporanea*, FrancoAngeli, 2002. See also the thesis of PLEVANI M., *Strategie e promozione nel settore delle performing arts: il caso "La Biennale di Venezia"*, Tesi di laurea a.a. 2002-2003, Advisor: Luca Brusati and Luigi Cuciniello Università di Udine, Facoltà di Lingue e letterature straniere, Corso di laurea in Relazioni pubbliche. FRANCO F., *Art, Technology and Politics at the Venice Biennale 1966-2001*, Phd Thesis, School of History of Art, Film & Visual Media, Birkbeck College, University of London PhD in History of Art, 2009, Advisor: Charlie Gere. See also Argan for a comment concerning the politics surrounding the *Biennale*, *Triennale* and *Quadriennale* during the eighties, ARGAN G. C., *Discorsi parlamentari*, Senato della Repubblica, 1994.

and aimed at knowing and showing the artistic expressions of its time for the Italian and international public<sup>249</sup>. Venice became a vitrine of international contemporaneity for the arts.

The international exhibition aimed to provide an opportunity for both the Italian public and artists to be updated on new international artistic expressions; to promote tourism in Venice, and to develop a new centre for the contemporary art market<sup>250</sup>. In the early decades of the 20<sup>th</sup> century, the *Biennale* was expanded and gained a more international breadth. In fact, by 1914, the national pavilions of Belgium (1907), Hungary (1909), Germany (1909), Great Britain (1909), France (1912) and Russia (1914) were built in the *Giardini*.

During the next few decades, after the First World War, the Italian government took control of the organization of the *Biennale* and included other forms of art. Between 1930 and 1934 the music, film and theatre festivals were parallelly initiated, while in 1938 Grand Prizes were introduced to be awarded to artists in the exhibition sections<sup>251</sup>.

International prizes have always been a crucial aspect of the *Biennale* for the promotion of contemporary artists<sup>252</sup>. They have been promoted throughout its history by the national Government, the Parliament, the Municipality of Venice, private Italian or foreign companies and individuals. They have been generally awarded by a jury composed by Italian and international experts and testified the evolution of taste

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<sup>249</sup> PALLUCCHINI R., *Funzione della XXV Biennale*, in TOMASELLA G. (ed.), *Rodolfo Pallucchini. Scritti sull'arte contemporanea*, Fondazione Giorgio Cini, Scripta edizioni, 2011, 309-310. The first Biennale was born in the context of the official art. See, PALLUCCHINI R., *Significato e valore della "Biennale" nella vita artistica veneziana e italiana*, in TOMASELLA G. (ed.), *Rodolfo Pallucchini. Scritti sull'arte contemporanea*, Fondazione Giorgio Cini, Scripta edizioni, 2011, 547.

<sup>250</sup> POLI F., *Il sistema dell'arte contemporanea*, Editori Laterza, 2015.

<sup>251</sup> The list of Grand Prizes awarded between 1938 and 1968 can be found in RIZZI P., DI MARTINO E., *Storia della Biennale 1895-1982*, Electa, 1982, 90.

<sup>252</sup> A list of prizes and acquisitions at the *Biennale* between 1895 and 1936 can be found in RIZZI P., DI MARTINO E., *Storia della Biennale 1895-1982*, Electa, 1982, 89.



and artistic practices. Prizes contributed to the recognition of some Italian and foreign artists at international level. These crucial tools were also used to acquire artworks for the collection of the municipal *Galleria Internazionale d'Arte Moderna* from 1897<sup>253</sup>.

The R.d. 13<sup>th</sup> January 1930, n. 33, converted into law on 17<sup>th</sup> April 1930, n. 504, established the *Esposizione biennale internazionale d'arte* as an autonomous body, *Ente autonomo*, whose goals would be achieved through funding coming from the Ministry, the Municipality of Venice and the income of institutional activities as well as donations and legacies<sup>254</sup>. This transformation implied the passage of the *Biennale* from the municipal to the state management and inevitably affected its organisation and autonomy from the central government<sup>255</sup>.

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<sup>253</sup> The *Galleria Internazionale d'Arte Moderna* in Venice and the *Galleria Nazionale d'Arte Moderna e Contemporanea* in Rome shared a common mission from 1938 when a specific agreement was signed. It stated that the first should collect artworks of foreign artists, while the second those of Italian ones. Also this agreement testifies to the importance of the *Galleria* in Venice for the national contemporary art system. Starting from the III Biennale the prizes were converted in acquisitions for the new *Galleria* selected by a jury. They were then reintroduced in 1930 under the fascist regime. In this regard, see *La Biennale di Venezia. Le Esposizioni Internazionali d'Arte 1895-1995: artisti, mostre, partecipazioni nazionali, premi*, Electa, 1996. ZORZI E., *Le vicende dei premi alla Biennale dal 1895 al 1939*, in *Rivista mensile della città di Venezia*, n. 10, IX ottobre 1930. See also, PALLUCCHINI R., *I Grandi Premi della Biennale 1948-1960*, in TOMASELLA G. (ed.), *Rodolfo Pallucchini. Scritti sull'arte contemporanea*, Fondazione Giorgio Cini, Scripta edizioni, 2011, 572-574. With regard to the acquisitions see also GIAN FERRARI C., *Le vendite alla Biennale dal 1920 al 1950*, in *Venezia e la Biennale. I percorsi del gusto*, Fabbri Editori, 1995, 69-90.

<sup>254</sup> About the effects of the fascist regime on the *Biennale* see PALLUCCHINI R., *Significato e valore della "Biennale" nella vita artistica veneziana e italiana*, in TOMASELLA G. (ed.), *Rodolfo Pallucchini. Scritti sull'arte contemporanea*, Fondazione Giorgio Cini, Scripta edizioni, 2011, 554-562.

<sup>255</sup> In this regard, see RIZZI P., DI MARTINO E., *Storia della Biennale 1895-1982*, Electa, 1982, 32-36 and 75-77. The authors underlined the complexity of managing the *Biennale*, with particular regard to human and financial resources, even after the Statute reform in 1973.

The *Biennale's* status as *Ente autonomo* was reformed in 1973 through the law 26<sup>th</sup> July 1973, n. 438, under the name of *La Biennale di Venezia*<sup>256</sup>. Article 1 defined its scope under public law and its democratic organization. The *Biennale* aimed to organize international exhibitions and events for spreading awareness, documenting, researching and experimenting in the artistic fields<sup>257</sup>. Article 10 stated that the participation of artists in the *Biennale* depended on an invitation from the institutional board, *Consiglio direttivo*, whose activity was under the control of the Council of Ministers (article 14). Article 35 provided that, starting from 1973, the expected ministerial annual funding for the *Biennale* would be L. 1.000.000.000, initially coming from the financial statements of the Ministry of Public Education and the Ministry of Tourism and Spectacle.

The art section of the Venice *Biennale* has been constituted of an exhibition of national pavilions, autonomously curated with specific projects by each country of origin, and an international exhibition organised by a curator specifically appointed for each *Biennale's* edition.

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<sup>256</sup> The new Statute abolished the *Ufficio Vendite*. In this regard, see RICCI C., *Breve storia dell'Ufficio Vendite della Biennale di Venezia 1895-1972. Origini, funzionamento e decline*, in *Ricerche di S/Confine*, Vol. VIII, 1, 2017. Besides the funds and documents of the *Archivio Storico delle Arti Contemporanee* of the *Biennale* in Venice, further references and sources regarding the 1973 Statute and its process of reform between 1947 and 1986 can be found in the *Archivio Fondazione Ragghianti* in Lucca. With regard to the Statute, see in particular MARTINI V., *La Biennale di Venezia 1968-1978. La rivoluzione incompiuta*, Doctoral Thesis in Storia dell'architettura e della città, scienze delle arti, restauro, Scuola di Studi Avanzati di Venezia, aa. 2010-2011, Advisor: Carlos Basualdo.

<sup>257</sup> "(...) L'ente ha personalità giuridica di diritto pubblico e sede in Venezia. Esso è istituto di cultura democraticamente organizzato e ha lo scopo, assicurando piena libertà di idee e di forme espressive, di promuovere attività permanenti e di organizzare manifestazioni internazionali inerenti la documentazione, la conoscenza, la critica, la ricerca e la sperimentazione nel campo delle arti. L'ente agevola la partecipazione di ogni ceto sociale alla vita artistica e culturale e può organizzare e gestire manifestazioni in collaborazione con enti e con istituti italiani e stranieri. L'ente favorisce altresì la circolazione del patrimonio conservativo della Biennale presso istituzioni e associazioni culturali, scuole e università".

In 1998 (d.lgs. 29<sup>th</sup> January 1998, n.19) the *Biennale* was transformed into *Società di cultura*, a non-profit organisation under private law, and renamed *Società di cultura La Biennale di Venezia*, in accordance with article 11, paragraph 1, section b), law 15<sup>th</sup> March 1997, n. 59<sup>258</sup>. The stakeholders in the new body were the Ministry of Cultural Heritage, the Veneto Region, the Province of Venice and the Municipality of Venice.

Private bodies were also admitted, in accordance with the provisions of the Statute, approved on 27<sup>th</sup> July 1998, which regulates its organization. However, private bodies have never been part as direct stakeholders of the *Biennale* since its foundation. Through the d.lgs. 8<sup>th</sup> January 2004, n. 1 the *Biennale* became a foundation and the decree integrated the text of the d.lgs. 29<sup>th</sup> January 1998, n. 19.

#### **4.2. From decorative arts and architecture to design and fashion: the *Triennale* in Milan**

The biennial International Exhibition of Decorative Arts was originally organized by the ISIA – *Istituto Superiore di Industrie Artistiche* in the Royal Palace of Monza, where the first four editions took place (in 1923, 1925, 1927 and 1930) with the aim of stimulating the relationships between industry, art and society at large. The *Triennale* was then officially founded in 1931 (R.D. 25<sup>th</sup> June 1931, n. 949<sup>259</sup>) as *Ente autonomo*, under public law<sup>260</sup>. In 1933 the new *Palazzo*

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<sup>258</sup> The preamble stated “Ravvisata l'esigenza di trasformare l'ente pubblico ‘La Biennale di Venezia’ in persona giuridica privata, non essendo necessaria, per l'espletamento dei suoi compiti, la personalità giuridica di diritto pubblico, consentendo anzi la veste giuridica privata la possibilità di un migliore e più razionale svolgimento delle funzioni dell'ente”.

<sup>259</sup> Modified by the R.D. 3<sup>rd</sup> June 1938, n. 995.

<sup>260</sup> For a broader history of the *Triennale*, among others, see PICA A., *Storia della Triennale 1918-1957*, Edizioni del milione, 1957. PANSERA A., *Storia e cronaca della Triennale*, Longanesi & C., 1978. GRIMA J. (ed.), *La Triennale di Milano. La collezione permanente*, Mondadori Electa, 2019. BASSI A., RICCINI R., COLOMBO C. (ed.), *Design in Triennale 1947-1968. Percorsi fra Milano e Brianza*, Silvana Editoriale, 2004. NICOLIN P., *Castelli di carte. La XIV Triennale di Milano, 1968*, Quodlibet, 2011. ANNICCHIARICO S., *Triennale*

dell'Arte designed by Giovanni Muzio was completed and the *Triennale* exhibition became an independent institution. The *Triennale's* desire to promote the unity of the arts became apparent early on in the *Triennale* organized in 1933, with the mural paintings of De Chirico, Sironi, Campigli and Carrà, and grew in the following decades with exhibitions of Fontana, Baj, Martini, Pomodoro, De Chirico, Burri and – more recently – Merz, Paolini and Pistoletto.

Starting from 1923 the International Exhibition of Decorative Arts, before, and the *Triennale*, later on, have established a series of prizes to be awarded during each edition. Among them, the Grand Prix was particularly important and was awarded by international juries<sup>261</sup>.

After the end of the war, the law 1<sup>st</sup> April 1948, n. 118<sup>262</sup> reorganised the institution as *Ente autonomo*. Article 3 stated that the Ente was administered by a specific Council composed by nineteen members. They were appointed by the municipality of Milan, the Ministry of Public Education, the Ministry of Public Works, the Ministry of Industry and Trade, the Ministry of Foreign Affairs, the National Council of Architects, the artists and craftsmen's unions or by the Ministry of Work and the Lombardo Institute of Science and Letters.

During those years the *Triennale* focused on reconstruction issues, but also on industrial design, decorative arts and architecture, alongside Italian industrial development. In the sixties and seventies the *Triennale*, like the Venice *Biennale*<sup>263</sup>, became the subject of violent,

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*Design Museum. Il museo mutante*, Mondadori Electa, 2018. PANSERA A., VENTURELLI A., MASTROBUONO A.C., *The Triennale of Milan: Past, Present, and Future*, in *Design Issues*, Spring, 1985, Vol.2, N.1, 23-32. SALVAGNINI S., *Il sistema delle arti in Italia 1919-1943*, Minerva, 2000, 56-

<sup>261</sup> In this regard, see PICA A., *Storia della Triennale 1918-1957*, Edizioni del milione, 1957, 82-94.

<sup>262</sup> *Riorganizzazione dell'Ente autonomo "Esposizione triennale internazionale delle arti decorative e industriali moderne e dell'architettura moderna" (Triennale di Milano)*.

<sup>263</sup> In this regard, see DI STEFANO C., *The 1968 Biennale. Boycotting the exhibition: An account of three extraordinary days*, in RICCI C. (ed.), *Starting from Venice, Studies on the Biennale*, Et. Al edizioni, 2010.

political and social protests. In 1979, fashion and audiovisual design were introduced to the exhibition. From that edition onwards the *Triennale* became a permanent centre for the promotion of design, and for investigating its relationship with nature, the environment and the city<sup>264</sup>.

In 1999 the *Triennale* was transformed into a foundation, under private law, through the d.lgs. 20<sup>th</sup> July 1999, n. 273. Article 3 lists the goals of the foundation as: promoting research; documentation and exhibition activities in the fields of architecture; urban planning; decorative and visual arts; design; craftsmanship; industrial production; fashion and audiovisual communication along with the artistic expressions related to these subjects. In addition, the *Triennale* is also responsible for the organization of the triennial international exhibitions in the fields listed above<sup>265</sup>. The foundation is funded by the Ministry of Cultural Heritage, the Municipality of Milan, and the income coming from its own institutional activities, sponsorships or other commercial activities (article 8). The *Triennale* is under the control of the Ministry of Cultural Heritage (article 10).

The Statute of the *Triennale*, most recently modified on 18<sup>th</sup> January 2018, identifies three kinds of stakeholders in the foundation: participants by right, institutional participants and supporting participants. The participants by right are the Ministry of Cultural Heritage and the Municipality of Milan. The institutional participants are the Lombardia Region and the CCIAA – *Camera di Commercio* of Milan. The supporting participants could include public bodies, private or public, Italian or foreign, organizations or individuals if they contribute an annual sum equivalent to 30% or more of the sum

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<sup>264</sup> However, in the seventies the necessity of a reform of the institutional Statute and of additional financial resources, comparable with those provided for the *Biennale* and *Quadriennale*, was claimed. In this regard, see PANSERA A., *La Consulta per un Triennale democratica: verso un'edizione permanente*, in *Storia e cronaca della Triennale*, Longanesi & C., 1978, 121-127.

<sup>265</sup> The same provisions are highlighted in the Statute, article 3.

provided individually by the participants by right (article 13)<sup>266</sup>. In 2019 *Associazione Amici della Triennale* and *Federlegno Arredo Eventi Spa* were supporting participants.

#### 4.3. An institution for Italian artists: the *Quadriennale* in Rome

The *Quadriennale* is committed to the promotion of Italian contemporary art also in relation to international art. Its name derives from that of the *Esposizione Quadriennale d'Arte*, the four-yearly exhibition that intended to document the latest and most representative trends in the Italian visual arts<sup>267</sup>.

The *Quadriennale* was founded in 1927 through the resolution n. 3893 issued by the *Governatore* of Rome on 11<sup>th</sup> May 1927, *Istituzione delle Esposizioni Quadriennali d'Arte Nazionale*<sup>268</sup>. It was part of an important plan for reorganizing exhibition initiatives throughout the country, together with the *Biennale* in Venice and the *Triennale* in Milan. The *Quadriennale* was supposed to link the regional and provincial exhibitions, and those organized by the art trade unions. It aimed to provide important opportunities for the development of artists' careers through awards and purchasing campaigns<sup>269</sup>.

Participation in the first two editions of the *Quadriennale* in 1931 and 1935 in the *Palazzo delle Esposizioni* on via Nazionale depended on invitations and direct applications. The artists did not only display

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<sup>266</sup> The Triennale system is now composed of: Triennale Servizi s.r.l. (in house company fully participated by La Triennale Foundation); Museo del Design Foundation (participated to 25% by La Triennale Foundation); CRT Foundation Centro Ricerca Teatrale (participated to 66,66% by La Triennale Foundation).

<sup>267</sup> For a broader history of the *Quadriennale* see SALARIS C., *La Quadriennale. Storia della rassegna d'arte italiana dagli anni Trenta a oggi*, Marsilio, 2004. PRIBIŠOVÁ L., *La Quadriennale di Roma. Da Ente autonomo a Fondazione*, Postmedia Books, 2017.

<sup>268</sup> The aim of the resolution and foundation of these exhibitions was showing "la migliore produzione dell'arte figurativa nazionale". Deliberazione del Governatore di Roma, n. 3893 11<sup>th</sup> May 1927.

<sup>269</sup> In this regard, see SALVAGNINI S., *Il sistema delle arti in Italia 1919-1943*, Minerva, 2000, 25-36 and 87-97. The author describes the critical discretionary in awarding of prizes during the first *Quadriennali*.

their works but were also part of the boards for selecting the participants and awarding the prizes. Great masters took part to the first exhibition, while the second one focused on new generations<sup>270</sup>.

The *Quadriennale* was then established as *Ente Pubblico* in 1937 (R.D. 1<sup>st</sup> July 1937, n. 2023). The following editions in 1939 and 1943 were deeply affected by the Second World War. In 1948 the *Quadriennale* was then reorganised in the *Galleria Nazionale d'Arte Moderna* under the name of *Rassegna Nazionale d'Arti Figurative*. Starting from the 10<sup>th</sup> *Quadriennale* artists could display their works only if invited and art critics gained a more prominent role in the organization of the institution. In 2004 the foundation moved to the Villa Carpegna complex.

In 1999 the *Quadriennale* was transformed into a foundation (art. 8, d.lgs. 28 October 1999, n. 149). Today the foundation is participated in by the Ministry of Cultural Heritage and the City of Rome, as participants by right (article 4, section 2 of the Statute), and the Lazio Region, as a main participant (in accordance with the same article, section 3). Other private or public participants are admitted to take part as foundation stakeholders. However, until now private participants have not taken part in the *Quadriennale* organisation. The Ministry of Cultural Heritage exercises its control over the foundation<sup>271</sup>.

In accordance with article 2 of the current Statute, the *Quadriennale's* main goals include the organization of an important exhibition on Italian contemporary artists every four years, together with a series of collateral activities to empower national art in relation to foreign

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<sup>270</sup> From Bartoli, Carena, Carrà, Casorati, Sironi Tosi, the Futurists and the Paris-based Italians in the first exhibition, to Pirandello, Cagli, Gentilini, Capogrossi, Mafai, Cavalli, Ziveri, Afro and Mirko in the second one. A broader history can be found also in the institutional website <http://www.quadriennalediroma.org/en/oppos-quadriennali/?lang=en>

<sup>271</sup> In this regard, see SALARIS C., *La Quadriennale. Storia della rassegna d'arte italiana dagli anni Trenta a oggi*, Marsilio, 2004, 181-185.

artistic expressions. The institution promotes research activities in the visual arts of the XX and XXI century and the awareness of Italian contemporary art abroad. The institution also organizes retrospective exhibitions in Italy and abroad in association with cultural institutions (not only on visual arts, but also on architecture, design and decorative arts) and in cooperation with the Ministry of Foreign Affairs, it organizes seminars, conferences, training and grants (such as the recent projects Q-Rated and Q-International)<sup>272</sup>. In 2020 the 17<sup>th</sup> edition of the *Quadriennale* opens, starting in October.

The Foundation also publishes *I Quaderni della Quadriennale* and deals with research and cataloguing. The Historical Archives and the Library protect and enhance important XX and XXI century documents for the history of art, including the files of 13.500 artists, 30.000 photographs and 40.000 volumes. Currently, the *Quadriennale* is expected to move to a new location in the renovated spaces of the *Arsenale Pontificio* in Rome.

#### **4.4. Final remarks on the organisational evolution**

These three institutions, created at the end of the XIX century and the beginning of the XX century as *Enti autonomi* for the promotion of the contemporary art at national and international level, were all subject to a consistent transformation of their organisational structure towards

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<sup>272</sup> “La Fondazione è priva di scopo di lucro, non può distribuire utili, e persegue le seguenti finalità: a) provvedere all’organizzazione ed alla gestione delle Esposizioni quadriennali d’arte e delle iniziative che ad esse sono connesse per il potenziamento dell’arte nazionale, anche nei rapporti con quella straniera; b) svolgere e promuovere attività di ricerca, con competenza scientifica nel settore delle arti visive del XX e del XXI secolo, anche in collaborazione con università, altri enti di ricerca, istituzioni nazionali ed internazionali; c) promuovere la diffusione e la conoscenza all’estero della cultura artistica italiana; d) svolgere e promuovere attività di documentazione, di catalogazione, di pubblicazione editoriale, di rilievo nazionale ed internazionale, con particolare riguardo ai settori delle arti visive, dell’architettura, delle arti decorative, del design, e di quelle espressioni artistiche e creative che a diverso titolo ad essi si riferiscono; e) organizzare, con qualsivoglia cadenza, esposizioni a carattere nazionale o internazionale, nei settori di cui alla lettera d)”.



the end of the 1990s. Cultural foundations<sup>273</sup>, established with the aim of managing, protecting and enhancing cultural heritage, were developed after the so-called Bassanini Laws approved during the nineties<sup>274</sup>.

This reform led to the reorganisation of the Ministry of Cultural Heritage through the d.lgs 368/1998<sup>275</sup>, in accordance with article 11, law 15<sup>th</sup> March 1997, n. 59<sup>276</sup>. Article 10 of the decree provided that the Ministry could establish associations, foundations or companies for efficiently exercising its functions, with particular regard to the enhancement of cultural and environmental heritage<sup>277</sup>. In fact, article

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<sup>273</sup> PONTELLO T., *Partenariato pubblico-privato istituzionalizzato: le fondazioni per la gestione di beni e servizi culturali e le società di capitali ad oggetto culturale*, in CHITI M. P. (ed.), *Il partenariato pubblico privato*, Napoli, 2009. See also, BERTEZZOLO G., *Il ruolo delle fondazioni nella promozione dei beni culturali: opportunità, limiti e prospettive future*; MITZMAN E., *Le fondazioni della pubblica amministrazione nel settore della cultura: una prospettiva di diritto comparato*; MIRATE S., *Un esempio settoriale: le fondazioni culturali. Discussione sul tema*, in MARCHETTI B. (ed.), *Pubblico e privato. Oltre i confini dell'amministrazione tradizionale*, Vicenza, 2013.

<sup>274</sup> L. 15 March 1997, n. 59; l. 15 May 1997, n.127; l. 16 June 1998, n. 191; l. 8 March 1999, n. 50. FOÀ S., *I raccordi fra Ministero e privati*, in *Aedon*, 2005, n. 1 and , *Il regolamento sulle fondazioni costituite e partecipate dal ministero per i beni e le attività culturali*, in *Aedon*, 2002, n. 1.

<sup>275</sup> BRUTI LIBERATI E., *Il ministero fuori dal ministero (art. 10 del d.lg. 368/1998)*, in *Aedon*, 1999, n. 1 and , *Pubblico e privato nella gestione dei beni culturali*, in *Aedon*, 2001, n. 3.

<sup>276</sup> The first section of article 11 provided: "1. Il Governo è delegato ad emanare, entro dodici mesi dalla data di entrata in vigore della presente legge, uno o più decreti legislativi diretti a: a) razionalizzare l'ordinamento della Presidenza del Consiglio dei ministri e dei Ministeri, anche attraverso il riordino, la soppressione e la fusione di Ministeri, nonché di amministrazioni centrali anche ad ordinamento autonomo; b) riordinare gli enti pubblici nazionali operanti in settori diversi dalla assistenza e previdenza, nonché gli enti privati, controllati direttamente o indirettamente dallo Stato, che operano, anche all'estero, nella promozione e nel sostegno pubblico al sistema produttivo nazionale; c) riordinare e potenziare i meccanismi e gli strumenti di monitoraggio e di valutazione dei costi, dei rendimenti e dei risultati dell'attività svolta dalle amministrazioni pubbliche; d) riordinare e razionalizzare gli interventi diretti a promuovere e sostenere il settore della ricerca scientifica e tecnologica nonché gli organismi operanti nel settore stesso".

<sup>277</sup> Article 10, d.lgs. 368/1998. "1. Il Ministero ai fini del più efficace esercizio delle sue funzioni e, in particolare, per la valorizzazione dei beni culturali e ambientali può: a)

11, section 1, law 15<sup>th</sup> March 1997, n. 59 provided that the government had to rationalise ministerial organisations in order to guarantee a more efficient administrative system. Moreover, it also called on the government to reorganise the *enti pubblici nazionali*, following the same criteria of efficiency<sup>278</sup>. However, the efficiency, which derives from an economic view typical of private organizations, is hardly applicable in the cultural field, often characterised by an inherent market failure condition. The term also acquires different understandings in the same cultural field, according to the sphere of its application<sup>279</sup>.

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stipulare accordi con amministrazioni pubbliche e con soggetti privati; b) costituire o partecipare ad associazioni, fondazioni o società. 2. Al patrimonio delle associazioni, delle fondazioni e delle società il Ministero può partecipare anche con il conferimento in uso di beni culturali che ha in consegna. L'atto costitutivo e lo statuto delle associazioni, delle fondazioni e delle società debbono prevedere che, in caso di estinzione o di scioglimento, i beni culturali ad esse conferiti in uso dal Ministero ritornano nella disponibilità di quest'ultimo. 3. Il Ministro presenta annualmente alle Camere una relazione sulle iniziative adottate ai sensi del comma 1". The regulation of cultural foundations was completed with the D.M. 27 November 2001, n. 491, *Regolamento recante disposizioni concernenti la costituzione e la partecipazione a fondazioni da parte del Ministero per i beni e le attività culturali a norma dell'articolo 10 del decreto legislativo 20 ottobre 1998, n. 368 e successive modificazioni*. Article 1 of the D.M. provided: "1. Il Ministero per i beni e le attività culturali, d'ora indicato come Ministero, può costituire fondazioni aventi personalità giuridica di diritto privato ovvero parteciparvi, secondo le disposizioni del decreto legislativo 20 ottobre 1998, n. 368 e del presente regolamento, allo scopo di perseguire il più efficace esercizio delle proprie funzioni e, in particolare, della gestione e valorizzazione dei beni culturali e della promozione delle attività culturali".

<sup>278</sup> The provisions of the d.lgs. 368/1998 and D.M. 27 November 2001, n. 491 were subsequently transposed into the Cultural Heritage and Landscape Code, articles 112 and 115. Article 12, section 5, reformed by d.lgs. 24 March 2006, n. 156 provides: "Lo Stato, per il tramite del Ministero e delle altre Amministrazioni statali eventualmente competenti, le Regioni e gli altri enti pubblici territoriali possono costituire, nel rispetto delle vigenti disposizioni, appositi soggetti giuridici cui affidare l'elaborazione e lo sviluppo dei piani di cui al comma 4". Article 115, section 7: "le Amministrazioni possono partecipare al patrimonio dei soggetti di cui all'art. 112, comma 5, anche con il conferimento in uso dei beni culturali che ad esse pertengono e che siano oggetto della valorizzazione (...)".

<sup>279</sup> The criteria of efficiency, in fact, should be differently applied in the field of cultural

The participatory foundations (*fondazioni di partecipazione*) were then created for rationalising cultural organisations<sup>280</sup>. These foundations are legal entities aimed at pursuing the public interest<sup>281</sup>. They are public bodies, transformed into private entities. The public profile of the foundation determines the application of the discipline normally referred to the institutional activity of traditional public bodies operating in the Italian system, as well as being subject to public guidance and control<sup>282</sup>. Moreover, their private nature ensures an elastic organisation and the participation of a plurality of public and private bodies or individuals, as stakeholders for the achievement of the foundation's public goals.

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participatory foundations for visual or performing arts. Regarding the notion of efficiency for the public administration, among others, see BACHELET V., *Evoluzione del ruolo e delle strutture della pubblica amministrazione*, in *Scritti giuridici*, Milano, 1981, I, 419. BARONCELLI S. (ed.), *Efficacia ed efficienza della pubblica amministrazione. Un modo per realizzare l'uguaglianza sostanziale*, Bolzano University Press, 2015. GIANNINI M.S., *Il pubblico potere*, Bologna, 1986. SEPE O., *L'efficienza dell'azione amministrativa*, Milano, 1975. TORCHIA L., *L'efficienza della pubblica amministrazione fra ipertrofia legislativa e atrofia dei risultati*, Relazione 64 Convegno di Studi Amministrativi, Varenna, 20-22 September 2018. URSI R., *Le stagioni dell'efficienza. Paradigmi giuridici della buona amministrazione*, Rimini, 2016.

<sup>280</sup> This kind of foundation is a structure resulting from the combination of the associative and the foundation model. The patrimony of the foundation, destined for a specific purpose, is in fact an "open structure, with progressive formation", since it can include consequent financial contributions. PALMERINI G., *La "Fondazione di partecipazione" come ipotesi di gestione dei servizi pubblici locali*; in [www.diritto.it](http://www.diritto.it). See also, POLICE A., *Le fondazioni di partecipazione*, in MASTRAGOSTINO F., *La collaborazione pubblico-privato e l'ordinamento amministrativo*, Torino, 2011.

<sup>281</sup> In accordance with the principle of horizontal subsidiarity, established by art. 118, section 4, of the Constitution.

<sup>282</sup> "The management is subject to control by the public authorities; the activity is financed in a majority by the latter; the administrative, management or supervisory bodies are made up by a majority of members appointed by the State, the territorial public bodies or other bodies governed by public law". NAPOLITANO G., *Le fondazioni di origine pubblica: tipi e regole*, in RAIMONDI S., URSI S. (ed.), *Fondazioni e attività amministrativa, Atti del convegno 13 maggio 2005 (Palermo)*, Torino, 2006, 66. The cultural foundation, therefore, can be counted among the phenomena of the so-called Public-Private Partnership.

Thanks to the juridical nature of their organisations, in fact, the *Biennale*, *Triennale* and *Quadriennale* have a consistent administrative and financial autonomy which provides a certain flexibility to the whole institution and the simplification of the procedures to be followed in realising their public mission for the contemporary.

## **5. The challenge of founding the National Museum of the Arts of the XXI century**

The decision to found the National Museum of the Arts of the XXI century signalled an important turning point for the promotion of contemporary art in Italy in 1998. In fact, its creation had several significant consequences for the whole national system. Above all, the establishment of an institution specializing in contemporary art and architecture, allowed the *Galleria Nazionale* to share its complex and dual mission, formally guaranteeing the satisfaction of the contemporary art field through specific competences and tools.

Moreover, the birth of the Centre for the documentation and enhancement of contemporary arts, as it was initially named, pushed the Ministry of Cultural Heritage to consistently invest in the realization of its spaces and collections for many years. The scale of substantial investments represents a *unicum* in ministerial history. In addition, the foundation of this new museum contributed to shifting ministerial attention towards the contemporary and to the creation of a specific Directorate General responsible for contemporary art that would be in charge of the important renovation works of the Centre.

The history of the Centre for the documentation and enhancement of contemporary arts officially began in 1997 when, after the approval of the Ministry of Defense, the Ministry of Cultural Heritage received authorization to develop a project for the promotion and conservation of contemporary art and architecture. This would take place inside the

*Caserma Montello*, an ex-military base on Via Guido Reni in the Flaminio neighborhood in Rome<sup>283</sup>.

The new century was anticipated by the law 12<sup>th</sup> July 1999 n. 237 that established the Centre (renamed MAXXI in 2003). The first articles of the law defined the role of the new institution which would have scientific, organizational, administrative and financial autonomy<sup>284</sup>.

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<sup>283</sup> In this regard, see the Disegno di legge Veltroni, Ciampi, Bersani, Bassanini, Istituzione del Centro per lo sviluppo delle arti contemporanee e di nuovi musei, nonché modifiche alla normativa sui beni culturali, Senato della Repubblica, Atti parlamentari, 24 marzo 1998. "The purpose of the Museum is to act as a hub for the activation of a continuous and coordinated cultural policy, as well as a service and documentation centre and a container for targeted, permanent and temporary exhibition activities". "The idea for the MAXXI derived from a project conceived by the Italian Ministry of Culture as the ideal continuation of the *Galleria Nazionale d'Arte Moderna* in Rome, whose collections chiefly concern the nineteenth and twentieth centuries and are by now historical in nature. On the contrary, the MAXXI was conceived as a place that would welcome and experiment with the most up-to-date language of art, a reality that entirely moves in the direction of the future. In order to harmonise and ensure the continuity of the collections in the two institutes, MAXXI Art has established that its acquisitions will begin – more or less with some flexibility – from the year 2000, without, however, overlooking documentation from the recent past: the last fifty years of art history". BILOTTA S., ROSATI A., *MAXXI. Museo nazionale delle arti del XXI secolo*, Electa 2010, 48. For further details concerning the history of the museum MAXXI see BALDI P. (ed.), *MAXXI Museo Nazionale delle Arti del XXI secolo*, Electa, 2006. GAROFALO F., *Arte futura. Opere e progetti del Centro per le Arti Contemporanee a Roma*, Electa, 1999. GUCCIONE M., DE SANCTIS MANGANELLI F., *Maxxi. La guida*, Fondazione MAXXI, 2018. GUCCIONE M., *MAXXI Architettura. Catalogo delle collezioni*, Quodlibet, 2015. MONTI A., *Il Maxxi a raggi X, Indagine sulla gestione privata di un museo pubblico*, Johan & Levi Editore, 2014. PIETROMARCHI B. (ed.), *MAXXI Arte. Catalogo delle collezioni*, Quodlibet, 2017. VITTORINI A., *Dalle armi alle arti. Trasformazioni e nuove funzioni urbane nel quartiere flaminio*, Gangemi ed., 2004.

<sup>284</sup> "1. È istituito in Roma il Centro per la documentazione e la valorizzazione delle arti contemporanee, di seguito denominato 'Centro', con il compito di raccogliere, conservare, valorizzare ed esporre le testimonianze materiali della cultura visiva internazionale, favorire la ricerca, nonché svolgere manifestazioni e attività connesse. Il Centro è sede del Museo delle arti contemporanee. Nell'ambito del Centro è istituito il Museo dell'architettura con il compito di raccogliere, conservare, valorizzare ed esporre disegni, progetti, plastici, modelli ed ogni altro elemento significativo della cultura architettonica del Novecento e contemporanea. 2. Il Centro collabora con il Ministero degli affari esteri ai fini della programmazione di mostre ed esposizioni all'estero. [...]"

Its aims ranged from collecting and preserving to enhancing and displaying the “material evidence” of international visual culture; from promoting research to organizing relevant events and activities related to its main goal. The Centre also hosted the *Museo dell'architettura* and cooperated with the Ministry of Foreign Affairs for the organization of exhibitions abroad.

The law fixed the sum of L. 10 billion for 1998 and L. 10 billion for 1999 for the creation of the new institution<sup>285</sup>. It foresaw L. 40 billion in 1998, L. 25 billion in 1999 and L. 45 billion in 2000 for the restoration of the building, coming from the Ministry of Public Works<sup>286</sup>. For the functioning of the museum the law fixed the sum of L. 6.200.000 starting from the year 2000<sup>287</sup>. It then authorized the annual expense of L. 5 billion for the years 1998, 1999 and 2000 destined for the acquisitions of new artworks to be displayed in the new institution, also through exhibitions and prizes<sup>288</sup>.

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5. Il Centro, la Discoteca di Stato e il Museo della fotografia hanno autonomia scientifica, organizzativa, amministrativa e finanziaria. L'autonomia finanziaria comprende la gestione dei proventi esterni che a qualsiasi titolo affluiscono al bilancio dei predetti istituti e delle somme ad essi assegnate a carico dello stato di previsione del Ministero per i beni e le attività culturali, ad eccezione delle spese relative al personale. [...] 6. Con regolamento emanato ai sensi dell'articolo 17, comma 4-*bis*, della legge 23 agosto 1988, n. 400, e successive modificazioni, sono stabiliti l'ordinamento interno e le modalità di funzionamento degli istituti di cui al comma 5. 8. Il Ministero per i beni e le attività culturali affida la progettazione degli interventi di ristrutturazione edilizia e di adeguamento strutturale e funzionale degli edifici sede del Centro e dei musei con le modalità di cui all'articolo 26 del decreto legislativo 17 marzo 1995, n. 157”.

<sup>285</sup> “9. Per le attività di progettazione connesse alla realizzazione delle opere del Centro e dei musei, nonché per gli interventi di adeguamento delle sedi degli stessi, è autorizzata la spesa di lire 10 miliardi nel 1998 e di lire 10 miliardi nel 1999”.

<sup>286</sup> “10. Per la ristrutturazione edilizia del complesso sede del Centro è autorizzata la spesa di lire 40 miliardi nel 1998, lire 25 miliardi nel 1999 e lire 45 miliardi nel 2000 da parte del Ministero dei lavori pubblici”.

<sup>287</sup> “11. Per il funzionamento del Centro e dei musei è autorizzata la spesa di lire 6.200 milioni a decorrere dall'anno 2000”.

<sup>288</sup> “12. È autorizzata la spesa di lire 5 miliardi per ciascuno degli anni 1998, 1999 e 2000, per l'acquisto, anche mediante mostre con premi, di opere e beni da esporre nei musei istituiti con la presente legge.”

Towards the end of 1998, the *Soprintendente* for contemporary art, Sandra Pinto, and the *Soprintendente* for the Lazio Region, Pio Baldi, asked the Head of Cabinet of the Ministry to establish a specific office, *Ufficio di programma presso la Soprintendenza per l'Arte Contemporanea*, for developing the project and the public call for the *Centro delle Arti Contemporanee*<sup>289</sup>. The office was located in the *Museo Andersen* and was composed of a commission of young experts who could actively contribute to the organization of the museum with their diverse roles<sup>290</sup>.

However, the financial situation of the *Soprintendenza per l'arte contemporanea* at the *Galleria Nazionale* and the *Centro per le arti contemporanee* was still precarious, as the correspondence of Pinto with the Ministry during those years testifies<sup>291</sup>.

The public call for the selection of the architect responsible for the renovation of the new museum area was published in the *Gazzetta Ufficiale* on 15<sup>th</sup> July 1998, written by the *Soprintendente* Pinto<sup>292</sup>.

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<sup>289</sup> Appendix Doc. 73. Lettera Soprintendente Baldi, Soprintendente Pinto al Consigliere Oberdan Firenze, 5 dicembre 1998, in Pos 5B (2000-2002), Programmazione annuale e triennale.

<sup>290</sup> "(...) a commission of young experts, to be asked not only for opinions, but to work on the main areas of the programme (museography, contemporary arts, architecture, multimedia, information centre, management of additional services, etc.)". Appendix Doc. 73. Lettera Soprintendente Baldi, Soprintendente Pinto al Consigliere Oberdan Firenze, Scheda 3/12/1998, 5 dicembre 1998, in Pos 5B (2000-2002), Programmazione annuale e triennale.

<sup>291</sup> Appendix Doc. 74. Lettera Soprintendente Pinto al Ministro Melandri, 13 gennaio 1999, in Pos 5B (2000-2002), Programmazione annuale e triennale. The document attached to the letter demonstrates how the management of the Galleria was inevitably affected by the opening of the new museum from the financial and administrative point of view. See also Appendix Doc. 75. Soprintendente Pinto, Premessa, Relazione generale, Piano di spesa annuale 1999, in Pos 5, B (1998-2000) Programmazione annuale e triennale. Appendix Doc. 76. Lettera Soprintendente Pinto al Servizio Bilancio e programmazione Mibac, 31 luglio 1998, in Pos 5, B (1998-2000) Programmazione annuale e triennale.

<sup>292</sup> Appendix Doc. 77. Bando Concorso internazionale per il Centro per le Arti Contemporanee. The procedure to select the architect responsible for developing a

Among 15 selected projects, the final decision of the commission nominated the Iraqi-British architect Zaha Hadid as the designer of the new institution<sup>293</sup>. Her project was considered to be well integrated into the surrounding urban area and also open to the neighbourhood with its fluid lines and external square that the visitors need to cross to enter the museum's spaces<sup>294</sup>.

Pinto in 1999 defined the Guidelines of the Commission that would inspire the activities of the Centre for contemporary art. She envisaged an institution that would represent the contemporary in a multidisciplinary way through multimedia. This idea reflected the aspiration of re-establishing a relationship between society and the artists that would activate important dialogues and new forms of production<sup>295</sup>.

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project for the restoration of the museum building in Via Guido Reni had an international response with 273 candidates. For further details concerning the selection procedure see Appendix Doc. 70. On. Taradash al Ministro per i beni e le attività culturali, Atti parlamentari, Camera dei Deputati, XIII legislatura, 16 novembre 1998, in Pos 24 (1990-2001) Interrogazioni parlamentari. Doc. 71. Risposta Soprintendente Pinto all'On. Taradash Interrogazione parlamentare n.3-030050 del 16 novembre 1998, in Pos 24 (1990-2001) Interrogazioni parlamentari. Doc. 72. On. Taradash al Ministro per i beni e le attività culturali, Atti parlamentari, Camera dei Deputati, XIII legislatura, 8 febbraio 1999, in Pos 24 (1990-2001) Interrogazioni parlamentari.

<sup>293</sup> For a chronological history of the public call see GAROFALO F., *Cronaca del concorso*, in GAROFALO F., *Arte futura. Opere e progetti del Centro per le Arti Contemporanee a Roma*, Electa, 1999, 15-20. VITTORINI A., *Il contesto urbano, il concorso, l'avvio dei lavori*, in BALDI P. (ed.), *MAXXI Museo Nazionale delle Arti del XXI secolo*, Electa, 2006, 47-51. See also, HADID Z., *Once upon a time in Utopia*, in CASCIANI S., *Verso il centro*, Castelveccchi arte, 2000, 13-15.

<sup>294</sup> Further details concerning the architectural project can be found in VALENTE E., *Il MAXXI – Museo nazionale delle arti del XXI secolo*, in DI MONTE M.G., CALVANO T., MANGIA P., *Museo tra passato e presente*, Meltemi, 2008, 95-101. GUCCIONE M., *Il progetto architettonico*, in BALDI P. (ed.), *MAXXI Museo Nazionale delle Arti del XXI secolo*, Electa, 2006, 52-55.

<sup>295</sup> "The Museum of the 21<sup>st</sup> century is part (...) of a new system, the Centre for Contemporary Arts, which will include all current affairs in a multidisciplinary and multimedia form, with a more ambitious intention than that of pure and simple documentation and information, and which can be summarised in the ideal project of a



Since the year 2000 the newly established museum reused some of the buildings of the *Caserma Montello* to display temporary exhibitions concerning contemporary art and architecture. The construction works on the new institution, that were supposed to end in 2004, were delayed despite the timescale initially declared<sup>296</sup> and the museum was only finally opened in 2010.

At the beginning of the XXI century, Italy still lacked a national museum for contemporary art and architecture, despite the existence of several local and municipal museums for the contemporary. The MAXXI would be the antenna of Italian artistic expression and of international aesthetic culture, the heart of contemporaneity for art and architecture at international, national and local level<sup>297</sup>. Moreover, it would be a place that could reflect the expectations of the artists, capable of supporting their research and production from a conceptual and financial point of view<sup>298</sup>. These ideals were not being

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progressive recovery of society's ability to become an active interlocutor of artists and stimulator of their production. The Centre in fact intends to strongly propose as its basic institutional aim the restoration of a real relationship between the artist and society". PINTO S., *Linee guida della committenza. Un centro per le arti, l'architettura, le produzioni audiovisuali, e la ricerca avanzata del XXI secolo*, in GAROFALO F., *Arte futura. Opere e progetti del Centro per le Arti Contemporanee a Roma*, Electa, 1999, 157-158.

<sup>296</sup> See Appendix Doc. 90. Comunicato stampa e cronoprogramma, 4 dicembre 2000, in Pos 13 (1990-2003) premi, Bandi di concorso, 8.

<sup>297</sup> "In its relations with foreign countries, MAXXI will be an antenna for the communication of Italian creativity towards the international context and at the same time it will be a base for the reception of messages that come to our country from the international aesthetic culture. In the Italian context MAXXI will constitute a nucleus of coordination, information and promotion in relation to contemporary art and architecture networks and systems. The city role of the museum will be that of constituting the main cultural pole for the contemporaneity, connecting to other existing centers and under construction and bringing this sector to assume the critical mass necessary to have visibility and demand in a city like Rome. (...) On the smallest scale, that of the neighbourhood, MAXXI will be a significant centre of aggregation and cohesion". BALDI P. (ed.), *MAXXI Museo Nazionale delle Arti del XXI secolo*, Electa, 2006, 35.

<sup>298</sup> "(...) MAXXI must take charge of a connective function, which can definitively settle, as is already the case in other countries, the world of research and the museum world.

fully achieved in 2009 and the MAXXI became a participatory foundation in the attempt to improve its management and organisation<sup>299</sup>.

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(...) a place where artists could meet, finding in the institution a partner able, conceptually and economically, to support their research". MATTIROLO A., *Una (lunga) storia*, in FREZZOTTI S., ITALIANO C., RORRO A., *Galleria Nazionale d'Arte Moderna & Maxxi. Le collezioni 1958-2008*, Electa, 2009, 32. For a broader perspective on the MAXXI and its institutional activities see BALDI P. (ed.), *MAXXI Museo Nazionale delle Arti del XXI secolo*, Electa, 2006. BILOTTA S., ROSATI A., *MAXXI. Museo nazionale delle arti del XXI secolo*, Electa 2010. GAROFALO F., *Arte futura. Opere e progetti del Centro per le Arti Contemporanee a Roma*, Electa, 1999. GUCCIONE M., DE SANCTIS MANGANELLI F., *Maxxi. La guida*, Fondazione MAXXI, 2018. GUCCIONE M., *MAXXI Architettura. Catalogo delle collezioni*, Quodlibet, 2015. MONTI A., *Il Maxxi a raggi X. Indagine sulla gestione privata di un museo pubblico*, Johan & Levi Editore, 2014. PIETROMARCHI B. (ed.), *MAXXI Arte. Catalogo delle collezioni*, Quodlibet, 2017. VITTORINI A., *Dalle armi alle arti. Trasformazioni e nuove funzioni urbane nel quartiere flaminio*, Gangemi ed., 2004.

<sup>299</sup> In 2005 K Studio Associato, KPMG Business Advisory Services and Consorzio CIVITA were commissioned to carry out research regarding the future organizational model of the MAXXI foundation<sup>299</sup>. The analysis particularly highlighted the crucial issues relating to the promotion of contemporary art and of managing a contemporary art institution in the global context. "The demand in the contemporary art sector is characterized by the following elements: - the public of contemporary art museums is an educated public, which returns several times to visit the museum, because it is strongly motivated by the search for novelties in contemporary art; - the public is small compared to the large flow of visitors; - the public is strongly attracted by the quality of the exhibition events. Support for the demand requires that: - the Museum of Contemporary Art to have a strong communication strategy both of its identity and of the museum's offer; - the museum has substantial financial resources available to support an appropriate exhibition strategy". K Studio Associato, KPMG Business Advisory Services, Consorzio CIVITA – 2005, *Modello organizzativo del MAXXI*, in BALDI P. (ed.), *MAXXI Museo Nazionale delle Arti del XXI secolo*, Electa, 2006, 73. In order to understand how the museum collection was formed see ITALIANO C., PIGNATTI MORANO M., *Il MAXXI arte. Programmi e acquisizioni*, in BALDI P. (ed.), *MAXXI Museo Nazionale delle Arti del XXI secolo*, Electa, 2006, 84-87. And COLOMBO P., *Il MAXXI arte. La collezione*, in BALDI P. (ed.), *MAXXI Museo Nazionale delle Arti del XXI secolo*, Electa, 2006, 90-91. "The cultural offer is characterized through: - quality of the collections; - research activities and presentation of the results to the public; - exhibition activities. The exhibition activity is the strong point of the museum and is expressed through the realization of a number of temporary exhibitions between six and ten events per year".

Article 25 of the law 18<sup>th</sup> June 2009, n. 69, *Disposizioni per lo sviluppo economico, la semplificazione, la competitività nonché in materia di processo civile*, established the MAXXI foundation and described its relationship with the ministerial bodies<sup>300</sup>. The foundation was responsible for the management and promotion of the *MAXXI Arte* and the *MAXXI Architettura*, two distinct but complementary museums inside the MAXXI spaces. The Ministry approved the statute of the foundation, monitored the quality of the accessibility and enjoyment of the public and offered the use of the spaces in via Guido Reni and via Masaccio.

Furthermore, article 25 provided that the shareholders of the foundation could be, besides the Ministry, local governments, such as the Municipality of Rome and the Lazio Region. With the approval of the founding partners, other public and private bodies could become shareholders of the MAXXI foundation, once they contributed to increase the endowment capital and the management fund of the

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K Studio Associato, KPMG Business Advisory Services, Consorzio CIVITA – 2005, *Modello organizzativo del MAXXI*, in BALDI P. (ed.), *MAXXI Museo Nazionale delle Arti del XXI secolo*, Electa, 2006, 74. It is interesting to compare this data with those published in the following years in the MAXXI Annual Reports. The number of exhibitions proposed annually to the public is higher and the collection is displayed only in a small section of the museum space.

<sup>300</sup> However, the idea of establishing a foundation that could manage the museum of contemporary art and architecture was also taken into consideration by the initial law proposal in 1998. “A broad debate has developed on state participation in foundations. The ongoing experimentation on public-private collaboration in the management of cultural heritage indicates what the optimal solutions are: to develop public-private collaboration through instruments that leave the public sector a form of control - albeit indirect - and provide private operators with the tools they need for rapid and immediate action. From this point of view, the foundation, set up with the participation of the State and with the possible conferment of the use of the assets, subject to certain guarantees, appears to be the most suitable instrument for the above mentioned need. It will be useful in a general way, but can be referred, in particular, to the management of museums”. Disegno di legge Veltroni, Ciampi, Bersani, Bassanini, Istituzione del Centro per lo sviluppo delle arti contemporanee e di nuovi musei, nonché modifiche alla normativa sui beni culturali, Senato della Repubblica, Atti parlamentari, 24 marzo 1998.

foundation<sup>301</sup>. *Enel Energia S.p.a.* officially became the first private stakeholder of the MAXXI foundation in 2015, contributing with 1,8 million euro in three years. The same article also defined the resources fixed by the Ministry for the MAXXI foundation for the following years: 1.637.144 euro in 2009, 1.833.125 euro in 2010 and 1.406.533 euro starting from 2011<sup>302</sup>.

The Constituent Act, article 2, of the MAXXI foundation, signed in Rome on 30<sup>th</sup> October 2012, defined the mission and activities of the

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<sup>301</sup> "1. Il Centro per la documentazione e la valorizzazione delle arti contemporanee, istituito dall'articolo 1 della legge 12 luglio 1999, n. 237, è trasformato con decreto del Ministro per i beni e le attività culturali in fondazione di diritto privato ed assume la denominazione di «Fondazione MAXXI - Museo nazionale delle arti del XXI secolo» svolgendo i compiti già propri del Centro suddetto anche attraverso la realizzazione, la gestione e la promozione dei Musei «MAXXI Arte» e «MAXXI Architettura». Con il medesimo decreto, il Ministro per i beni e le attività culturali approva lo statuto della Fondazione, che prevede l'esercizio da parte del Ministero della vigilanza sul conseguimento di livelli adeguati di pubblica fruizione delle opere d'arte e delle raccolte in uso o nella titolarità della Fondazione, e conferisce in uso mediante assegnazione al fondo di dotazione della Fondazione il compendio immobiliare sito in Roma, via Guido Reni - via Masaccio e le raccolte individuate con decreto ministeriale. Alla Fondazione, oltre al Ministero per i beni e le attività culturali, possono partecipare in qualità di soci fondatori promotori, mediante la sottoscrizione dell'atto costitutivo, gli enti pubblici territoriali nel cui ambito la Fondazione ha sede. Possono diventare soci, previo consenso dei soci fondatori promotori, altri soggetti, pubblici e privati, i quali contribuiscano ad incrementare il fondo di dotazione e il fondo di gestione della Fondazione. A decorrere dalla data di adozione dello statuto della Fondazione, è abrogata la lettera z) del comma 2 dell'articolo 7 del regolamento di cui al decreto del Presidente della Repubblica 26 novembre 2007, n. 233, e, al comma 4 dello stesso articolo 7, sono soppresse le parole: «, compreso il Centro per la documentazione e la valorizzazione delle arti contemporanee», intendendosi soppresso anche il corrispondente ufficio di cui al medesimo comma 4".

<sup>302</sup> "2. Per la partecipazione del Ministero per i beni e le attività culturali al fondo di gestione della Fondazione è autorizzata, a titolo di contributo per le spese di funzionamento, la spesa rispettivamente di euro 1.637.144 per l'anno 2009, di euro 1.833.125 per l'anno 2010 e di euro 1.406.533 a decorrere dall'anno 2011, allo scopo intendendosi corrispondentemente ridotta l'autorizzazione di spesa di cui all'articolo 1, comma 11, della legge 12 luglio 1999, n. 237, e successive modificazioni". BALDI P., *La gestione*, in BALDI P. (ed.), *MAXXI Museo Nazionale delle Arti del XXI secolo*, Electa, 2006, 71-79.

institution. Included among other specific functions of the MAXXI's mission was "the representation of the excellence of contemporary creation in Italy, in line with the great Italian cultural tradition"<sup>303</sup>. Despite the guarantee of support for the management fund, the foundation was put under an administrator in 2012 for six months due to financial difficulties<sup>304</sup>. Also for this reason, the choice to establish the foundation was hotly debated over the years by scholars and politicians from a variety of different disciplines<sup>305</sup>.

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<sup>303</sup> "Sono compiti specifici della missione della Fondazione: (...) b) rappresentare, in Italia, il punto di eccellenza della creatività artistica contemporanea e internazionale anche in continuità con la grande tradizione culturale del nostro Paese (...)". The latest version of the MAXXI Statuto, approved in 2017, and the Atto Costitutivo are available on the museum website <https://www.maxxi.art/fondazione-trasparente/statuto/>

<sup>304</sup> In this regard, see the parliamentary interrogations listed in MONTI A., *Il Maxxi a raggi X, Indagine sulla gestione privata di un museo pubblico*, Johan & Levi Editore, 2014, 21.

<sup>305</sup> In 2014 Pierpaolo Forte analysed the difficult position of contemporary art institutions in Italy. He suggested that the Italian State had reverted to the traditional ministerial approach, through the DG for contemporary art, by establishing the national contemporary art museum as a foundation under private law. Thus, the MAXXI was not a purely public exhibition space and its collection was protected only through article 13, paragraph 2, of the Cultural and Landscape Heritage Code. This provides that cultural goods, originally belonging to public institutions, remain subject to public protection even if the subjects to which they belong change their legal nature in any way. "(...) However, it cannot be considered a case that, in order to equip itself with an important structure that would function as a 'National Museum' of Contemporary Art, the State has renounced a typically ministerial approach (the Directorate-General for Contemporary Art already mentioned) and has resorted to a special foundation under private law (art. 25 of Law no. 18 June 2009). 69): MAXXI in this way no longer appears to be an indisputable 'public body exhibition venue', and as such its collection is subject to protection only if one considers that art. 13, section 2 of the code establishes that the goods originally belonging to the public 'remain subject to protection even if the subjects to which they belong change their legal nature in any way'. Thus, MAXXI's artistic collection would seem to be subject to the powers of its manager, the Foundation, which is directly responsible for it, issued by the Ministry (which provides for the appointment of the bodies of direction and supervision) and in addition, at least for the works it has in use but already in public ownership, also to the verifications related to the functions of protection, which include powers of a superintendence (i.e. another body of the Ministry) with regard to the measures of protection (art. 21 et seq.,

Moreover, article 2, section 6, of the MAXXI Statute, signed on 31<sup>st</sup> October 2017, provides that the foundation can “use” the staff of the Ministry, in agreement with the latter and after approval of the staff. This provision shows even more the intricate and particular relationship between the MAXXI and the central administration from all points of view.

## **6. Ministerial satellites for the promotion of contemporary art**

When analysing the history of the ministerial organisation for contemporary art between its foundation in 1974 and the beginning of the XXI century, it emerges that the promotion of contemporary art mainly relied on the *Galleria Nazionale d'Arte Moderna e Contemporanea* in Rome which, as *Soprintendenza Speciale*, was responsible for the promotion, support and enhancement of contemporary art nationwide. The central administration lacked other specific internal branches for its promotion and delegated external state institutions for its achievement<sup>306</sup>.

This museum was flanked by other institutions, the *Biennale*, *Triennale* and *Quadriennale*, responsible for the promotion of the contemporary, above all through periodical international exhibitions. It was only in 1998 that the foundation of the Centre for the documentation and enhancement of contemporary arts, transformed into a foundation in

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which establish, among other things, the types of interventions prohibited or subject to authorization), conservation (Articles 29 et seq.), and the circulation of goods (Articles 53 et seq.)”. FORTE P., *Il contemporaneo in Italia. Evoluzione normativa e modelli di gestione*, in *Economia della Cultura*, Marzo 2014, 10. Among others, see MONTI A., *Il Maxxi a raggi X, Indagine sulla gestione privata di un museo pubblico*, Johan & Levi Editore, 2014, to understand some of the issues around the complex management of the museum in recent years.

<sup>306</sup> The central role of the Galleria was furthermore in evidence towards the end of the XX century when the *Soprintendenza* took care of the process for the opening of the MAXXI Museum and passed the baton to the newly established Directorate General only in 2001.

2009 and inaugurated only in 2010, allowed for the sharing of competences with the *Galleria Nazionale*.

The investigation shows that these institutions were based in Rome and in Northern Italy (Venice and Milan). From this, it appears the general absence of state institutions and investments for the contemporary in Southern regions during the time span analysed<sup>307</sup>.

Moreover, these institutions for contemporary art were characterized by a certain autonomy in their organizational structures, with particular regard to the *Biennale*, *Triennale*, *Quadriennale* and the MAXXI foundation later on. However, this autonomy was limited in the case of the *Galleria Nazionale* due to the restrictions of binding administrative procedures and precarious ministerial funding that held back the whole organisation.

Furthermore, the dual mission of the *Soprintendenza Speciale* for the promotion of both contemporary and modern art overwhelmed institutional focus, leaving it up to the interest and willingness of each *Soprintendente*<sup>308</sup>.

The organizational histories of these institutions differ in their evolution. These differences are related to the diverse missions entrusted to each institution. In fact, the *Biennale*, *Triennale* and *Quadriennale* were born between the XIX and XX centuries with the aim of organizing periodical international exhibitions in their fields of competence. The specificity of their mission allowed the State to leave a certain autonomy to their organizations, also considering the involvement of local authorities among their stakeholders since their

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<sup>307</sup> *Castel Sant'Elmo* was inaugurated in Naples only in 2010 as *Museo del Novecento*.

<sup>308</sup> The complex role and responsibility of state functionaries for contemporary art, when compared with those of municipal ones, emerged already in 1956 in the words of Rodolfo Pallucchini where he highlighted the necessity of relying on the individual passion and interest of state functionaries for the growth of contemporary art in Italy. In this regard, see PALLUCCHINI R., *Il problema delle Gallerie d'arte moderna in Italia*, in TOMASELLA G. (ed.), *Rodolfo Pallucchini. Scritti sull'arte contemporanea*, Fondazione Giorgio Cini, Scripta edizioni, 2011, 393-403.

foundation. In the same way, the specific mission of the MAXXI brought the Ministry to similar conclusions in regard to its institution, hoping for the contribution of private bodies to increase its available resources. However, the MAXXI and the *Triennale* were the only institutions to see the direct involvement and contribution of private stakeholders.

On the other hand, the organization of the *Galleria Nazionale* under the *Soprintendenza* showed a different ministerial approach towards an institution that had extensive competences in the modern and contemporary art fields. In fact, besides the museum's mission, the Galleria had to fulfil broader tasks for the promotion of contemporary art at national and international level, similar to those pursued by the Directorate General for contemporary art from 2001.

The Ministry entrusted all of its competences for the promotion of the contemporary to external institutions that became ministerial satellites for the achievement of this goal at national and international level. They tended to act independently from one another, preventing the construction of a strong Italian contemporary art network. This lack of coordination was also visible in the following ministerial instituting activity.

After the foundation of the Directorate General, the attempt to differentiate the competences of the *Galleria Nazionale* and of the MAXXI museum mostly failed, as it appeared impossible to eradicate the contemporary from the activity of the Galleria.

Nevertheless, today, this duplication of competences under the control of the central administration seems to guarantee a richer promotion of contemporary art, with different approaches, and a broader supply to the public, in the environment of Rome where the contemporary has not always had a prominent role.

When looking at the history of the ministerial relationship with these institutions for the contemporary, it emerged that the ministerial approach assigned increasing autonomy to these satellites over the



years. In fact, analyzing the oldest institutions, such as the *Biennale*, *Triennale*, *Quadriennale* and the *Galleria Nazionale*, it appears that from an initial status as *Enti Autonomi* under public law, the firsts, and *Soprintendenza Speciale*, the latter, they were transformed into participatory foundations, under private law, and a museum with special administrative autonomy. This process allowed a simplification of procedures and institutional functioning, reinforcing and acting in favour of the artistic programme.

In conclusion, contemporary art in Italy during the XX century suffered from its marginal position in the political and administrative discourse, affecting the whole national system for many years to come. It was not only that the legislator and the public administration demonstrated a limited understanding of the extent and importance of contemporary art, as evidenced in the first chapter, but also their support to ministerial institutions appeared to be inconsistent and problematic, especially relative to the ambitious goals that the administration originally had for these institutions. However, with the beginning of the XXI century, an important turning point was about to change the course of ministerial organization and intervention for the promotion of contemporary art at national and international level.

## Chapter 3.

### Centralising ministerial organisation for the contemporary in the XXI century

#### 1. Introduction

This chapter focuses on the analysis of the role of the Directorate General for contemporary art, founded in 2001. This year signalled an important turning point for the promotion of contemporary art in Italy. The fundamental duty of promoting the contemporary, which was previously entrusted to the *Soprintendenza Speciale* at the *Galleria Nazionale* and to other ministerial satellites (*Biennale*, *Triennale*, *Quadriennale*) throughout the XX century, finally found its specific place inside the central ministerial body.

The contemporary, pushed to the periphery after the foundation of the Ministry through the application of restricted interpretation of its competences and scope, was given new importance. This renewal corresponded with the years of the building of the MAXXI museum which established a new stage for contemporary art in front of a broader public. This centralising shift saw direct ministerial involvement in the promotion of the contemporary from both the organisational and financial point of view.

The complexity of the ministerial history, organization, denomination and competences for the contemporary is reflected in the development of its internal divisions, the Directorates General. The DG were reformed several times over the years following changes of government and political priorities. Therefore, the investigation aims to analyse these administrative reforms affecting the ministerial organisation for the promotion of contemporary art in order to understand to what extent the organisation influenced the mission and goals of the Directorate General<sup>309</sup>.

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<sup>309</sup> For a broader analysis of the Ministry internal organisation see Barbati C., *I soggetti*, in BARBATI C., CAMMELLI M., SCIULLO G., *Diritto e gestione dei beni culturali*, Il

It has been questioned whether until the end of the XX century the public administration had ever provided coherent cultural policies for the contemporary<sup>310</sup>. In fact, the Ministry has always been subject to spending reviews and changes of government that affected the consistency of the promotion of the contemporary. These precarious conditions will be taken into consideration by the analysis<sup>311</sup>.

Another important milestone for the Italian public administration in 2001 was the reform provided by the constitutional law 18<sup>th</sup> October 2001, n. 3<sup>312</sup> that affected the partition of competences between the State and the Regions. In particular, after this reform, article 117 of the Italian Constitution provides that the State has exclusive legislative powers in the *protection* of cultural heritage (letter s), while concurring legislation between the State and the Regions concerns its *enhancement*, including the promotion and organisation of cultural activities. In this latter case, it is the State that should lay down the fundamental principles concerning the tasks listed.

In accordance with the powers set out in article 117 and 9 of the Constitution, article 1 of the Cultural Heritage and Landscape Code

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Mulino, 2011 and BARBATI C., *Organizzazione e soggetti*, in BARBATI C., CAMELLI M., CASINI L., PIPERATA G., SCIULLO G., *Diritto del patrimonio culturale*, Il Mulino, 2017.

<sup>310</sup> In 2014, Maria Grazia Bellisario, Director of the MiBACT V Service – Contemporary Architecture and Arts, in the pages of the academic magazine *Economia della cultura* questioned whether the public administration had ever provided coherent cultural policies for the contemporary. Underlining the complex dynamics existing in the speculative contemporary art market, she pointed out that while the local administrations had been promoting contemporary art for a long time, the State only inaugurated its first structured policies towards the end of the XX century. BELLISARIO M.G., *Politiche pubbliche per l'arte contemporanea: costruire una Rete*, in *Economia della Cultura*, n.1, March 2014.

<sup>311</sup> "The long sequence of internal reforms, a real earthquake of rules and organisational upheavals, testifies to the absence of a unitary project and the fragmented and often improvised and unrealistic nature of the interventions". MELIS G., *Dal Risorgimento a Bottai e a Spadolini. La lunga strada dei beni culturali nella storia dell'Italia unita*, in *Aedon*, 3, 2016.

<sup>312</sup> "Modifiche al titolo V della parte seconda della Costituzione".

(d.lgs. 42/2004) states that the Republic shall protect and enhance cultural heritage, concurring to preserve the memory of the national community and its territory and to promote the development of culture. It further provides that the State, the Regions, the Metropolitan Areas, the Provinces and Municipalities shall ensure and sustain the conservation of cultural heritage and foster its public enjoyment and enhancement<sup>313</sup>.

The partition of competences applied in 2001 affected the whole cultural heritage system, including the field of the promotion and enhancement of contemporary art. The relationship between the central and peripheral administration was reformed in the specific fields listed in article 117 and this change contributed to the decentralisation of competences for the promotion of contemporary art. After this reform, regional bodies increased their interventions in the cultural field, enriching the complexity of the policies and projects for supporting and promoting the contemporary.

The creation of a specific branch of the Ministry charged solely with promoting and monitoring contemporary art expressions was introduced during this period of redistribution of administrative competences between the State and the Regions. For this reason, it emerges that the decentralisation process corresponded to the centralisation of specific competences for the contemporary inside the Ministry of Cultural Heritage<sup>314</sup>.

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<sup>313</sup> Moreover, private owners, possessors or holders of property belonging to the cultural heritage must ensure its conservation.

<sup>314</sup> The relationship between the State and the Regions is taken into consideration by the analysis, with particular regard to certain specific initiatives collectively pursued. However, further investigations should be developed concerning the specific promotion of contemporary art by each region during the past two decades.

## 2. A new era for promoting contemporary art. The season of the Directorates General (2001-2013)

For the first twenty years of its history, the Ministry of Cultural Heritage suffered from a general lack of resources when compared with the overall national budget<sup>315</sup>. As already discussed, the ministerial promotion of contemporary art depended on the activity of four main external institutions, responsible for its promotion at national and international level.

However, their activity was limited by the lack of consistent support and the administrative constraints imposed by the central ministerial body. The inefficiency of this organisation in fully promoting such important field nationally and internationally was evident and demanded a more agile and efficient structure that would guarantee the fulfilment of this fundamental task. The centralisation of the competences for the contemporary under the Ministry was intended to address these flaws and to better support the activity of its dependent institutions.

These challenging conditions, that also affected to varying degrees the whole administration for cultural heritage, were followed by the reform of the Ministry in 1998 through the legislative decree 20<sup>th</sup> October 1998 n. 368, *Istituzione del Ministero per i beni e le attività culturali, a norma dell'articolo 11 della legge 15 marzo 1997, n. 59*<sup>316</sup>.

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<sup>315</sup> "Well, I have to say, 20 years later, that the global budget is disappointing. It is the balance sheet of a substantial defeat". PAOLUCCI A., *Il Ministero per i beni culturali a vent'anni dalla sua istituzione*, in Ufficio Studi (ed.), *Notiziario*, X. 48-49, maggio-dicembre 1995. "(...) for the near future, the ministry will be able to update its role and become one of the productive sectors of the country if it can adopt a truly agile structure, free from outdated procedures, combining new working tools and new professions". BORSI F. (ed.), *1975-1995 I beni culturali vent'anni dopo: bilancio e prospettive*, *Atti della giornata di studi di Roma (Palazzo Giustiniani, 6 febbraio 1996)*, Le Monnier, 1997.

<sup>316</sup> For a comment on the decree see CAMMELLI M., *I tre tempi del Ministero dei beni culturali*, in *Aedon*, 3, 2016. D'AURIA G., *Filosofia e pratica del capo II della legge 59/1997*, in *Aedon* 1, 1999; PASTORI G., *Il ministero per i Beni e le Attività culturali: il ruolo e la struttura centrale*, in *Aedon* 1, 1999; SCIULLO G., *Organi di consulenza, strutture tecniche autonome,*

Its denomination was transformed into the Ministry of Cultural Heritage and Activities (MiBAC) and included the promotion of sport and spectacle activities (cinema, theatre, dance, music and travelling spectacles)<sup>317</sup>. The current organisation of the Ministry is still based on the 1998 decree, even if several additional decrees and laws intervened in the following years to reform and rationalize ministerial organisation.

Article 1 of the d.lgs. 368/1998 defines the broad sphere of competence of the Ministry that is reflected in its central and peripheral bodies. It states that the Ministry provides for the protection, the management and the enhancement of cultural heritage and for the promotion of cultural activities, as described in detail by article 2 of the same decree.

The central administration of the MiBAC is based on the first level administrative structures of the Directorates General, which are

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scuole, in *Aedon* 1, 1999; BRUTI LIBERATI E., in *Aedon* 1, 1999, *Il ministero fuori dal ministero*; BOBBIO L., *Lo Stato e i Beni culturali: due innovazioni in periferia*, in *Aedon* 1, 1999; PITRUZZELLA G., *L'organizzazione periferica del ministero e gli attori istituzionali locali*, in *L'istituzione del ministero per i Beni e le Attività culturali nel quadro delle riforme amministrative*, in *Aedon* 1, 1999; CAUSI M., *Tavola rotonda sul regolamento di organizzazione del Ministero per i Beni e le Attività culturali* (Roma, 9 marzo 2000), in *Aedon* 2, 2000.

<sup>317</sup> In 2006 the legislative decree 18<sup>th</sup> May 2006, n. 181, *Disposizioni urgenti in materia di riordino delle attribuzioni della Presidenza del Consiglio dei Ministri e dei Ministeri*, provided that competences over sport should be assigned to the *Ministero per le Politiche Giovanili e Attività sportive*.

coordinated by the General Secretary. Article 6 of the d.lgs. 368/1998<sup>318</sup> and article 54 of the d.lgs. 300/1999<sup>319</sup> instituted the DG organisation.

The new Directorate General for contemporary art was founded in accordance with article 6, d.lgs. 1998/368. It provided in paragraph 1 that the Ministry was organized in accordance with the principles of distinction between political direction and administrative management, decentralization and autonomy of the structures and the principles of efficiency and simplification of procedures. The second paragraph lists the diverse branches of the ten executive offices (DG), whose competences ranged from archaeology and demo-

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<sup>318</sup> Art. 6. "Organizzazione del Ministero 1. Il Ministero è organizzato secondo i principi di distinzione fra direzione politica e gestione amministrativa, di decentramento e autonomia delle strutture, di efficienza e semplificazione delle procedure. 2. Il Ministero si articola in non più di dieci uffici dirigenziali generali con competenze nei seguenti settori: beni archeologici, demotnoantropologici, architettonici, storici e artistici, musei, arte e architettura contemporanee, beni paesaggistici, beni librari, editoria di elevato valore culturale, istituzioni culturali, beni archivistici, attività di spettacolo, e in materia di sport per quanto previsto dall'articolo 2, comma 2, lettera g), affari generali e personale. L'individuazione e l'ordinamento degli uffici sono stabiliti con i provvedimenti di cui all'articolo 11, comma 1. Su base territoriale il Ministero si articola nelle soprintendenze regionali di cui all'articolo 7, nelle soprintendenze di cui all'articolo 30, comma 1, lettere a), b), c) e d), del decreto del Presidente della Repubblica 3 dicembre 1975, n.805, in archivi di Stato. Sono altresì organi del Ministero le biblioteche pubbliche statali, nonché i musei dotati di autonomia ai sensi dell'articolo 8. 3. Restano in vigore le norme relative all'Archivio centrale dello Stato, alla Biblioteca nazionale Vittorio Emanuele II e agli istituti di cui agli articoli 12, 17, 23, 24, 27 e 29 del decreto del Presidente della Repubblica 3 dicembre 1975, n. 805. 4. Presso il Ministero è istituito l'Istituto centrale per gli archivi con compiti di definizione degli standard per l'inventariazione e la formazione degli archivi, di ricerca e studio, di applicazione di nuove tecnologie. L'organizzazione e le funzioni dell'istituto sono disciplinate con i provvedimenti di cui all'articolo 11, comma 1. Con i medesimi provvedimenti possono essere riordinati gli organi e gli istituti di cui al comma 3 e possono essere costituiti istituti speciali per lo svolgimento di compiti di studio, ricerca, sperimentazione e documentazione, consulenza tecnico-scientifica alle amministrazioni pubbliche e ai privati, elaborazione di norme e standard metodologici per il settore di appartenenza".

<sup>319</sup> Art. 54 "Ordinamento 1. Il ministero si articola in non più di dieci direzioni generali, coordinate da un segretario generale, alla cui individuazione ed organizzazione si provvede ai sensi dell'articolo 4. (...)".

ethno-anthropology to museums and landscape, from libraries and books to archives, from performing arts and sports to contemporary art and architecture.

This organisational model was later substituted by a departmental model through the d.lgs. 8<sup>th</sup> January 2004 n. 3<sup>320</sup>. Through the law 24<sup>th</sup> November 2006 n. 286 however, the MiBAC was again reorganized under the DG system<sup>321</sup>. These continuous transformations were attempts to reduce public expenses since the departmental model was too burdensome for the functioning of the Ministry<sup>322</sup>. Cost saving also

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<sup>320</sup> “1. Il Ministero è organizzato secondo i principi di distinzione fra direzione politica e gestione amministrativa, di decentramento e autonomia delle strutture, di efficienza e semplificazione delle procedure. 2. Il Ministero si articola in non più di dieci uffici dirigenziali generali con competenze nei seguenti settori: beni archeologici, demoetnoantropologici, architettonici, storici e artistici, musei, arte e architettura contemporanee, beni paesaggistici, beni librari, valore culturale, istituzioni culturali, beni archivistici, attività di spettacolo, e in materia di sport per quanto previsto dall’art. 2, comma 2, lettera g), affari generali e personale. L’individuazione e l’ordinamento degli uffici sono stabiliti con i provvedimenti di cui all’art. 11, comma 1. Su base territoriale il Ministero si articola nelle soprintendenze regionali di cui all’art. 7, nelle soprintendenze di cui all’art. 30, comma 1, lettere a), b), c) e d), del decreto del Presidente della Repubblica 3 dicembre 1975, n. 805, in archivi di Stato. Sono altresì organi del Ministero le biblioteche pubbliche statali, nonché i musei dotati di autonomia ai sensi dell’art. 8. [...]”. Article 6, d.lgs. 368/1998, published in the Gazzetta Ufficiale n. 250, on 26<sup>th</sup> October 1998.

<sup>321</sup> Among the advisory bodies of the Ministry, seven technical-scientific Committees (Comitati tecnico-scientifici) were established in 2004. One of them has specific competence for contemporary art and is responsible for the surveillance of architectural and urban quality and contemporary art. They were established by the d.p.r. 173/2004, redefined by the article 14 of the d.p.r. 233/2007 and later reorganized through the d.p.c.m. 29<sup>th</sup> August 2014 n. 171 article 26 d) as the *Comitato tecnico-scientifico per l’arte e l’architettura contemporanee*. The Committee has both an advisory and proactive role towards technical and scientific issues concerning the administration’s activities. However, its opinion is not binding for the administration. Its members were recently appointed through the D.M. 21<sup>th</sup> December 2018. See SCIULLO G., *Consiglio superiore e Comitati tecnico-scientifici: un riordino politically incorrect?*, in *Aedon* 1, 2007.

<sup>322</sup> BARBATI C., *I soggetti*, in BARBATI C., CAMMELLI M., SCIULLO G., *Diritto e gestione dei beni culturali*, Il Mulino, 2011, 138.



led to the reform enacted by the d.l. 25<sup>th</sup> June 2008 n. 112, article 74, that shrunk the central and peripheral organizations of the Ministry.

As already mentioned above, in 2001 the MiBAC founded the DARC - Directorate General for Contemporary Art and Architecture. "The choice to provide the administration of cultural heritage with a division dedicated exclusively to contemporary issues dates back to 2001, the year of the institution of the DARC - Directorate General for Contemporary Art and Architecture created to accompany the traditional activities of conservation, protection and restoration of ancient heritage with a new directorate dedicated to the promotion, stimulation and enhancement of contemporary creativity. This was a significant innovation: it marked the first integration between the conservation of cultural heritage and the landscape and an attention toward contemporary art and architecture, assigned the same importance as evidence of the past"<sup>323</sup>.

The DARC was founded with the D.P.R. 29<sup>th</sup> December 2000, n. 441, *Regolamento recante norme di organizzazione del Ministero per i beni e le*

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<sup>323</sup> These are the words used by the current DG to introduce the history of its offices for the contemporary on the institutional website. [http://www.aap.beniculturali.it/storia\\_dgaap.html](http://www.aap.beniculturali.it/storia_dgaap.html) For a broader introduction concerning the role of the DARC see BALDI P., *Le istituzioni pubbliche e l'arte contemporanea in Italia*, in DE LUCA M., GENNARI SANTORI F., PIETROMARCHI B., TRIMARCHI M. (ed.), *Creazione contemporanea. Arte, società e territorio tra pubblico e privato*, Luca Sossella editore, 2004, 147-151. "The role that the Government has set itself concerns its responsibility not as of absolute capacity of direction and control, rather, of stimulation and activation of processes that lead to the production of quality. Starting from the main characteristic of contemporary arts as an open field: the form of promotion and increase can only concern the commissioning of new works. Only through procedures of selection of artists and projects, such production appears stimulated and oriented not according to a given model but with a democratic spirit in the broadest sense. Activating production processes means, in fact, entering the system that involves multiple and complex actors such as clients, artists and critics with regard to the art circuit (...)"

*attività culturali*. Article 2 of the decree founded eight diverse Directorates General<sup>324</sup> and defined their roles<sup>325</sup>.

Furthermore, article 5 of the same decree established the specific competences of the DARC. The DG was responsible for the promotion of architecture, urban planning and contemporary art. In particular, it was responsible for the advancement of the quality of architectural and urban projects; consultation on the design of public works of significant architectural interest; the designation of works of contemporary architecture as being of "important artistic nature", pursuant to article 20 of the law 22<sup>nd</sup> April 1941, n. 633; the management of financial contributions for architectural works declared of important artistic nature; the promotion of training, in collaboration with universities, regions and local authorities, in the fields of study and protection of landscape, culture and architectural and urban quality; the supervision of the creation of works of art in

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<sup>324</sup> "Art. 2. Direzioni generali 1. Il Ministero per i beni e le attività culturali, di seguito denominato "Ministero" si articola nei seguenti uffici di livello dirigenziale generale: a) la direzione generale per il patrimonio storico, artistico e demoetnoantropologico; b) la direzione generale per i beni architettonici ed il paesaggio; c) la direzione generale per l'architettura e l'arte contemporanee; d) la direzione generale per i beni archeologici; e) la direzione generale per gli archivi; f) la direzione generale per i beni librari e gli istituti culturali; g) la direzione generale per il cinema; h) la direzione generale per lo spettacolo dal vivo".

<sup>325</sup> "[...] 2. Le direzioni generali costituiscono centri di responsabilità amministrativa, ai sensi dell'articolo 3 del decreto legislativo 7 agosto 1997, n. 279, e a ciascuno di essi afferiscono le soprintendenze di settore, fatto salvo quanto previsto per le soprintendenze e le gestioni autonome. Nel caso di soprintendenze con compiti afferenti a più direzioni generali, il decreto di cui al comma 3, definisce il centro di responsabilità di riferimento. 3. L'articolazione degli uffici dirigenziali nell'ambito degli uffici dirigenziali generali, è definita con decreto ministeriale, ai sensi dell'articolo 17, comma 4-bis, lettera e), della legge 23 agosto 1988, n. 400. Alla ripartizione delle risorse umane, materiali ed economico-finanziarie tra gli uffici di livello dirigenziale generale si provvede ai sensi dell'articolo 3, comma 1, lettera c), del decreto legislativo 3 febbraio 1993, n. 29. 4. Le direzioni generali di cui al comma 1, provvedono, ciascuna nel proprio ambito, alla gestione del personale loro assegnato, ai sensi dell'articolo 3 del decreto legislativo 3 febbraio 1993, n. 29, fatte salve le competenze del Segretariato generale, di cui all'articolo 1".

public buildings; the promotion of awareness of Italian contemporary art abroad, without prejudice to the competence of the Ministry of Foreign Affairs and in agreement with this institution; the dissemination of knowledge on contemporary art and the enhancement, also through competitions, of young artists<sup>326</sup>.

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<sup>326</sup> “1. La direzione generale per l’architettura e l’arte contemporanee ha competenza in materia di promozione della cultura architettonica ed urbanistica e dell’arte contemporanea.

2. La direzione generale provvede, in particolare, alle seguenti attività:

- a) promozione della qualità del progetto e dell’opera architettonica e urbanistica, anche mediante ideazione e, d’intesa con le amministrazioni interessate, consulenza alla progettazione di opere pubbliche di rilevante interesse architettonico, con particolare riguardo alle opere destinate ad attività culturali, ovvero che incidano in modo particolare sulla qualità del contesto storico-artistico e paesaggistico-ambientale;
- b) dichiarazione di importante carattere artistico delle opere di architettura contemporanea, ai sensi dell’articolo 20 della legge 22 aprile 1941, n. 633;
- c) ammissione ai contributi economici delle opere architettoniche dichiarate di importante carattere artistico e degli interventi riconosciuti di particolare qualità architettonica o urbanistica;
- d) promozione della formazione, in collaborazione con le università, le regioni e gli enti locali, in materia di conoscenza e tutela del paesaggio, della cultura e della qualità architettonica e urbanistica;
- e) vigilanza sulla realizzazione delle opere d’arte negli edifici pubblici;
- f) promozione della conoscenza dell’arte contemporanea italiana all’estero, fatte salve le competenze del Ministero degli affari esteri e d’intesa con il medesimo;
- g) diffusione della conoscenza dell’arte contemporanea, e valorizzazione, anche mediante concorsi, di giovani artisti”. The footnote of article 5 stated that “L’art. 20 della legge 22 aprile 1941, n. 633, così dispone: Art. 20. - Indipendentemente dai diritti utilizzazione economica dell’opera, previsti nelle disposizioni della sezione precedente, ed anche dopo la cessione dei diritti stessi, l’autore conserva il diritto di rivendicare la paternità dell’opera e di opporsi a qualsiasi deformazione, mutilazione od altra modificazione, ed a ogni atto a danno dell’opera stessa, che possano essere di pregiudizio al suo onore o alla sua reputazione. Tuttavia nelle opere dell’architettura l’autore non opporsi alle modificazioni che si rendessero necessarie nel corso della realizzazione. Del pari non potrà opporsi a quelle altre modificazioni che si rendesse necessario apportare all’opera già realizzata. Però, se all’opera sia riconosciuto dalla competente autorità statale importante carattere artistico, spetteranno all’autore lo studio e l’attuazione di tali modificazioni”.

Moreover, according to article 5, the DARC would oversee the *Biennale* in Venice, the *Triennale* in Milan and the *Quadriennale* in Rome<sup>327</sup>. Since its foundation, the DARC has also been responsible for the Centre for the documentation and enhancement of contemporary art, its restoration works, exhibitions and opening<sup>328</sup>. In summary, the specific mission of the DARC was encouraging the growth of the diverse actors of the contemporary art world and fostering connections between them, contributing to the creation of a real system including public and private museums, collectors, galleries, critics and the wider audience<sup>329</sup>.

The DARC was born as a response by the public administration to the weaknesses of the Italian system in supporting and promoting contemporary art. The lack of overall ministerial support, before the foundation of the DG, prevented an overarching policy of coordination, networking and integration among contemporary art

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<sup>327</sup> "3. La direzione generale vigila sulla società di cultura 'La Biennale di Venezia', sulla fondazione 'La Triennale di Milano' e sull'Ente Esposizione nazionale 'La Quadriennale d'arte di Roma' ". For further details concerning the "*enti di diritto privato controllati*" see the relevant section of the DG's current website [http://www.aap.beniculturali.it/trasparenza\\_new\\_pag4.html](http://www.aap.beniculturali.it/trasparenza_new_pag4.html)

<sup>328</sup> "4. Il Centro per la documentazione e la valorizzazione delle arti contemporanee ed il Museo della fotografia, istituiti dall'articolo 1 della legge 12 luglio 1999, n. 237, sono disciplinati dal regolamento di cui al comma 6 del medesimo articolo". In 2005 Pio Baldi described the role and functions of the DARC with these words. "[...] The specific mission of DARC is therefore to try to favour the factors of connection, integration and growth between the different realities that in various ways operate in the world of contemporary art contributing to reach the critical mass necessary to make system. I am referring to the world of museums, public and private, but also to collectors, gallery owners, critics and the wider audience of common users. Within this universe and with the intention of creating a new strong centre of aggregation, the MAXXI - National Museum of XXI Century Arts - is now in an advanced phase of realization, which will constitute the great public structure of clients, collections, study and research on visual art and architecture". BALDIP., *Un passaporto per l'arte contemporanea italiana*, in SACCO P.L., SANTAGATA W., TRIMARCHI M., *L'arte contemporanea italiana nel mondo. Analisi e strumenti*, Skira, 2005.

<sup>329</sup> In this regard, see the fourth chapter for an analysis of the specific tools applied by the DG to achieve these goals.

stakeholders<sup>330</sup>. In fact, the Ministry entrusted all its competences for the contemporary to external institutions that became dependent ministerial satellites for its promotion at national and international level. Their activity was not coordinated; their intervention in the field was sporadic and highly dependent on the initiative of individuals, particularly in the case of the *Galleria Nazionale*. For these reasons, the Ministry tried to address these flaws through the new DG and specific tools and policies.

Two years later, the law 6<sup>th</sup> July 2002, n. 137, *Delega per la riforma dell'organizzazione del Governo e della Presidenza del Consiglio dei ministri, nonché di enti pubblici*, gave the government power to modify enacted legislative decrees for the reorganisation of the public administration, in accordance with the Bassanini law n. 59/1997.

The minister for cultural heritage and activities at that time was Giuliano Urbani who reformed the ministerial organization by establishing four departments on which the Directorates General depended and abolished the General Secretariat that had been founded in 1998.

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<sup>330</sup> "The DARC - Directorate General for Contemporary Architecture and Art of the Ministry of Cultural Heritage and Activities was born as a response of the public administration to a situation of evident weakness, in these sectors, of national cultural production. Weakness not due to the lack of prominent figures or individuals with artistic talent, but to the lack of an overall policy to support the sectors in question; a policy capable of exercising actions of coordination, networking, integration. (...) Art is an essential component of a country's image and perception. (...) The fact that support for contemporary art was born in the Ministry that is responsible for protecting the ancient heritage is a very clear indication of the continuity that must be established between the great aesthetic tradition of Italian art of the past and the search for new figures. And it is clear how a non-marginal role in this research is also called upon to be played by the *soprintendenze*, structures hitherto dedicated to the protection and restoration of the historical-artistic heritage". BALDI P., *Un passaporto per l'arte contemporanea italiana*, in SACCO P.L., SANTAGATA W., TRIMARCHI M., *L'arte contemporanea italiana nel mondo. Analisi e strumenti*, Skira, 2005. In the same text, Pio Baldi declared the barricade condition in which young emerging Italian artists lived in 2005, held back by the generations of artistic movements from the sixties to the eighties.

The first department was responsible for both cultural and natural heritage in order to strengthen their indivisible interdependence. The Directorates General for archaeology, artistic and historical heritage, architecture and contemporary art as well as that for architectural heritage and landscape depended on this department.

The second one was devoted to archives and libraries and was responsible for the Directorates General for archives and that for libraries and cultural institutes. Meanwhile, the third department was in charge of entertainment and sports, on which the Directorates General for live spectacle and cinema depended. In this way, the intention of greater focus on the theatrical and musical sectors as well as on surveillance of sport was formalized and institutionalized.

A fourth department was in charge of research and innovation, both important focuses of the reform. This department was divided into the Directorate General for human resources and training and the Directorate General for technological innovation and promotion.

Afterwards, the D.P.R. 26<sup>th</sup> November 2007, n. 233, *Regolamento di riorganizzazione del Ministero per i beni e le attività culturali, a norma dell'articolo 1, comma 404, della legge 27 dicembre 2006, n. 296*, established the new Directorate General under the name of PARC – Directorate General for Quality and Protection of Landscape, Contemporary Art and Architecture.

Article 3 of the decree defined and listed the central ministerial offices (*Uffici dirigenziali generali centrali*), while article 7 described the competences of the newly established Directorate General. The functions of the new DG concerned the quality and landscape protection, architectural and urban quality and the promotion of contemporary art<sup>331</sup>.

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<sup>331</sup> "1. La Direzione generale per la qualità e la tutela del paesaggio, l'architettura e l'arte contemporanee svolge le funzioni e i compiti, non attribuiti alle Direzioni regionali ed ai soprintendenti di settore ai sensi delle disposizioni in materia, relativi alla qualità ed alla tutela paesaggistica, alla qualità architettonica ed urbanistica ed alla promozione

The second paragraph listed the numerous competences of the Director-General<sup>332</sup>. Particularly important to the field of

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dell'arte contemporanea”.

<sup>332</sup> “2. In particolare, il Direttore generale: a) esprime il parere, per il settore di competenza, sui programmi annuali e pluriennali di intervento; b) elabora, anche su proposta delle direzioni regionali, i programmi concernenti studi, ricerche ed iniziative scientifiche in tema di inventariazione e catalogazione dei beni paesaggistici; c) esprime la volontà dell'Amministrazione nell'ambito delle determinazioni interministeriali concernenti il pagamento di imposte mediante cessione di beni artistici contemporanei; d) irroga le sanzioni ripristinatorie e pecuniarie previste dal Codice per la violazione delle disposizioni in materia di beni paesaggistici; e) adotta i provvedimenti in materia di acquisti a trattativa privata, ai sensi dell'articolo 21 del regio decreto 30 gennaio 1913, n. 363 di beni rientranti nel settore di competenza; f) esprime le determinazioni dell'Amministrazione, concordate con le altre direzioni generali competenti, in sede di conferenza di servizi o nei procedimenti di valutazione di impatto ambientale per interventi di carattere intersettoriale, di dimensione sovraregionale; g) adotta la dichiarazione di notevole interesse pubblico relativamente ai beni paesaggistici, ai sensi dell'articolo 141 del Codice; h) fornisce per le materie di competenza il supporto e la consulenza tecnico-scientifica alle Direzioni regionali e alle Soprintendenze; i) istruisce, acquisite le valutazioni delle altre competenti direzioni generali, i procedimenti di valutazione di impatto ambientale ed esprime il parere per le successive determinazioni del Ministro; l) propone al Ministro la stipulazione delle intese di cui all'articolo 143, comma 3, del Codice; m) propone al Ministro, d'intesa con la Direzione regionale competente, l'esercizio di poteri sostitutivi per l'approvazione dei piani paesaggistici; n) promuove la qualità del progetto e dell'opera architettonica e urbanistica; partecipa all'ideazione di opere pubbliche o fornisce consulenza alla loro progettazione, con particolare riguardo alle opere destinate ad attività culturali o a quelle che incidano in modo particolare sulla qualità del contesto storico-artistico e paesaggistico-ambientale; o) dichiara l'importante carattere artistico delle opere di architettura contemporanea, ai sensi e per gli effetti dell'articolo 20 della legge 22 aprile 1941, n. 633, e successive modificazioni e dell'articolo 37 del Codice; p) ammette ai contributi economici le opere architettoniche dichiarate di importante carattere artistico e gli interventi riconosciuti di particolare qualità architettonica e urbanistica ai sensi dell'articolo 37 del Codice; q) promuove la formazione, in collaborazione con le università, le regioni e gli enti locali, in materia di conoscenza della cultura e della qualità architettonica, urbanistica e del paesaggio; r) promuove la formazione, in collaborazione con le università, le regioni e gli enti locali, in materia di conoscenza dell'arte contemporanea; s) promuove la conoscenza dell'arte contemporanea italiana all'estero, fatte salve le competenze del Ministero degli affari esteri e d'intesa con il medesimo; t) diffonde la conoscenza dell'arte contemporanea e valorizza, anche mediante concorsi, le opere di giovani artisti; u) esercita la vigilanza sulla Fondazione La Triennale di Milano e sulla

contemporary art were: the promotion of education in culture and architectural, urban and landscape quality, as well as in contemporary art, in collaboration with universities, the regions and local authorities; the promotion of Italian contemporary art abroad, without prejudice to the competences of the Ministry of Foreign Affairs; spreading awareness of contemporary art and enhancing, also through competitions, the works of young artists; supervising the *Triennale* in Milan and the *Quadriennale* in Rome; expressing assessments to the Directorate General for cinema regarding the *Biennale* in Venice and coordinating the activity of the Centre for contemporary arts.

However, despite the 2007 reform that had been intended to improve ministerial organisation, the Court of Auditors (*Corte dei Conti*) in the Annual Report 2008 concerning the work of the Ministry recognised its deficiencies. The Court of Auditors showed that a half of the resources of the PARC were consumed in functional expenditure (particularly in personnel expenditure), while the other half (51,87%) were invested in ministerial activities.

The problems highlighted by the report concerned: the lack of sufficient human, instrumental and financial resources to carry out the institutional tasks assigned; the lack of adequate provisions, in the current legislation, for the fulfilment of the institutional mission of protection and promotion of the contemporary; the need for a greater relationship with peripheral ministerial bodies regarding activities related to the contemporary<sup>333</sup>.

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Fondazione La Quadriennale di Roma; v) esprime alla Direzione generale per il cinema le valutazioni di competenza ai fini dell'esercizio della vigilanza sulla Fondazione La Biennale di Venezia; z) coordina ed indirizza le attività del Centro per la documentazione e la valorizzazione delle arti contemporanee, istituito dall'articolo 1, comma 1 della legge 12 luglio 1999, n. 237, il cui ordinamento interno e le relative modalità di funzionamento sono disciplinati con apposito regolamento”.

<sup>333</sup> Despite the specific focus of the report on contemporary architecture, these reflections are particularly interesting for the analysis. “The Directorate-General for Quality and Protection of the Landscape, Architecture and Contemporary Art (PARC)



These issues and many others, further investigated in the fourth chapter, persisted in the following years due to restrictive measures adopted by subsequent governments in relation to ministerial reorganization and contemporary art promotion<sup>334</sup>.

The Ministry of Cultural Heritage in fact, as it emerges throughout the analysis, has been subject to several reforms of its organisation over the years, forcing continuous periods of adjustment and re-adaptation of its functionaries, ministerial tasks and goals. The aim of these reforms was highly influenced by the Italian pathology of redistributing competences and transforming institutions, in each

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has allocated a total of 24.94 million euros to carry out its activities under program n. 3, of which 51.87 per cent represents investment expenditure, 47.64 per cent relates to operating expenses (mainly related to personnel expenses), and the remaining 0.49 per cent relates to intervention expenditure. (...) The Executive Board has highlighted the issues, already set out in the 2007 Annual Report, whose solution is fundamental for the performance of institutional tasks. The problems highlighted are: the lack of sufficient human, instrumental and financial resources to carry out the institutional tasks assigned; the lack of adequate provisions, in current regulations, for the fulfilment of the institutional mission of protecting and promoting contemporary architecture; the need for a greater relationship with the peripheral bodies of MiBAC for activities related to contemporary architecture". CORTE DEI CONTI, *Sezioni riunite in sede di controllo 2008, Relazione annuale – Beni e attività culturali*, in Aedon, 2009, 2. They also added that "the task of implementing this program has been entrusted to six Administrative Responsibility Centres: - General Secretariat, with resources equal to 0.17%; - Organisation, Innovation, Training, Professional Qualification and Trade Union Relations Directorate, with resources equal to 0.14%; - Economic Planning, Promotion, Quality and Standardisation of Procedures Budget Directorate, with resources equal to 24.35%; - Directorate General for Archaeological Heritage, with resources of 29.49 per cent; - Directorate General for Architectural, Historical, Artistic and Ethno-anthropological Heritage, with resources of 42.41 per cent; - Directorate General for the Quality and Protection of the Landscape, Architecture and Contemporary Art, with resources of 3.43 per cent. For those Directorates-General for which significant data can be inferred, the following information on the results of administrative action is provided below". The data confirms the lack of financial resources available for the promotion of contemporary art, as well as other areas, when compared to other Directorates General.

<sup>334</sup> See the analysis of ministerial financial statements in the final Appendix to further explore the history of the PARC from the financial point of view.

government's attempt to leave a mark and create a more efficient organisation<sup>335</sup>. However, these intentions did not always correspond to effective reforms of the system and actually caused a series of delays in all fields of public administration.

The D.P.R. 2<sup>nd</sup> July 2009, n. 91, *Regolamento recante modifiche ai decreti presidenziali di riorganizzazione del Ministero e di organizzazione degli Uffici di diretta collaborazione del Ministro per i beni e le attività culturali*, aimed to rationalize the public administration and elevate the protection of cultural and landscape heritage. The decree established the Directorate General for the Enhancement of Cultural Heritage and the Directorate General for Landscape, Fine Arts, Contemporary Art and Architecture (PaBAAC).

The broad functions of the new DG concerned the protection of architectural heritage, landscape, historical, artistic and ethno-anthropological property, the advancement of architectural and urban quality and of contemporary art. The reform realised the intention of the minister Sandro Bondi to abolish a specific DG for contemporary art<sup>336</sup>. Its functions were absorbed by the V Service, Contemporary Art and Architecture, an internal office of the DG, with reduced autonomy<sup>337</sup>.

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<sup>335</sup> In regard to this Italian pathology in other fields, see SIMONI M., *Institutional roots of economic decline: lessons from Italy*, Cambridge University Press online, 14 January 2020. See also, RIBOLZI L., *In 20 anni dieci ministri e troppe riforme incompiute*, in *Il Sole 24 Ore*, 9 September 2019.

<sup>336</sup> This reform was enacted by the minister Sandro Bondi, under the IV Berlusconi government. See the final chronology for the complete list of the ministers of the Ministry of Cultural Heritage.

<sup>337</sup> Art. 1. Modifiche al decreto del Presidente della Repubblica, 26 novembre 2007, n. 233 "g) l'articolo 7 è sostituito dal seguente: «Art. 7 (Direzione generale per il paesaggio, le belle arti, l'architettura e l'arte contemporanee). - 1. La Direzione generale per il paesaggio, le belle arti, l'architettura e l'arte contemporanee svolge le funzioni e i compiti, non attribuiti alle direzioni regionali ed ai soprintendenti di settore ai sensi delle disposizioni in materia, relativi alla tutela dei beni architettonici, alla qualità ed alla tutela del paesaggio, alla tutela dei beni storici, artistici ed etnoantropologici, ivi compresi i dipinti murali e gli apparati decorativi, alla qualità architettonica ed

Article 1, paragraph 2 of the decree listed the numerous competences of the Director-General, similar to those of the PARC. Those of particular interest to the contemporary art field were again: education, in collaboration with universities, regions and local authorities, concerning culture and architectural, urban and landscape quality, as well as contemporary art; the promotion of Italian contemporary art abroad, without prejudice to the competences of the Ministry of Foreign Affairs; spreading awareness of contemporary art and enhancing, also through competitions, the works of young artists; supervising the *Triennale* in Milan and the *Quadriennale* in Rome; giving assessments to the Directorate General for cinema regarding the *Biennale* in Venice<sup>338</sup>.

The Directorate General for Landscape, Fine Arts, Contemporary Art and Architecture was the result of the unification of two previous DG that had had diverse competences: the Directorate General for Quality and Protection of Landscape, Contemporary Art and Architecture and the Directorate General for Architectural, Historic-artistic and Ethno-anthropological Heritage. The PaBAAC was separated from the Directorate General for the Enhancement of Cultural Heritage. This

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urbanistica ed alla promozione dell'arte contemporanea". Art. 2. Norme finali e abrogazioni "c) la Direzione generale per il paesaggio, le belle arti, l'architettura e l'arte contemporanee si avvale dei Servizi I, II, III, IV e V della ex Direzione generale per la qualità e la tutela del paesaggio, l'architettura e l'arte contemporanee e dei Servizi I, II e III della ex Direzione generale per beni architettonici, storico-artistici ed etnoantropologici, limitatamente all'esercizio delle attribuzioni di competenza".

<sup>338</sup> "t) (...) la formazione, in collaborazione con le università, le regioni e gli enti locali, in materia di conoscenza della cultura e della qualità architettonica, urbanistica e del paesaggio, nonché dell'arte contemporanea;

u) promuove la conoscenza dell'arte contemporanea italiana all'estero, fatte salve le competenze del Ministero degli affari esteri e d'intesa con il medesimo;

v) diffonde la conoscenza dell'arte contemporanea e valorizza, anche mediante concorsi, le opere di giovani artisti;

z) esercita la vigilanza sulla Fondazione La Triennale di Milano e sulla Fondazione La Quadriennale di Roma;

aa) esprime alla Direzione generale per il cinema le valutazioni di competenza ai fini dell'esercizio della vigilanza sulla Fondazione La Biennale di Venezia (...)".

separation was one of the most discussed topics of the reform applied by the D.P.R. 91/2009, due to the overlapping competences among the two DG<sup>339</sup>.

The D.M. 20<sup>th</sup> July 2009, *Articolazione degli uffici dirigenziali di livello non generale dell'Amministrazione centrale e periferica, Allegato 3, Direzione generale Servizio V*, enacted the reform and assigned specific competences to the V Service<sup>340</sup>.

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<sup>339</sup> Among those who described the critical aspects of the reform, see BARBATI C., *L'amministrazione periferica del Mibac, nella riforma del 2009*, in *Aedon*, 3, 2009.

<sup>340</sup> "(...) Il Servizio supporta il Direttore Generale nelle attività relative alla promozione ed al monitoraggio della realizzazione delle opere d'arte negli edifici pubblici ai sensi della legge 29 luglio 1949, n. 717 e successive modificazioni, d'intesa con il Ministero delle infrastrutture e dei trasporti; (...) In materia di arte contemporanea il Servizio: svolge attività di promozione e comunicazione, con particolare riguardo all'elaborazione ed alla realizzazione di studi e pubblicazioni del settore ed all'organizzazione di convegni ed esposizioni; esprime la volontà del Ministero sulle determinazioni interministeriali concernenti il pagamento di imposte mediante cessione di beni artistici contemporanei; individua i programmi di azione culturale a livello internazionale, d'intesa con il Ministero degli affari esteri. Il Servizio cura: la formazione in materia di conoscenza dell'arte contemporanea d'intesa con le università, le Regioni e gli Enti locali, anche attraverso l'organizzazione di tirocini e la partecipazione a programmi comuni di ricerca; l'attività di didattica museale in collaborazione con le università e gli istituti di formazione; i concorsi che promuovono la ricerca e la riflessione storico-critica intorno ai protagonisti dell'arte italiana ed internazionale più recente. Il Servizio supporta il Direttore generale nelle attività relative alla diffusione della conoscenza dell'arte contemporanea e cura la valorizzazione delle opere di giovani artisti, anche mediante concorsi ed il sostegno alla partecipazione ad esposizioni ed eventi internazionali. Il Servizio collabora con l'Istituto centrale per il catalogo e la documentazione e con l'Istituto superiore per la conservazione ed il restauro nelle attività di catalogazione, restauro e conservazione del patrimonio contemporaneo; svolge attività connesse alla sicurezza del patrimonio artistico contemporaneo, anche attraverso l'organizzazione di programmi di gestione, conservazione e documentazione; elabora ed attua il Piano per l'arte contemporanea di cui alla legge 23 febbraio 2001, n. 29 e successive modificazioni. Il Servizio supporta per le materie di competenza il Direttore generale nella richiesta di pareri al Comitato tecnico-scientifico per la qualità architettonica urbana e per l'arte contemporanea. Il Servizio fornisce al Servizio I gli elementi per l'elaborazione dei pareri su schemi di atti normativi e su leggi regionali, nonché gli elementi ai fini della risposta agli atti parlamentari di indirizzo, controllo e sindacato ispettivo".

The “reductive”<sup>341</sup> approach of the reform was justified by the necessity of making financial cuts which led to several critiques from scholars and ministerial officers<sup>342</sup>.

The demanding tasks assigned to the new service were largely similar to those previously entrusted to an entire Directorate General. Ministerial reorganization, parallel with the establishment of the MAXXI foundation, was heavily affected by the very small number of employees assigned to the DG at the start of the MAXXI’s activities. Moreover, for all these reasons, this administrative reform weakened the instruments for the protection and promotion of contemporary heritage<sup>343</sup>.

When the V Service Contemporary Art and Architecture set out its course of action in 2014, it included the development of the *Rete del Contemporaneo* (Network of the Contemporary) for enhancing the construction of a real network among the diverse actors in the field<sup>344</sup>; the start of specific projects for improving public enjoyment of contemporary art by removing architectural and sensorial barriers for people with disability; the introduction of activities for studying and protecting artists’ studios and archives and the activation of projects

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<sup>341</sup> BELLISARIO M.G., *Politiche pubbliche per l’arte contemporanea: costruire una Rete*, in *Economia della Cultura*, n.1, March 2014, 21.

<sup>342</sup> SCIULLO G., *Il Mibac dopo il d.pr. 91/2009: il “centro” rivisitato*, in *Aedon*, 2009, n.3. BARBATI C., *Organizzazione e soggetti*, in BARBATI C., CAMMELLI M., CASINI L., PIPERATA G., SCIULLO G., *Diritto del patrimonio culturale*, Il Mulino, 2017, 95.

<sup>343</sup> This topic is further investigated in the fourth chapter. See also, BELLISARIO M.G., *Architettura e arte contemporanee, dopo la riforma del 2009*, in *Ufficio Studi Mibac* (ed.), *Notiziario XXV-XXVI*. 92-97, gennaio 2010 – dicembre 2011, 33-38.

<sup>344</sup> As Maria Grazia Bellisario claimed in 2014, building a network among the diverse actors is an essential tool for implementing policies for the contemporary. The cooperation and close communication between the different public and private actors in this field was seen by the author as central to the future development of contemporary arts in the whole country. BELLISARIO M.G., *Politiche pubbliche per l’arte contemporanea: costruire una Rete*, in *Economia della Cultura*, n.1, March 2014, 26-27. See also BARBATI C., *La spending review e l’organizzazione del settore culturale*, in *Aedon*, 3, 2012, to understand the situation of the funding for cultural heritage in general in times of financial crisis.

for the promotion of contemporary art and architecture for both the occasion of the Italian Presidency of the Council of the European Union and the Expo 2015<sup>345</sup>.

However, by the end of 2014 the administration of contemporary art was radically transformed through the foundation of a new DG specifically designed for contemporary art and architecture under the minister Dario Franceschini, the DGAAP – Directorate General Contemporary Art and Architecture and Urban Suburbs.

In conclusion, from analysing the first phase of the history of the Directorate General for contemporary art, it emerged that it was subject to frequent reforms over its brief history. These reforms affected the efficacy of contemporary art promotion and prevented a cohesive and coherent intervention throughout the years, by forcing the administration to frequently re-adapt its organisation and competences<sup>346</sup>. These reforms did not fully satisfy the interests and real needs of the contemporary art field and depended on the individual interest of each government. In fact, even if contemporary art appeared to be a priority in 2001 under the ministry of Giovanna Melandri (DS), it lost its importance throughout the years until its reduction to a mere service in 2009, under the ministry of Sandro Bondi (PDL).

### **3. The institutional re-birth of the contemporary and new fields of promotion (2014-2020)**

As already mentioned above, the passage between 2011 and 2014 from the fourth Berlusconi government and the technical government of Mario Monti to the Democratic Party leadership signed an important turning point for the history of the Ministry of Cultural Heritage and the promotion and support to contemporary art. In fact, after the

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<sup>345</sup> Circolare Piano per l'Arte Contemporanea 2014, Prot. N. 4999, Class. 28.07.00/1.17, Direttore Generale Servizio V, 24 febbraio 2014.

<sup>346</sup> The tools applied for the promotion of the contemporary during these phases are further investigated in the fourth chapter.

ministries of Sandro Bondi (May 2008 – March 2011), Giancarlo Galan (March 2011 – November 2011) and Lorenzo Ornaghi (November 2011 – April 2013), the appointment of Massimo Bray (April 2013 – February 2014) and Dario Franceschini (February 2014 – June 2018) at the head of the Ministry of Cultural Heritage reinforced the ministerial attention and action for the contemporary.

The law 24<sup>th</sup> June 2013 n. 71, article 1, sections 2 and 3, transferred the competences and functions for tourism to the Ministry of Cultural Heritage, changing its name into MiBACT.

The d.l. 8<sup>th</sup> August 2013, n. 91, *Disposizioni urgenti per la tutela, la valorizzazione e il rilancio dei beni e delle attività culturali e del turismo*<sup>347</sup>, provided for the increase of annual funding for contemporary art. In particular, article 6 of the decree, *Disposizioni urgenti per la realizzazione di centri di produzione di arte contemporanea*, defined measures for the implementation of the policies for contemporary art centres. The first section of the article enabled the use of State properties to be repurposed as studios to rent to young Italian and foreign artists<sup>348</sup>.

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<sup>347</sup> The decree was enacted by the minister Massimo Bray under the government of Enrico Letta.

<sup>348</sup> "Articolo 6 - 1. Al fine di favorire il confronto culturale e la realizzazione di spazi di creazione e produzione di arte contemporanea, entro il 30 giugno di ogni anno, il Ministro dei beni e delle attività culturali e del turismo, con proprio decreto da adottarsi di concerto con il Ministro dell'economia e delle finanze, su indicazione dell'Agenzia del Demanio, anche sulla base di segnalazioni dei soggetti interessati, individua, nel rispetto di quanto previsto dalle disposizioni vigenti in ordine all'utilizzazione, alla valorizzazione e al trasferimento dei beni immobili pubblici, i beni immobili di proprietà dello Stato, non utilizzabili per altre finalità istituzionali e non trasferibili agli enti territoriali ai sensi del decreto legislativo 28 maggio 2010, n. 85, che possono essere destinati ad ospitare studi di giovani artisti contemporanei italiani e stranieri. 2. I beni individuati ai sensi del comma 1 sono locati o concessi al canone di mercato abbattuto del 10 per cento, con oneri di manutenzione ordinaria e straordinaria a carico del locatario o del concessionario, in favore di cooperative di artisti e associazioni tra artisti, di età compresa tra 18 e 35 anni, italiani e stranieri, a cura dell'ente gestore, mediante asta pubblica, con evidenziazione dei criteri di aggiudicazione. I soggetti collettivi beneficiari della misura devono dimostrare il possesso in capo ai soci o agli associati di riconosciute competenze artistiche. L'eventuale sub-concessione o sub-locazione deve

From the 11<sup>th</sup> December 2014 the D.P.C.M. 29<sup>th</sup> August 2014, n. 171<sup>349</sup> came into force. This regulation was the main source for the reorganization of the central and peripheral structures of the Ministry that followed<sup>350</sup>. However, the d.lgs. 368/1998 was not substituted. It was modified across the years and remained the institutive and disciplinary legislative act of the Ministry.

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essere preventivamente autorizzata dall'ente gestore. 3. Con decreto del Ministro dei beni e delle attività culturali e del turismo, di concerto con il Ministro dell'economia e delle finanze, sono definite le modalità di utilizzo dei beni di cui al comma 1 per finalità artistiche nonché le modalità di sponsorizzazione dei beni individuati ai sensi del presente articolo, al fine di sostenere, in tutto o in parte, i costi connessi alla locazione, concessione, gestione e valorizzazione del bene stesso. 4. Le regioni, le province, i comuni, su richiesta dei soggetti di cui al comma 2, possono dare in locazione, per le finalità e con le modalità di cui al presente articolo, i beni di loro proprietà. 5. Le risorse derivanti dalle operazioni di locazione o concessione di cui ai commi 2 e 3 sono versate all'entrata del bilancio dello Stato per essere prioritariamente destinate alla riduzione del debito pubblico. Gli enti territoriali destinano prioritariamente le risorse rivenienti dalle operazioni di cui al comma 4 alla riduzione del proprio debito”.

<sup>349</sup> *Regolamento di organizzazione del Ministero dei beni e delle attività culturali e del turismo, degli uffici di diretta collaborazione del Ministro e dell'Organismo indipendente di valutazione della performance a norma dell'articolo 16, comma 4, del decreto legge 24 aprile 2014, n. 66, convertito, con modificazioni, dalla legge 23 giugno 2014, n. 89.*

<sup>350</sup> For a comment to the decree and the reform see FORTE P., *I nuovi musei statali: un primo passo nella giusta direzione*, in *Aedon* 1, 2015. CASINI L., *La riforma del Mibact tra mito e realtà*, in *Aedon*, 2016, 3. The importance of the reform derives also from the special administrative autonomy that many museum institutions acquired all over Italy. The *Galleria Nazionale d'Arte Moderna e Contemporanea* in Rome was one of them. D.P.C.M. 29<sup>th</sup> August 2014, n.171, “Art. 30 Istituti centrali e dotati di autonomia speciale 3. Sono altresì dotati di autonomia speciale i seguenti istituti e musei di rilevante interesse nazionale: a) quali uffici di livello dirigenziale generale: 1) la Galleria Borghese; 2) la Galleria degli Uffizi; 3) la Galleria Nazionale d'Arte Moderna e Contemporanea di Roma; 4) le Gallerie dell'Accademia di Venezia; 5) il Museo di Capodimonte; 6) la Pinacoteca di Brera; 7) la Reggia di Caserta; b) quali uffici di livello dirigenziale non generale: 1) la Galleria dell'Accademia di Firenze; 2) la Galleria Estense di Modena; 3) la Galleria Nazionale d'arte antica di Roma; 4) il Museo Nazionale del Bargello; 5) il Museo Archeologico Nazionale di Napoli; 6) il Museo Archeologico Nazionale di Reggio Calabria; 7) il Museo Archeologico Nazionale di Taranto; 8) Paestum; 9) il Palazzo Ducale di Mantova; 10) il Palazzo Reale di Genova; 11) il Polo Reale di Torino”.



The D.P.C.M. 171/2014 was followed by a series of normative provisions<sup>351</sup>. It affected the organisation of the central administration of the MiBACT and its Directorates General, coordinated by the General Secretary<sup>352</sup>. Article 2 of the D.P.C.M. 171/2014 approved the regulation regarding the ministerial organisation<sup>353</sup> and brought the number of DG to 12, which was then reduced to 11 by article 1, section 2, D.P.C.M. 44/2016. This change reflected the desire to redesign and reinforce the role of the Ministry and target its public policies and interventions.

Article 12 of the D.P.C.M. 171/2014 established the DGAAP - Directorate General Contemporary Art and Architecture and Urban Suburbs, which broadened its competence over the contemporary, by including urban regeneration<sup>354</sup>. Articles 15 and 16 of the D.P.C.M.

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<sup>351</sup> Article 16, section 4, d.l. 24 April 2014 n. 66, converted by the l. 23 June 2014 n. 89. Article 14 Law 29 July 2014 n. 106 that converted the d.l. 31 May 2014 n. 83. The internal organisation of the Ministry and its offices, in accordance with article 97 of the Constitution, is defined through secondary normative acts such as the regulations prescribed by article 17 of the law 23 August 1988 n. 400 in accordance with section 4-bis. However, art. 2, section 10-ter, of the d.l. 6 July 2012 n. 95 (converted with l. 7 August 2012 n. 135) and art. 16, section 4, of the l. 89/2014 allowed the regulations for the organisation of the Ministries to be altered through the d.p.c.m., with the agreement of the competent Minister, the Minister for Public Administration, the Minister for Economics and Finance and the Council of Ministers, in order to simplify and accelerate the reorganisation in the case of a spending review.

<sup>352</sup> Article 11 of the d.p.c.m. 171/2014 states that the General Secretary is a fiduciary body depending directly from the Minister and he assures the unity of the administrative activities.

<sup>353</sup> *Regolamento di organizzazione del Ministero dei Beni e delle Attività culturali e del Turismo*.

<sup>354</sup> In accordance with the D.M. 27<sup>th</sup> November 2014, the D.P.C.M. 171/2014 Art. 12 states "Uffici dirigenziali generali centrali 1. Il Ministero si articola, a livello centrale, nei seguenti Uffici dirigenziali di livello generale: a) Direzione generale «Educazione e ricerca»; b) Direzione generale «Archeologia»; c) Direzione generale «Belle arti e paesaggio»; d) Direzione generale «Arte e architettura contemporanee e periferie urbane»; e) Direzione generale «Spettacolo»; f) Direzione generale «Cinema»; g) Direzione generale «Turismo»; h) Direzione generale «Musei»; i) Direzione generale «Archivi»; l) Direzione generale «Biblioteche e istituti culturali»; m) Direzione generale «Organizzazione»; n) Direzione generale «Bilancio»".

171/2014 separated the Directorate General Fine Arts and Landscape from the DG responsible for the contemporary.

The D.P.C.M. 171/2014 and the D.M. 44/2016 list the functions and roles of each DG. Article 16 of the D.P.C.M. 171/2014 states that the DGAAP performs functions and tasks concerning the quality of architecture and urban development and the promotion of contemporary art and architecture. Moreover, it promotes, together with universities and local bodies, the requalification of urban peripheries and education relating to architectural, artistic, urban and landscape culture.

The DG also promotes Italian contemporary art abroad, in accordance with the Ministry of Foreign Affairs<sup>355</sup>. It incentivizes creativity and contemporary artistic production. In addition, it spreads awareness of contemporary art and enhances the work of young artists through contests and prizes<sup>356</sup>.

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<sup>355</sup> In this regard, see the analysis developed in the fourth chapter where some of these instruments are analysed in detail.

<sup>356</sup> Art. 16 Direzione generale «Arte e architettura contemporanee e periferie urbane» “1. La Direzione generale Arte e architettura contemporanee e periferie urbane svolge le funzioni e i compiti relativi alla qualità architettonica ed urbanistica ed alla promozione dell’arte e dell’architettura contemporanee. La Direzione promuove altresì la riqualificazione e il recupero delle periferie urbane. 2. In particolare, il Direttore generale: a) esprime il parere, per il settore di competenza, sui programmi annuali e pluriennali di intervento proposti dai titolari degli uffici dirigenziali periferici e dai segretari regionali, sulla base dei dati del monitoraggio dei flussi finanziari forniti dalla Direzione generale Organizzazione e della Direzione generale Bilancio; b) elabora, anche su proposta dei titolari degli uffici dirigenziali periferici, sentita la Direzione generale Educazione e ricerca, i programmi concernenti studi, ricerche ed iniziative scientifiche in tema di inventariazione e catalogazione delle opere di arte e architettura contemporanee; c) promuove la qualità del progetto e dell’opera architettonica e urbanistica; partecipa all’ideazione di opere pubbliche o fornisce consulenza alla loro progettazione, con particolare riguardo alle opere destinate ad attività culturali o a quelle che incidano in modo particolare sulla qualità del contesto storico-artistico e paesaggistico-ambientale; d) dichiara l’importante carattere artistico delle opere di architettura contemporanea, ai sensi e per gli effetti dell’articolo 20 della legge 22 aprile

The goals of the DGAAP for the year 2016 included:

a) ensuring quality and continuity in expanding public collections of contemporary art, within a network of excellence, through the adequacy and consistency of acquisition strategies of each institute;

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1941, n. 633, e successive modificazioni, e dell'articolo 37 del Codice; e) ammette ai contributi economici le opere architettoniche dichiarate di importante carattere artistico e gli interventi riconosciuti di particolare qualità architettonica e urbanistica ai sensi dell'articolo 37 del Codice; f) sentita la Direzione generale Educazione e ricerca, promuove la formazione, in collaborazione con le università, le Regioni e gli enti locali, in materia di conoscenza della cultura e della qualità architettonica, urbanistica e del paesaggio, nonché dell'arte contemporanea; g) promuove la conoscenza dell'arte contemporanea italiana all'estero, fatte salve le competenze del Ministero degli affari esteri e d'intesa con il medesimo; h) promuove la creatività e la produzione artistica contemporanea e ne diffonde la conoscenza, valorizzando, anche mediante concorsi, le opere di giovani artisti; i) esercita le funzioni di indirizzo e, d'intesa con la Direzione generale Bilancio, di vigilanza, su ogni soggetto giuridico costituito con la partecipazione del Ministero per finalità attinenti agli ambiti di competenza della Direzione generale; l) fornisce per le materie di competenza il supporto e la consulenza tecnico-scientifica agli uffici periferici del Ministero; m) elabora proposte e cura l'istruttoria propedeutica alla partecipazione del Ministro al coordinamento delle politiche urbane attuate dalle amministrazioni centrali interessate attraverso il Comitato interministeriale per le politiche urbane (CIPU) di cui all'articolo 12-bis del decreto-legge 22 giugno 2012, n. 83, convertito, con modificazioni, dalla legge 7 agosto 2012, n. 134; cura e coordina, anche tramite gli uffici periferici del Ministero, la concertazione con le Regioni e con le autonomie locali, nella prospettiva della crescita, dell'inclusione sociale e della coesione territoriale, al fine della promozione e della realizzazione di programmi e piani di rigenerazione urbana e di riqualificazione, anche ambientale, delle periferie urbane, anche nel quadro della programmazione nazionale e regionale dei fondi europei; n) promuove iniziative di riqualificazione e valorizzazione delle periferie urbane, anche tramite apposite convenzioni con enti territoriali ed enti locali, università e altri soggetti pubblici e privati. o) vigila sulla realizzazione delle opere d'arte negli edifici pubblici ai sensi della legge 29 luglio 1949, n. 717, e successive modificazioni. 3. La Direzione generale Arte e architettura contemporanea e periferie urbane costituisce centro di responsabilità amministrativa ai sensi dell'articolo 21, comma 2, della legge 31 dicembre 2009, n. 196, e successive modificazioni, ed è responsabile per l'attuazione dei piani gestionali di competenza della stessa. 4. La Direzione generale Arte e architettura contemporanea e periferie urbane si articola in un ufficio dirigenziale di livello non generale centrale, individuato ai sensi dell'articolo 17, comma 4-bis, lettera e), della legge 23 agosto 1988, n. 400, e successive modificazioni, e dell'articolo 4, commi 4 e 4-bis, del decreto legislativo 30 luglio 1999, n. 300, e successive modificazioni”.

- b) attracting donations of significant interest, direct patronage and private sponsorships in support of the stable expansion of contemporary art heritage;
- c) facilitating the deposit, loan and long-term loan of works by artists and collectors;
- d) supporting the definition of ethical codes, technical standards, quality assessment parameters, manuals of good practices and any other instrument suitable for improving the care and management of public collections;
- e) encouraging, in collaboration with the regions, the autonomous provinces and local authorities, the promotion, enhancement, recognition and cataloguing activities of contemporary art's public heritage<sup>357</sup>.

In the following years, the d.l. 12<sup>th</sup> July 2018 n. 86<sup>358</sup> restructured the organization of the Ministry that was then called Ministry of Cultural Heritage and Activities<sup>359</sup>. In addition, the D.P.C.M. 19<sup>th</sup> June 2019 n. 76<sup>360</sup> reorganised the internal administration of the Ministry and expanded the competence of the DG for contemporary art by including fashion and design. The DG was then called Directorate

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<sup>357</sup> Linee guida del Piano per l'Arte Contemporanea per il Triennio 2016-2018, priorità annuali 2016. See also, Piano per l'arte contemporanea, Triennio 2016-2018, Circolare Direttore Generale Galloni, 25 gennaio 2016. Both these documents are available on the website of the Ministry of Cultural Heritage.

<sup>358</sup> "Disposizioni urgenti in materia di riordino delle attribuzioni dei Ministeri dei beni e delle attività culturali e del turismo, delle politiche agricole alimentari e forestali e dell'ambiente e della tutela del territorio e del mare, nonché in materia di famiglia e disabilità".

<sup>359</sup> The competence concerning tourism was transferred to the Ministry of Agriculture and Forest Policies. The legislative decree 21<sup>st</sup> September 2019, n. 104 re-established the tourism under the competences of the Ministry of Cultural Heritage and Activities. In this regard, see CASINI L., *La riorganizzazione del Mibact: dal "lego" istituzionale alla manutenzione amministrativa*, in *Aedon*, 2019, 3.

<sup>360</sup> *Regolamento di organizzazione del Ministero per i beni e le attività culturali, degli uffici di diretta collaborazione del Ministro e dell'Organismo indipendente di valutazione della performance*.

General Contemporary Creativity and Urban Regeneration. The D.P.C.M. 76/2019, article 3, established the internal organization and competences of the ministerial Directorates General<sup>361</sup>.

Article 18 of the decree defined the DG's competences and functions relating to the promotion, support and enhancement of Italian contemporary creativity. It supports contemporary art, architectural and urban culture and applied arts, including design and fashion. It also promotes urban regeneration interventions<sup>362</sup>.

The same article describes the competences of the Director-General with particular attention given to fashion and design. The Director-General is responsible for promoting the values of contemporary art and architecture and applied arts; promoting and supporting Italian research and talents in the fields of contemporary Italian art as well as those of architecture, design and fashion; promoting awareness of Italian contemporary art and architecture, design and fashion abroad, without prejudice to the competence of the Ministry of Foreign Affairs as well as international cooperation; promoting creativity and

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<sup>361</sup> "1. Il Ministero si articola in tredici uffici dirigenziali di livello generale centrali e undici uffici dirigenziali di livello generale periferici, coordinati da un Segretario generale. 2. Il Ministero è articolato a livello centrale nei seguenti uffici dirigenziali di livello generale: *a*) Direzione generale «Educazione e ricerca»; *b*) Direzione generale «Archeologia, belle arti e paesaggio»; *c*) Direzione generale «Archivi»; *d*) Direzione generale «Biblioteche e istituti culturali»; *e*) Direzione generale «Musei»; *f*) Direzione generale «Creatività contemporanea e rigenerazione urbana»; *g*) Direzione generale «Spettacolo»; *h*) Direzione generale «Cinema e audiovisivo»; *i*) Direzione generale «Organizzazione»; *l*) Direzione generale «Bilancio»; *m*) Direzione generale «Contratti e concessioni». 3. Presso il Segretariato generale operano i seguenti uffici dirigenziali di livello generale: *a*) l'Unità per la sicurezza del patrimonio culturale; *b*) l'Unità per la programmazione, l'innovazione e la digitalizzazione dei processi. 4. Sono uffici dirigenziali di livello generale periferici del Ministero gli undici istituti dotati di autonomia di cui all'articolo 29, comma 2, lettera *a*) e comma 3, lettera *a*)".

<sup>362</sup> "1. La Direzione generale Creatività contemporanea e rigenerazione urbana svolge le funzioni e i compiti relativi alla promozione, al sostegno, alla valorizzazione della creatività contemporanea italiana. Sostiene l'arte contemporanea, la cultura architettonica e urbanistica, le arti applicate, ivi compresi il design e la moda. Promuove interventi di rigenerazione urbana".

production in contemporary art, architecture and in the fields of design and fashion; spreading awareness of and enhancing, also through competitions, the works of young artists and creators.

The Director-General is also charged with: initiating and promoting innovative and participatory processes aimed at urban regeneration and development through culture and also with agreements and conventions with public and private institutions; designating works of contemporary architecture as those of “important artistic character”; supervising the realization of works of public art and carrying out census and cataloguing activities on works of art in public buildings in accordance with the law of 29<sup>th</sup> July 1949, n. 717, and subsequent modifications; expressing the discretion of the Ministry on proposals for the payment of taxes through the transfer of works of contemporary art; admitting economic contributions to architectural works declared as being of important artistic character and recognizing interventions of particular architectural and urban quality; promoting and participating in the carrying out of studies, research and scientific initiatives relating to the inventory and cataloguing of artworks concerning contemporary art and architecture, design and fashion and the mapping of urban spaces.

The Director-General furthermore promotes education in the fields of contemporary art, architectural and urban culture, design and fashion, in consultation with the Directorate General for Education and Research and in collaboration with universities, regions and local authorities; supports the improvement of the quality of projects and works related to architectural and urban planning; participates in the planning of public works or provides advice on their design, with particular regard to works intended for the performance of cultural activities or to those that fall within the historical, artistic or natural environmental context; provides technical and scientific support and advice to the peripheral offices of the Ministry concerning their respective matters of competence; exercises the functions of direction,

supervision and control over each legal entity operating in the areas of competence of the DG and under the control of the Ministry<sup>363</sup>.

“La Direzione Generale Creatività contemporanea e Rigenerazione urbana è l'ufficio del MiBACT dedicato alla Contemporaneità”<sup>364</sup>. These are the words used by the DG to describe its role on the homepage of its website. The description captures the broad competences of the DG after the last reform.

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<sup>363</sup> “2. In particolare, il direttore generale: a) promuove i valori dell'arte e della cultura architettonica contemporanea e delle arti applicate; b) promuove e sostiene la ricerca, i talenti e le eccellenze italiane nel campo dell'arte e dell'architettura, del design e della moda contemporanea italiane; c) promuove la conoscenza dell'arte e della cultura architettura, del design e della moda contemporanea italiane all'estero, fatte salve le competenze del Ministero degli affari esteri e della cooperazione internazionale e d'intesa con il medesimo; d) promuove la creatività e la produzione nel settore dell'arte e dell'architettura contemporanea, del design, della moda, e ne diffonde la conoscenza, valorizzando, anche mediante concorsi, le opere di giovani artisti e creativi; e) attiva e promuove sul territorio nazionale processi innovativi e partecipati finalizzati alla rigenerazione e allo sviluppo urbano attraverso la cultura, anche tramite accordi e convenzioni con istituzioni pubbliche e private; f) dichiara l'importante carattere artistico delle opere di architettura contemporanea, ai sensi e per gli effetti dell'articolo 20 della legge 22 aprile 1941, n. 633, e successive modificazioni, e dell'articolo 37 del Codice; g) vigila sulla realizzazione e svolge attività di censimento e catalogazione sulle opere d'arte negli edifici pubblici ai sensi della legge 29 luglio 1949, n. 717, e successive modificazioni; h) esprime la volontà del Ministero sulla proposta di pagamento di imposte mediante cessione di opere d'arte contemporanea; i) ammette ai contributi economici le opere architettoniche dichiarate di importante carattere artistico e gli interventi riconosciuti di particolare qualità architettonica e urbanistica ai sensi dell'articolo 37 del Codice; l) promuove e partecipa alla realizzazione di studi, ricerche e iniziative scientifiche in tema di inventariazione, catalogazione delle opere di arte e architettura contemporanea, del design e della moda e mappatura degli spazi urbani; (...) 3. La Direzione generale Creatività contemporanea e rigenerazione urbana costituisce centro di responsabilità amministrativa ai sensi dell'articolo 21, comma 2, della legge 31 dicembre 2009, n. 196, e successive modificazioni, ed è responsabile per l'attuazione dei piani gestionali di competenza. 4. La Direzione generale Creatività contemporanea e rigenerazione urbana si articola in tre uffici dirigenziali di livello non generale centrale, individuati ai sensi dell'articolo 17, comma 4-bis, lettera e), della legge 23 agosto 1988, n. 400, e successive modificazioni, e dell'articolo 4, commi 4 e 4-bis, del decreto legislativo 30 luglio 1999, n. 300, e successive modificazioni”.

<sup>364</sup> Description available on the DG website <http://www.aap.beniculturali.it>

The D.P.C.M. 2<sup>nd</sup> December 2019, n. 169, *Regolamento di organizzazione del Ministero per i beni e le attività culturali e per il turismo, degli uffici di diretta collaborazione del Ministro e dell'Organismo indipendente di valutazione della performance*, defined more in detail the competences of the newly established DG.

Article 21, in particular, described its functions by explicitly including not only contemporary art and architecture, design and fashion, but also photography, video art, applied arts in general, and their related archives. "The Directorate General Contemporary Creativity carries out functions and tasks relating to the promotion and support of contemporary art and architecture, including photography and video art, applied arts, design and fashion, architectural and urban quality. The DG also supports cultural and creative businesses and promotes urban regeneration interventions"<sup>365</sup>.

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<sup>365</sup> "1. La Direzione generale Creatività contemporanea svolge le funzioni e i compiti relativi alla promozione e al sostegno dell'arte e dell'architettura contemporanee, ivi inclusa la fotografia e la video-arte, delle arti applicate, ivi compresi il design e la moda, e della qualità architettonica ed urbanistica. La Direzione sostiene altresì le imprese culturali e creative e promuove interventi di rigenerazione urbana (...) 2. Il Direttore generale, in particolare: a) promuove i valori dell'arte e della cultura architettonica contemporanee e delle arti applicate; b) promuove e sostiene la ricerca, i talenti e le eccellenze italiane nel campo dell'arte e dell'architettura, della fotografia, del design e della moda contemporanee italiane; c) promuove la conoscenza dell'arte e della architettura, della fotografia, del design e della moda contemporanee italiane all'estero, fatte salve le competenze del Ministero degli affari esteri e della cooperazione internazionale e d'intesa con il medesimo; d) promuove la creatività e la produzione nel settore dell'arte e dell'architettura contemporanea, della fotografia, del design, della moda, e ne diffonde la conoscenza, valorizzando, anche mediante concorsi, le opere di giovani artisti e creativi; e) attiva e promuove sul territorio nazionale processi innovativi e partecipati finalizzati alla rigenerazione e allo sviluppo urbano attraverso la cultura, anche tramite accordi e convenzioni con istituzioni pubbliche e private; f) esprime il parere, per il settore di competenza, sui programmi annuali e pluriennali di intervento proposti dai titolari degli uffici dirigenziali periferici e dai segretari regionali, sulla base dei dati del monitoraggio dei flussi finanziari forniti dalla Direzione generale Organizzazione e dalla Direzione generale Bilancio; g) elabora, anche su proposta dei titolari degli uffici dirigenziali periferici, sentita la Direzione generale Educazione, ricerca e istituti culturali e raccordandosi con l'Istituto per la digitalizzazione del



At present, the new measures for the re-organisation of the DG are still being implemented. The next chapter allows for a more in-depth

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patrimonio culturale - Digital Library, i programmi concernenti studi, ricerche ed iniziative scientifiche in tema di inventariazione e catalogazione delle opere di arte e architettura contemporanee; h) cura la predisposizione e l'attuazione del Piano per l'arte contemporanea di cui alla legge 23 febbraio 2001, n. 29; i) promuove la qualità del progetto e dell'opera architettonica e urbanistica; partecipa all'ideazione di opere pubbliche o fornisce consulenza alla loro progettazione, con particolare riguardo alle opere destinate ad attività culturali o a quelle che incidano in modo particolare sulla qualità del contesto storico-artistico e paesaggistico-ambientale; promuove altresì iniziative di rigenerazione urbana, anche tramite apposite convenzioni con enti territoriali ed enti locali, università e altri soggetti pubblici e privati; l) dichiara l'importante carattere artistico delle opere di architettura contemporanea, ai sensi e per gli effetti dell'articolo 20 della legge 22 aprile 1941, n. 633, e dell'articolo 37 del Codice; m) ammette ai contributi economici le opere architettoniche dichiarate di importante carattere artistico e gli interventi riconosciuti di particolare qualità architettonica e urbanistica ai sensi dell'articolo 37 del Codice; n) promuove, sentita la Direzione generale Educazione, ricerca e istituti culturali, la formazione, in collaborazione con le università, le Regioni e gli enti locali, in materia di conoscenza dell'arte contemporanea e della cultura architettonica e urbanistica, della fotografia, del design e della moda; o) promuove, d'intesa con la Direzione generale Archivi e con le altre istituzioni di settore, attività di ricerca, conoscenza e valorizzazione degli archivi di arte, architettura, fotografia, design e moda; p) fornisce per le materie di competenza il supporto e la consulenza tecnico-scientifica agli uffici del Ministero; q) cura e coordina, anche tramite gli uffici periferici del Ministero, la concertazione con le Regioni e con le autonomie locali, nella prospettiva della crescita, dell'inclusione sociale e della coesione territoriale, al fine della promozione e della realizzazione di programmi e piani di rigenerazione urbana e di riqualificazione, anche ambientale, delle periferie urbane, anche nel quadro della programmazione nazionale e regionale dei fondi europei; r) vigila sulla realizzazione delle opere d'arte negli edifici pubblici ai sensi della legge 29 luglio 1949, n. 717; s) assicura il coordinamento e l'attuazione delle iniziative in materia di promozione e sostegno delle industrie culturali e creative sul territorio nazionale, in collaborazione sia con le altre direzioni generali, sia con le altre amministrazioni competenti, nazionali ed europee; coordina altresì il Desk in Italia sul Programma Europa Creativa; t) esercita le funzioni di indirizzo e, d'intesa con la Direzione generale Bilancio, di vigilanza, su ogni soggetto giuridico costituito con la partecipazione del Ministero per finalità attinenti agli ambiti di competenza della Direzione generale (...)

4. La Direzione generale Creatività contemporanea si articola in cinque uffici dirigenziali di livello non generale centrale, individuato ai sensi dell'articolo 17, comma 4-bis, lettera e), della legge 23 agosto 1988, n. 400, e dell'articolo 4, commi 4 e 4-bis, del decreto legislativo 30 luglio 1999, n. 300".

understanding of ministerial activities and tools for the promotion of contemporary art in Italy by analysing the diverse nature of the instruments applied between 1974 and today.

From this section of the analysis, it emerged that the reform of the Directorate General in 2014 started a new important phase for the promotion of contemporary art in Italy by shifting ministerial commitment for the contemporary to a specific DG, in a way inheriting and further developing the legacy of the DARC. In fact, after its introduction, attention towards the contemporary has been reinforced by including a plurality of creative fields and specific tools under its competence.

#### **4. The organisational limitation of the Directorates General**

When analysing the whole history of the Directorates General for contemporary art and their frequent administrative evolutions during the first two decades of the XXI century, some key reflections can be made.

Their organisation has been subject to recurrent changes of government. During the first twenty years of the XXI century eleven ministers were in charge of the administration of the Ministry of Cultural Heritage<sup>366</sup>. Moreover, it is necessary to remember that the 2008 financial crisis had disastrous effects on the global economy and disrupted politics everywhere. The frequent changes and the crisis certainly also affected the administration for the promotion of

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<sup>366</sup> Giovanna Melandri (DS) 21<sup>st</sup> October 1998 - 11<sup>th</sup> June 2001; Giuliano Urbani (FI) 11<sup>th</sup> June 2001 - 22<sup>nd</sup> April 2005; Rocco Buttiglione (UDC) 23<sup>rd</sup> April 2005 - 2<sup>nd</sup> May 2006; Francesco Rutelli (DL - PD) 17<sup>th</sup> May 2006 - 8<sup>th</sup> May 2008; Sandro Bondi (PdL) 8<sup>th</sup> May 2008 - 23<sup>rd</sup> March 2011; Giancarlo Galan (PdL) 23<sup>rd</sup> March 2011 - 16<sup>th</sup> November 2011; Lorenzo Ornaghi (Independent) 16<sup>th</sup> November 2011 - 28<sup>th</sup> April 2013; Massimo Bray (PD) 28<sup>th</sup> April 2013 - 22<sup>nd</sup> February 2014; Dario Franceschini (PD) 22<sup>nd</sup> February 2014 - 1<sup>st</sup> June 2018; Alberto Bonisoli (M5S) 1<sup>st</sup> June 2018 - 5<sup>th</sup> September 2019; Dario Franceschini (PD) 5<sup>th</sup> September 2019 – present.

contemporary art in Italy and the availability of resources for the whole Ministry<sup>367</sup>.

However, from the analysis it appeared that the centralisation of the administration under the unique competences of the Directorate General did not always allow a specific attention towards contemporary art. In fact, the ministerial focus on the contemporary was officially expressed by the establishment of the DARC in 2001 and the subsequent PARC in 2007, but lost its specificity in 2009 with the institution of the PaBAAC, under the ministry of Sandro Bondi.

It was only in 2014, under the ministry of Dario Franceschini, that specific competences in contemporary art were introduced in the central administration under the DGAAP. This Directorate General, in fact, signalled a change of view towards the important role that contemporary art can acquire within the fabric of urban spaces, by officially including this specific field of competence in the DG. These competences have been further expanded with the ministry of Alberto Bonisoli, and Dario Franceschini afterwards, starting a new phase for the whole field of contemporary creativity.

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<sup>367</sup> Nonetheless, it should be mentioned that the trend of investments in culture during and after the financial and economic crisis were not the same all over Europe. In fact, Table 7 shows how the expenditures for culture in Italy and Spain decreased significantly after 2008, while in France they remained stable. Meanwhile, Greece, after an initial decrease, increased the investments in culture in 2010, while Germany increased its investments in 2011, exactly when Italy's funding was at its lowest. Further references can be found in BONET L., DONATO F., *The Financial Crisis and its Impact on the Current Models of Governance and Management of the Cultural Sector in Europe*, *Encatc Journal of cultural management and policy*, vol. 1, issue 1, December 2011. TOBELEM J.-M., *The arts and culture: a financial burden or a way out of the crisis?*, *Encatc Journal of cultural management and policy*, vol. 3, issue 1, 2013. The Budapest Observatory, *Public Funding of Culture in Europe, 2004-2017*, March 2019. ČOPIČ V., INKEI P., KANGAS A., SRAKAR A., *Trends in Public Funding for Culture in the EU*, EENC Report, August 2013, Revised July 2014. MOLDOVEANU M., IOAN- FRANC V., *The impact of the economic crisis on culture*, in *Review of General Management*, Vol. 14, issue 2, 2011. ALMEDA P., SAGARRA A., TATARET M., *Public spending on culture in Europe 2007-2015*, Fundació Catalunya Europa, European Parliament.

The reduction of a specific Directorate General for contemporary art to a mere Service of the central ministerial body imposed the concentration of competences, the reduction of qualified staff in the contemporary art field and the overburdening of the administration for the fulfilment of its crucial functions.

Nonetheless, from the analysis already developed in 2007 by the Court of Auditors some structural problems emerged. The lack of sufficient human, instrumental and financial resources to carry out the institutional tasks assigned; the lack of adequate provisions in legislation for the fulfilment of the institutional mission of protection and promotion of the contemporary, and the need for a greater relationship with peripheral ministerial bodies regarding activities related to the contemporary<sup>368</sup>.

The marginalisation of the contemporary saw its revenge thanks to the re-establishment of a specific Directorate General in 2014. The precise competences of this new organisation showed their effectiveness in the promotion of important projects and initiatives in diverse areas of contemporaneity. The DG was then expanded and reinforced in the following years.

However, some critical aspects still emerge in the most recent settlement of the Directorate General Contemporary Creativity. These issues mainly reside in the centralisation of the ministerial organisation for the contemporary and its detachment from the specific local needs of such a diversified country as Italy. The plurality of the necessities in the contemporary art field varies in each Italian Region and this asks for a cohesive and coordinate action from the central administration together with the various local authorities and actors. The proliferation of artist-run spaces and independent contemporary art initiatives, exhibitions and festivals, also in public spaces, spread all over the Country speak for an intrinsic need of

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<sup>368</sup> CORTE DEI CONTI, *Sezioni riunite in sede di controllo 2008, Relazione annuale – Beni e attività culturali*, in *Aedon*, 2009.

financial, human and social investments for the promotion of contemporaneity.

Moreover, the financial resources allocated to the Directorate General Contemporary Creativity are still insufficient to extensively support this fundamental field at national and international level, especially when compared with the resources available for the promotion and support to contemporary art in many other European countries. What is more, the scarcity of these resources further emerges when compared with those allocated to all the other Directorates General of the Italian Ministry of Cultural Heritage<sup>369</sup>.

Another problem emerges when analysing the functioning of the current Directorate General. Its organisation, in fact, is still subject to a series of administrative constraints in carrying out its day-to-day activity, projects and public calls, often imposed by the strict requests of the Central Office for Budget. These limitations cause a series of delays, incomprehensions and weightings in the completion of the DG functions. In addition, the budgetary restrictions force the whole system to limit its potentialities in the adaptation of its program to new exigencies and ideas. These burdens produce a general lack of autonomy of the DG in fulfilling its duties.

Furthermore, the broad competences in the contemporaneity's field, covering above all visual arts, photography, architecture, design and fashion, ask for a plurality of specific expertise in all the diverse domains of intervention that are not always embodied by the ministerial functionaries of the Directorate General.

Many of these issues are further investigated in the next chapter, through the analysis of the ministerial tools for the promotion of contemporary art and in the final conclusions of the research.

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<sup>369</sup> In this regard, see the analysis presented in the final Appendix where the allocation of resources among the diverse Directorates General of the Ministry of Cultural Heritage are compared and analysed.

## Chapter 4.

### How to support contemporary art. A roster of ministerial instruments

#### 1. Introduction

The investigation of the evolution of the ministerial organisation for the promotion of the contemporary has driven the analysis until now. Its history and reforms followed changes of government's priorities and opposing forces, between central and peripheral distribution of competences, and the private and public nature of the organisations. The analysis of the ministerial body and its institutions needs to be broadened through the study of the tools applied by the ministerial branches in the time span taken into consideration by the research.

This very last chapter investigates the nature of the various instruments that the Ministry of Cultural Heritage has applied since 1975 through its internal and external branches and institutions for promoting contemporary art<sup>370</sup>. The tools applied for the promotion of the contemporary appear to be specific to this particular field when compared to those traditionally used for the promotion of cultural heritage in general<sup>371</sup>.

The specificity of the instruments for its promotion derives from the crucial elements that characterise the contemporary art field. These

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<sup>370</sup> However, it should be emphasised that the promotion of contemporary art in Italy is characterised by a multilevel system where regional, provincial and municipal governances also play an important role in establishing a variety of instruments that differ in each local context. Private institutions (various companies, banks, foundations and associations) also play a significant role in this complex system by incentivising new artistic productions or promoting the work of young or established artists.

<sup>371</sup> In this regard, see TARASCO A. L., *Diritto e gestione del patrimonio culturale*, Laterza, 2019. TARASCO A.L., *Il patrimonio culturale: modelli di gestione e finanza pubblica*, Editoriale scientifica, 2017. TARASCO A.L., *La redditività del patrimonio culturale. Efficienza aziendale e promozione culturale*, Giappichelli Editore, 2006. BARBATI C., *Organizzazione e soggetti*, in BARBATI C., CAMMELLI M., CASINI L., PIPERATA G., SCIULLO G., *Diritto del patrimonio culturale*, Il Mulino, 2017.

include: the presence of living artists among the subjects to be supported, together with contemporary art institutions; the need to constantly promote new artistic productions, in order to keep the field alive; the variety and rapid development of its media and the strong interrelation of the contemporary with the market. These unique features forced the administration to create specific tools for promoting and protecting this crucial field.

The analysis takes into consideration the majority of ministerial projects activated to promote the production, conservation and knowledge of contemporary art in Italy and abroad<sup>372</sup>. The study considers the structural weaknesses of the Italian system and interprets the introduction of the ministerial tools as a response to these crucial issues, in accordance with the policies of each government.

In particular, it has been underlined that the inconsistent nature of the ministerial intervention in the contemporary art field has penalized artists and forced them to move abroad in order to be internationally recognized. It has been stressed that these weaknesses particularly resided in the lack of consistent institutional collecting and commissioning that might offer artists professional and economically profitable opportunities<sup>373</sup>.

Another weak point that has emerged is the lack of public action for the promotion of Italian artists abroad. The reduction of VAT, from 20% to 4%, as in most European countries, has also been perceived as an essential instrument for the promotion of contemporary artists and their relationships with Italian galleries<sup>374</sup>. All of these problems

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<sup>372</sup> The analysis was developed through the study of the archival documentation provided by the DG. However, the lack of availability of additional documents regarding some specific projects for contemporary art, only mentioned in the following paragraphs, prevented further developments. The author hopes that research could be integrated by future researchers, once further DG archives are made accessible.

<sup>373</sup> SANTAGATA W. (ed.), *Libro Bianco sulla Creatività*, Mibac, Egea, 2009.

<sup>374</sup> Moreover, the lack of adequate structures for artistic training and education has been

concern not only the internal actors of the system, but also have serious consequences for the knowledge of the public and their perception of contemporary art<sup>375</sup>.

The analysis, keeping these vulnerabilities in mind, traces the history of the development of the ministerial tools applied over the years for the contemporary. The following sections define broad categories of instruments using a diachronic narration which takes into account the evolution of ministerial organisation in order to investigate its relationship with these tools.

Acquisitions, prizes, funding programmes, exhibitions and other additional tools, introduced by ministerial institutions and museums or its Directorates General, are investigated in the chapter<sup>376</sup>. These categories directly or indirectly cover most of the issues mentioned above, including the growth of public collections, the promotion of Italian artists abroad and fiscal incentives.

## 2. Enriching museum collections through acquisitions

One of the first instruments that the State has historically applied to promote contemporary art consists of the direct acquisition of

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mentioned among the issues to be urgently faced in Italy. SANTAGATA W. (ed.), *Libro Bianco sulla Creatività*, Mibac, Egea, 2009. The section related to contemporary art was developed by Pier Luigi Sacco and Angela Vettese, as part of the work of the *Commissione sulla Creatività e Produzione di Cultura in Italia* (Commission for creativity and cultural production in Italy - D.M. 30<sup>th</sup> November 2007).

<sup>375</sup> SANTAGATA W. (ed.), *Libro Bianco sulla Creatività*, Mibac, Egea, 2009. The section related to contemporary art was developed by Pier Luigi Sacco and Angela Vettese.

<sup>376</sup> The research was made possible thanks to the archival materials detailing the ministerial work in this particular field over the years. This section accounts for the archival documentation for which the *Archivio generale Sezione storica, Galleria Nazionale d'Arte Moderna e Contemporanea* allowed consultation. The *Archivio corrente Arte MAXXI* did not allow consultation of archival documents relating to museum activity. The relevant regulations, administrative documents and communications have been analysed together with the publications promoted or published by the Ministry during the same time span. For a detailed presentation of the archival documents taken into consideration by the research see the final bibliography.



artworks to be integrated into public museum collections or to be displayed as works of public art.

Article 101 of the Cultural Heritage and Landscape Code defines a “museum” as “a permanent facility which *acquires*, conserves, arranges and exhibits cultural property for the purposes of education and study”, partially adopting the ICOM definition<sup>377</sup>. In accordance with the provisions of the Code, the first activity that characterizes a museum is that of acquisitions. From this fact, the importance of this specific function to the museum emerges. This provision is particularly important when considering that the law 1089/1939 did not mention museums and the T.U. d.lgs. 490/1999, article 99, section 2, offered only a generic definition of state museums as “a structure (...) organised for the conservation, enhancement and public enjoyment of cultural heritage collections”<sup>378</sup>.

In addition, article 35 of the D.P.C.M. 29<sup>th</sup> August 2014, n. 171, states that museums are permanent, non-profit institutions serving society and its development. They are open to the public and carry out research on the material and immaterial testimonies of humanity and its environment; they *acquire*, preserve, communicate and display them for study, education and enjoyment.

Moreover, the *UNESCO Recommendation concerning the protection and promotion of museums and collections, their diversity and their role in society*<sup>379</sup>, when describing the primary functions of museums, mentions that “the preservation of heritage comprises activities

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<sup>377</sup> “A museum is a non-profit, permanent institution in the service of society in the service of society and its development, open to the public, which acquires, conserves, researches, communicates and exhibits the tangible and intangible heritage of humanity and its environment for the purposes of education, study and enjoyment”. A new definition is currently under discussion. In this regard see, LABOR A., *Atlases of modernity. Reshaping museum collections through constellations in the XXI century*, in *900 Transnazionale*, n. 4, 2020.

<sup>378</sup> SEVERINI G., *Musei pubblici e musei privati: un genere, due specie*, in *Aedon*, il Mulino, n. 2, 2003.

<sup>379</sup> Published in Paris on 20<sup>th</sup> November 2015.

related to *acquisition*, collection management, (...)”. The importance of acquisitions for a museum’s life and mission emerges from all of these texts.

Furthermore, the *Atto di indirizzo sui criteri tecnico-scientifici e sugli standard di funzionamento e sviluppo dei musei* (art. 150, section 6, d.l. n. 112/1998)<sup>380</sup> sets out the criteria and standards that museum institutions should follow for their management and functioning, in accordance with the ICOM Code of Ethics for Museums<sup>381</sup>. In particular, it states that forms and methods of control must be provided for the programs and procedures of acquisitions, inalienability, exhibition, in compliance with the regulations in force and the statute of the museum.

With regard to acquisitions, it states that each museum must adopt and make public the guidelines and criteria for enlarging its collections. Objects must be acquired in accordance with the guidelines established by the museum and their legitimate provenance must always be documented. Museums must avoid acquiring works which cannot be preserved and displayed in an appropriate manner. In addition, any particular condition or restrictive clause concerning an acquisition must be clearly defined in the deed of transfer of ownership or other written document. Moreover, museums must not acquire objects that are unlikely to be catalogued, preserved, stored or exhibited in appropriate conditions. Acquisitions which do not fall within the framework of the museum’s policy may only take place after examination by the responsible administration<sup>382</sup>.

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<sup>380</sup> *Atto di indirizzo sui criteri tecnico-scientifici e sugli standard di funzionamento e sviluppo dei musei* (art. 150, section 6, d.l. n. 112/1998), in *Museologia scientifica nuova serie*, 1, 2, 2007, 65-151.

<sup>381</sup> The last version was published in 2017.

<sup>382</sup> See also, Direzione Generale Musei, *Vademecum per i direttori dei Poli museali e degli Istituti dotati di autonomia speciale*, Roma, 2018.

After analysing these provisions and regulations which describe the nature of museum acquisitions, the investigation can focus on the history of ministerial acquisitions of contemporary art from the seventies until today. During the history of ministerial promotion of the contemporary, the task of acquiring new works of art mainly depended on the activity and availability of resources of the *Galleria Nazionale*, especially during the whole XX century, and the MAXXI foundation, later on<sup>383</sup>.

Article 2, section 1, of the current Statute of the *Galleria Nazionale*, approved by the D.M. 23<sup>rd</sup> March 2017, states that the mission of the institution is to enrich, preserve and enhance its collections in order to contribute to the safeguarding and sustainable enjoyment of its cultural and scientific heritage. In addition, the Galleria promotes research with internal and external resources in the fields of modern and contemporary art.

Section 3, letter e), of the same article, specifically provides that the achievement of its mission is also guaranteed through a close relationship with the local environment with the aim of growing the museum collection through new *acquisitions*, organising temporary exhibitions and promoting cataloguing, study, restoration and enhancement activities, in accordance with article 35, section 4 letter g), of the D.P.C.M. 171/2014.

Examining the history of acquisitions by the Galleria, it appears that the life of the *Soprintendenza*, has been characterised by constant demands for more consistent ministerial funding that has hindered the achievement of its institutional mission, as already noted in the second chapter. However, the museum's *Soprintendenti* over the years

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<sup>383</sup> Furthermore, the Ministry, through the Directorate General for contemporary art, introduced specific programs for acquiring new artworks in public museums. This topic is further analysed in the following section, with particular regard to the important role of the *Piano per l'Arte Contemporanea* and the Italian Council.

made several attempts to expand the museum collection, in accordance with their own research interests and areas of expertise.

The dualistic nature of the mission of the *Galleria Nazionale* between the promotion of both modern and contemporary art has already been highlighted<sup>384</sup>. This inherent constitutional condition affected all institutional activities of the *Soprintendenza*, including acquisitions.

Before 1975 the *Galleria Nazionale*, under the Ministry of Education, had autonomy in the acquisition of contemporary artworks<sup>385</sup>. This prerogative was lost when the Ministry of Cultural and Environmental Heritage was established and the Galleria was asked to respect the same rules applied to all national museums, reducing its available resources. This change signalled a turning point for the history of the Galleria and of its collection<sup>386</sup>.

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<sup>384</sup> In this regard, see the second chapter of the analysis. See also, PINTO S., *Tutela del moderno e promozione del contemporaneo. I fini istituzionali della Soprintendenza per l'Arte Contemporanea*, in PRISCO L. (ed.), *Architettura moderna a Roma e nel Lazio 1920-1945. Conoscenza e tutela*, EdilStampa, 1996.

<sup>385</sup> As an example, the funds for new acquisitions from the Venice *Biennale* that were available for the Galleria until the reform of *Biennale Statute* in 1973. In this regard, see PINTO S. (ed.), *L'istituzione pubblica per l'arte contemporanea*, in *OttoNovecento*, 2/1996, 42-49. And RICCI C., *Breve storia dell'Ufficio Vendite della Biennale di Venezia 1895-1972. Origini, funzionamento e decline*, in *Ricerche di S/Confine*, Vol. VIII, 1, 2017.

<sup>386</sup> "Between 1968 and 1975, the Venice *Biennale* suppressed its sales office, where the Galleria regularly made purchases; the superintendent Bucarelli, a contemporary battler who had reached the age limit in 1975, was replaced by a 'generalist' superintendent such as Italo Faldi; in the same year, the institutional transfer of an administration formerly of the Ministry of Education, the Directorate of 'Antiquities and Fine Arts', where the Galleria enjoyed a specific allocation of funds for the purchase of works of contemporary art, within the newly established Ministry 'for Cultural and Environmental Heritage' which instead aligns the Galleria with the other *Soprintendenze* in the request for the purchase of works. As a good reason for not favouring the Galleria with respect to the priorities, normally identified in the purchase of ancient art, monumental buildings, areas to be expropriated for archaeological use, prelates of works presented for export, and - needless to add - in a macroscopic and uninterrupted lack of ministerial funds for purchases, the consideration of the special committees of the Ministry is implicit about the lesser need to document recent art, for the discussed assessment of value and why not protected *ope legis* if under fifty years of age". DI

Even if at the beginning the goal of the Galleria was that of promoting and documenting the contemporary, the bureaucracy of the public administration gradually adopted a cautious and fearful attitude towards the contemporary by limiting the powers and the autonomy of the *Soprintendente*<sup>387</sup>. This was the result of a restricted understanding of ministerial competences after its foundation in 1974 that disregarded artworks created less than fifty years before<sup>388</sup>. This policy shifted the focus of the *Soprintendenza* towards cataloguing and conservation of the collection and reduced the autonomy of the museum in making new acquisitions and enriching its collection<sup>389</sup>.

The *Soprintendente* Italo Faldi (1975-1978)<sup>390</sup>, strengthened the role of the Galleria in the preservation and promotion of XIX and XX century art from Italy, Europe and the United States. However, during the seventies, the expansion of the collection with works from the XIX and

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MAJO E., LAFRANCONI M. (ed.), *Galleria Nazionale d'Arte Moderna. Le collezioni. Il XIX secolo*, Electa, 2006, 32.

<sup>387</sup> PINTO S. (ed.), *L'istituzione pubblica per l'arte contemporanea*, in *OttoNovecento*, 2/1996, 42-49. See, for example, the attitude and interest towards contemporary art of the *Soprintendente* de Marchis in Appendix Doc. 4. Programmazione Triennale 1981-1983: Linee generali, in Pos 9, A (1979-1982) Programmazione annuale e triennale e invio schede finanziarie A/2 S/P.

<sup>388</sup> In this regard, see the second chapter of the research.

<sup>389</sup> "(...) has taken autonomy away from its primary function, i.e. continuously updated purchases, systematic growth of the collections. (...) Current events - the primary objective, according to logic, of the growth of the national heritage - have consequently occupied the last place in the ranking, a place in practice totally virtual, given that in the last twenty-five years purchases have been made for the Galleria, and also important, but only retrospective, never of a documentation of current events, until the very recent sign of a reversal of the trend by Minister Paolucci, who has bought an important nucleus of works of the *Transavanguardia* and who has expressed the intention to make purchases again at the Biennale, i.e. at major exhibitions". PINTO S. (ed.), *L'istituzione pubblica per l'arte contemporanea*, in *OttoNovecento*, 2/1996, 42-49.

<sup>390</sup> See Prof. Italo Faldi Preposizione Soprintendenza gallerie Roma II, 25 marzo 1975, in Pos 11, Fascicolo personale Dott. Bucarelli Palma, Soprintendente di 1° classe. "It should be noted that, by a measure in progress, after consultation with the Board of Directors, with effect from 1 April 1975, the S.V. has been assigned to the Superintendent of galleries of Rome II in place of Prof. Palma Bucarelli, who, as from that date, is retiring due to age limits".

the beginning of the XX century did not compensate for the absence of a specific policy for the promotion of “the art of the present”<sup>391</sup>. The scarcity of financial resources and the slow bureaucracy prevented the museum from acquiring works of foreign artists from international auctions. Faldi claimed that contemporary artworks of the museum collection only reached as late as the year 1968 and were not fully comprehensive of the artistic movements of the fifties and sixties<sup>392</sup>.

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<sup>391</sup> PINTO S. (ed.), *Un storia dell'arte in Italia nel XX secolo*, Skira, 2002, 21. The gaps of the museum collection were also underlined at the time also in the Parliamentary chambers, as the interrogations of the deputy Trombadori to the Ministry of Cultural and Environmental Heritage, on 21<sup>st</sup> February 1975 and 12<sup>th</sup> December 1977, show. “(...) what are the reasons for the absence from the Gallery of organic groups of works representative of the evolution of the main movements and personalities of Italian art of the twentieth century, and why, in particular, are there imbalances and disproportions (...) and is there an organically developed plan of new acquisitions with the aim of eliminating the most serious gaps, randomness, disorder of the overall cultural proposal”. Interrogazione Trombadori to the Ministro per i beni culturali e ambientali, Camera dei Deputati on 21<sup>st</sup> February 1975, in *Interrogazioni parlamentari (1958-1988)*, Pos 24. “(...) whether the government is aware of the completely incomplete and chaotic state in which the only central museum of modern art in the Republic is in with respect to the documentation of periods, movements and personalities qualifying the art of the twentieth century in Italy and what measures it intends to take to achieve the indispensable regeneration of the public collection according to criteria of objectivity and balanced recording of the salient artistic facts”. Interrogazione Trombadori to the Ministro per i beni culturali e ambientali, Camera dei Deputati on 12<sup>st</sup> December 1977, in *Interrogazioni parlamentari (1958-1988)*, Pos 24. “(...) whether the Government is aware that there are no public initiatives and institutions relating to modern art in most of the national territory, especially from Naples to Sicily, and whether it considers that it needs to draw up a work programme to tackle the long-standing and always neglected problem, also within the framework of a desirable planned cooperation between central and regional and local state authorities”. Interrogazione Trombadori to the Ministro per i beni culturali e ambientali, Camera dei Deputati on 12<sup>st</sup> December 1977, in *Interrogazioni parlamentari (1958-1988)*, Pos 24.

<sup>392</sup> “The scarcity of the budget also reduces the possibility of intervention for important works, especially by non-Italian masters. The impossibility of participating in the auctions (due to accounting difficulties in paying for purchases immediately) makes the international market completely negative for Italy. As far as the artistic operations of our times are concerned, the Superintendence has stopped at 1968, provided that the works present in the Gallery fully document the 50s and 60s.”. Lettera Soprintendente

He proposed the establishment of a commission for evaluating new acquisitions in order to guarantee an objective selection beyond the interests of the market and fashion, but his proposal was never adopted<sup>393</sup>.

During the eighties, the *Soprintendente* claimed that the funds available for new acquisitions were highly insufficient considering the particular role of the national institution<sup>394</sup>. The acquisition

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Italo Faldi al Ministro per i beni culturali e ambientali, Div. V, Interrogazione parlamentare a risposta orale n.3-02237 (Res. 235 del 12/12/1977), 21 Dicembre 1977, in Interrogazioni parlamentari (1958-1988), Pos 24.

<sup>393</sup> The commission would have been composed of the *Soprintendente* of the Galleria, a representative of the artists appointed by the Unions, a university professor of contemporary art history, a critic and a ministerial functionary. His requests remained unheard. Lettera Soprintendente Italo Faldi al Ministro per i beni culturali e ambientali, Div. V, Interrogazione parlamentare a risposta orale n.3-02237 (Res. 235 del 12/12/1977), 21 Dicembre 1977, in Interrogazioni parlamentari (1958-1988), Pos 24. In an interview to a newspaper Faldi added: "I wish to see less power, and therefore less responsibility, attributed to the figure of the *soprintendente*, so that the choices for the purchases of the *Galleria d'Arte Moderna*, which must be the objective and valid mirror of the art of our times, no longer depend on the judgement of a few, albeit expert, people.". In SCARAMUCCI B., *Un museo che scoppia*, in *Avvenire*, 10<sup>th</sup> March 1977.

<sup>394</sup> "(...) it should be noted that this amount is absolutely insufficient to meet the purchase campaign that this *Soprintendenza* intends to carry out, also in relation to the particular aims of the Institute". De Marchis G., Ulteriore richiesta fondi, al Ministero per i Beni Culturali e ambientali – Uff. Centr. Per i beni amb., archeol., architett., artistici e storici, Divisione VI, 17 maggio 1980. Again on July 5<sup>th</sup> 1980 De Marchis claimed that "This *Soprintendenza* already in 1979, as this Ministry is aware, has been engaged in an intense program of increasing its cultural activities, creating one temporary exhibition per month, bi-weekly film and theatre shows, conferences and debates, guided tours, etc.. These activities, which have led to a considerable increase in the number of visitors (in April there was a peak of 19,802), are carried out daily over a period of 10 or 12 hours (on days of film or theatre activity), obviously involving an increase in expenditure in all sectors. (...) In the light of the above considerations, we ask this Ministry to promptly examine the financial situation of this *Soprintendenza* and to send the necessary assurances in this regard, which are necessary to make this Gallery continue the work of cultural promotion that it considers to be its main institutional task". Galleria Nazionale d'arte Moderna. Finanziamenti Esercizio 1980, al Direttore Generale Uff. Cen. B.C. Architettonici, Archeologici, Artistici e Storici, 5 luglio 1980, Archivio generale Sezione storica della Galleria Nazionale d'Arte Moderna e Contemporanea, Pos 5, B1

programme for 1986-1988, signed by the *Soprintendente* Eraldo Gaudioso, tried to fill the gaps in the museum's collection by proposing, besides a long list of works from the XIX century, several works for the XX century collection, from Prampolini, to De Chirico and Morandi, from Perilli to Marini, and a shorter list of "contemporary artists" (considered here as living artists) that included Vedova, Uncini, Galliani, Merz, Ontani and Notargiacomo<sup>395</sup>.

However, Gaudioso still reported that delays in ministerial funding were preventing new acquisitions of contemporary works and the completion of the whole institutional plan<sup>396</sup>. For this reason, the *Soprintendente* proposed a possible administrative solution in order to transform the procedure for new acquisitions into a more flexible and agile instrument for the whole public administration and the efficient promotion of contemporary art. However this proposal was also never adopted<sup>397</sup>.

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(1971-1980) Economato (spese d'ufficio), Richiesta fondi e accreditamenti e varie.

<sup>395</sup> Gaudioso mentioned the criteria for the acquisitions of the Galleria and claimed that the anthological museum did not have to represent an abstract history of art, but a real documentation of the relationship between the Italian and international art. Appendix Doc. 25-26. Programmazione acquisti opere d'arte per le collezioni della Galleria Nazionale d'Arte Moderna 1986-1988, in Pos 5, B (1986-1991); Programmazione annuale e triennale. In this regard, see also MATITTI F., "Un novecento nuovo fiammante". *Le sale del primo '900 e di Guttuso nell'ordinamento del 1987*, in FREZZOTTI S., ROSAZZA-FERRARIS P., *La Galleria Nazionale d'Arte Moderna: cronache e storia 1911-2011*, Palombi, 2011, 207.

<sup>396</sup> "The 'anthological' museum should not be an abstract documentation of the history of art, but rather an effective documentation of the relationship between the Italian cultural field and the international one (...) especially with regard to contemporary art, we highlight the need for timeliness in the disbursement of funds. The current legislation is in fact such as to prevent not only any serious planning of purchases, but to frustrate the hope that the policy lines can be implemented even only in part". Appendix Doc. 26. Acquisizioni del patrimonio artistico della GNAM, in Pos 5, B (1986-1991) Programmazione annuale e triennale.

<sup>397</sup> "a) up to the amount of a reasonably small predetermined figure (e.g. Lire 10.000.000 for no more than ten times a year), the *Soprintendenza* must be able to carry out



In the nineties, further attempts to enlarge the contemporary art collection were put forward by *Soprintendente* Augusta Monferini. Between 1992 and 1993 two artworks were bought by the museum: *Concetto spaziale – Attese* by Lucio Fontana (1963) and *La pioggia d'oro* by Fausto Pirandello (1934)<sup>398</sup>. However, it is interesting to compare these acquisitions between 1992 and 1993 with those done between 1971 and 1972 under the *Soprintendenza* of Palma Bucarelli. Together with artworks that aimed to enrich the XIX century collection, the Galleria under Bucarelli bought kinetic works, such as *Lux* (1968) by Nicolas Schoffer, or Jean Tinguely *Baluba bye bye n.4* (1961), Yves Klein *International Klein blu 199* (1958), and received the donation of Piero Manzoni *Bianco* (1962-63), *Batuffoli* (1961) and *Lana di vetro* (1961). The chronological proximity of the artworks to the time of their acquisition by the Galleria is significant in order to understand to what extent the museum was actually investing in contemporary and living artists and in the increase of its contemporary art collection.

The acquisition policy for contemporary artworks was turned around in the nineties thanks to the intervention of the ministers Alberto Ronchey, Domenico Fisichella, and Antonio Paolucci from 1995.

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purchases through its internal accounts and on the basis of the exclusive judgement of the *Soprintendente* and the technical-scientific officials; b) on the occasions of the international market events mentioned above, the *Soprintendenza* must in good time have ensured the availability of a credit in principle in that form to be established from time to time, in order to be able to present on these occasions to the competent sector committee a purchasing plan which, as a technical advisory body, given the already ascertained ministerial financial availability, promotes the acquisitions as a result of an exclusively merit judgement”.

<sup>398</sup> The donations accepted in the same time span were 2 paintings by Diego Pettinelli and 20 sculptures and 10 maquettes by Pietro Consagra. Donations have always been important instruments for increasing contemporary art public collections in Italy. However, since they only partially depend on the State initiative, this topic was not further investigated throughout the research. Trasmissione dati attività della Galleria Nazionale d'Arte Moderna 1992 – I sem. 1993, Il *Soprintendente* Augusta Monferini to the Ministero Beni Culturali e Ambientali, Div. SPFR Ufficio Centrale Via di San Michele 22, Roma, 27 maggio 1993, in Pos 8, Q (1981-1994) Relazioni al Ministero BCA su attività Galleria.

Paolucci, in fact, together with the Director-General Mario Serio, approved a series of important acquisitions for the Galleria of works of artists that flourished after 1975, such as Sandro Chia, Francesco Clemente, Enzo Cucchi, Nicola De Maria and Domenico Paladino. Moreover, the minister Walter Veltroni, afterwards, sustained the promotion of contemporary art by supporting the initiatives of the Galleria<sup>399</sup>.

The policy for contemporary art acquisitions became fully operational from 2002 when the *Piano per l'Arte Contemporanea* (PAC) was established<sup>400</sup>. Even if it prioritised the establishment of the new MAXXI collection, the *Galleria Nazionale* was also advantaged by this new course of action. The Ministry acted as if the two museum collections were unique through the acquisitions that started after the PAC<sup>401</sup>. These acquisitions also contributed to the development of private donations from collectors and artists for the two institutions and to re-establishing the State as one of the actors of the contemporary art market<sup>402</sup>.

As far as the history of the acquisitions of the MAXXI is concerned, article 2, section 5 letter a), of the museum Statute, signed on 31<sup>st</sup> October 2017, provides that, in order to achieve its institutional mission, the museum is responsible for the acquisition of financial

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<sup>399</sup> PINTO S. (ed.), *Galleria Nazionale d'Arte Moderna. Le collezioni. Il XX secolo*, Electa, 2005, 19.

<sup>400</sup> In this regard, see the following section "Funding programmes".

<sup>401</sup> In this regard, see MARINI CLARELLI M.V., *Cinque decenni*, in FREZZOTTI S., ITALIANO C., RORRO A., *Galleria Nazionale d'Arte Moderna & Maxxi. Le collezioni 1958-2008*, Electa, 2009, 28. The author stated that: "Between 2002 and 2008 we could not hope to make up for thirty years of suspension of purchases (...) however the fabric is no longer so rare and, even if the first decade remains the densest, having attracted, as we have seen, many of the subsequent gifts, continuity, especially if the two collections are considered together, has been restored".

<sup>402</sup> In this regard, see also MATTIROLO A., *Una (lunga) storia*, in FREZZOTTI S., ITALIANO C., RORRO A., *Galleria Nazionale d'Arte Moderna & Maxxi. Le collezioni 1958-2008*, Electa, 2009, 30-37.

resources for funding artworks, documents and events of contemporary art and architecture.

When investigating the history of the MAXXI, it emerges that initially the collection of the newly established institution was intertwined with that of the *Galleria Nazionale*, proof of their institutionally important relationship, as already discussed in the second chapter of the analysis<sup>403</sup>.

The MAXXI collection was further expanded over the years through a series of acquisitions and donations<sup>404</sup>. The acquisitions were mainly funded through ministerial resources coming from the PAC and aimed at investing in young Italian artists (born between the sixties and the seventies) and those born in the first half of the XX century. Further acquisitions also aimed to expand the collection with regard to international trends<sup>405</sup>. Moreover, the prizes promoted by the MAXXI, since its foundation, were crucial tools for acquiring selected artworks of the most interesting young contemporary artists. This topic is further investigated in the next section of the analysis.

Among the first artists included in the MAXXI collection were: Piero Manzoni, Gerard Richter, Mario Merz, Andy Warhol, Gilbert & George, Giovanni Anselmo, Alighiero Boetti, Giulio Paolini, Gino De Dominicis, William Kentridge, Anish Kapoor, Francis Alÿs, Maurizio Cattelan, Adrian Paci, Alfredo Jaar, Micol Assaël, Grazia Toderi, Francesco Clemente<sup>406</sup>.

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<sup>403</sup> In this regard, see FREZZOTTI S., ITALIANO C., RORRO A., *Galleria Nazionale d'Arte Moderna & Maxxi. Le collezioni 1958-2008*, Electa, 2009.

<sup>404</sup> For a full list of the donations and acquisitions for the new MAXXI until 2006 see BALDI P. (ed.), *MAXXI Museo Nazionale delle Arti del XXI secolo*, Electa, 2006

<sup>405</sup> See MATTIROLLO A., *Una (lunga) storia*, in FREZZOTTI S., ITALIANO C., RORRO A., *Galleria Nazionale d'Arte Moderna & Maxxi. Le collezioni 1958-2008*, Electa, 2009, 34. With regard to the PAC see the following section "Funding programmes" to have a broader understanding of this important tool.

<sup>406</sup> The *Archivio corrente Arte MAXXI* did not allow consultation of archival documents relating to museum activity and acquisitions. For this reason, the analysis concerning the MAXXI acquisitions could not be further developed. However, further references

From the analysis it appeared that acquisitions were used as an important instrument for growing public collections and for promoting contemporary art and artists in front of a broad public. However, the limits of this tool emerged from the strong dependence of the analysed institutions on Ministry authorisation, initiative and, above all, resources. Especially in the case of the *Galleria Nazionale*, the personal sensibility of each minister and *Soprintendente* affected the application of this essential instrument for the contemporary, by limiting its development and autonomy.

Moreover, the lack of specific ministerial guidelines for contemporary art museums for acquisitions of new artworks left a gap for many years, by leaving the decision to the discretion of single individuals. This flaw was only addressed at the beginning of the XXI century with the establishment of the *Piano per l'Arte Contemporanea*, analysed in detail below among the funding programmes.

The discretionary nature of the decisions for acquiring contemporary artworks was left, in the case of the *Galleria Nazionale*, in the hands of the initiative of single individuals, but required subsequent approval of the central administration, despite several proposals to create collective commissions for evaluating the value and object of each possible acquisition by state institutions.

As far as the acquisitions of the MAXXI are concerned, the birth of the PAC enabled the consolidation of specific criteria for the expansion of contemporary art collections. The procedure for selecting the works to be acquired or commissioned had specific phases: proposal,

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could be found in BALDI P. (ed.), *MAXXI Museo Nazionale delle Arti del XXI secolo*, Electa, 2006. PIETROMARCHI B. (ed.), *MAXXI Arte. Catalogo delle collezioni*, Quodlibet, 2017. FREZZOTTI S., ITALIANO C., RORRO A., *Galleria Nazionale d'Arte Moderna & Maxxi. Le collezioni 1958-2008*, Electa, 2009. Besides the direct acquisitions on the market by the State and the donations from private collectors or artists, the MAXXI also expanded its collections through commissioning works by contemporary Italian and international artists on the occasion of joint exhibition projects. However, this topic also could not be further investigated due to the restrictions of the *Archivio corrente Arte MAXXI*.

evaluation of opportunities and order of priority by the Technical-Scientific Committee for contemporary art and architecture, and the final registration at the Court of Auditors.

The evaluation of the acquisition concerned a value judgment considering the relationship of the artwork with the general public heritage of contemporary art and the specific collection, as well as the evaluation of conservation needs and public enjoyment of the artworks. Along with the pursuit of cultural interest, the convenience of the acquisition or commission had to be considered.

Through the resources of the PAC, the MAXXI museum acquired important artworks by following the process for direct acquisitions of existing artworks or by commissioning new works from contemporary artists, often on the occasion of specific exhibitions in the museum spaces.

The discretionary nature of the tool of acquisition offers advantages and disadvantages. As described above, the main difficulties lay in the different individual sensibilities of ministers or *Soprintendenti* which highly affected the application of this important instrument during the XX century. Moreover, the dependence on administrative proceedings and acts of ministerial competence delayed the process. This dependence on the central administration, as emerged in the analysis, also jeopardised the neutrality of the selection of acquisitions, possibly subject to the views and policies of each government.

However, at the same time, the advantages of such a system and process guaranteed the evaluation of the value of the proposed artworks, especially after the institution of the PAC. They also allowed for a uniform view on acquisition policies nationwide, taking into account overall gaps and the needs of all ministerial institutions for the contemporary.

### 3. Prizes between public and private initiative

Art prizes appear to be one of the oldest instruments for promoting the contemporary and still are one of the main forms of recognition of the work of living artists<sup>407</sup>. Prizes have been supported by public and private institutions over the years to give public acknowledgement at national and international level.

Also in this regard, the Ministry of Cultural Heritage promoted a series of prizes through its main institutions for contemporary art, above all, the *Galleria Nazionale* and the MAXXI<sup>408</sup>. In fact, by promoting young, emergent or established artists, museums and cultural institutions can update and renovate themselves, shaping their image and identity<sup>409</sup>.

Moreover, after the creation of the Directorate General for contemporary art, the Ministry established a series of international prizes with the aim of offering the opportunity of international

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<sup>407</sup> In this regard, see the historical introduction in the second chapter of the thesis.

<sup>408</sup> The study of the history of prizes of other ministerial institutions for the contemporary would need a broader, separate and specific research. The author hope this research could be further developed in the future.

<sup>409</sup> The artistic director of the Museum of Contemporary Art in Tokyo, Yuko Hasegawa, suggests that contemporary art institutions can act in three different areas for promoting contemporary art and artists. "The first area is uncovering artists through research. The second is drawing on contacts made through exhibitions, workshops, group projects and the like to provide young artists with opportunities to participate in exhibitions and other projects, giving them advice from a curatorial perspective throughout. This can also be achieved through commissions. There are various ways that commissions can take place in this context. The acquisition of works for the museum collection also fits into this category. The third area involves using awards or similar selection processes as a means of promotion [...] By providing a platform for and supporting young artists, an art museum constantly updates its own values and criteria, and the resulting freshness and contemporaneity lead to the regular renewal of museum's own image and identity". HASEGAWA Y., *What is the role of museums and cultural institutions in the promotion of young artists*, in FERRACCI G., *MAXXI Bulgari Prize 2018*, Quodlibet, 2018, 23-25, 30.

growth to emergent Italian artists. This section analyses all these different tools<sup>410</sup>.

When looking at the history of the *Galleria Nazionale*, it emerges that the *Soprintendenza* has been involved over the years in the organization and promotion of several art prizes destined for contemporary Italian artists promoted through the initiative of public and private organisations or individuals<sup>411</sup>.

Among others, of particular importance is the *Premio Nazionale Pino Pascali*, a private initiative that involved the contribution, participation and recognition of the Ministry and its functionaries. Despite its scarce financial support from the Ministry, this prize had a significant role during the seventies at national level for the recognition of the work of artists who had played a part in the history of Italian contemporary art<sup>412</sup>.

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<sup>410</sup> The discipline that regulates art prizes in Italy goes back to the D.P.R. 29<sup>th</sup> September 1973, n. 600. The decree was reformed several times over the years. Article 30, reformed by article 3, D.P.R. 28<sup>th</sup> March 1975, n. 60, provides that prizes deriving from the lottery, games of skill, prize competitions and betting, paid by the State, public and private legal entities or those indicated in the first paragraph of article 23 of the same decree, are subject to a withholding tax that, in the case of art prizes, corresponds to twenty-five percent. These provisions are still in force.

<sup>411</sup> For a brief history of the prizes established by the *Galleria Nazionale* since its foundation see RORRO A., *I premi d'incoraggiamento*, in FREZZOTTI S., ITALIANO C., RORRO A., *Galleria Nazionale d'Arte Moderna & Maxxi. Le collezioni 1958-2008*, Electa, 2009, 736-737.

<sup>412</sup> The first edition of the prize in 1969 was awarded to Maurizio Mochetti who held his personal exhibition in the deconsecrated church of Santo Stefano in Polignano. In 1970 for its second edition, the prize was given to Vettor Pisani who held his exhibition in Bari's Swabian Castle. The third edition, in 1972, was awarded to Vincenzo Agnetti, whose exhibition was held in Bari's provincial gallery which also hosted the fourth and fifth editions in 1976 and 1978, respectively won by Luca Patella and Jannis Kounellis. In this regard, see Appendix Doc. 53. Comunicato stampa IV Premio Nazionale Pino Pascali, in Pos 13 (1969-1977) Premi Pascali, 4. Appendix Doc. 52. Verbale della giuria V edizione del Premio Nazionale Pino Pascali, in Pos 13 (1969-1977) Premi Pascali, 4. After the death of Pascali's parents the prize was stopped for twenty years until 1997 when the municipal museum *Palazzo Pino Pascali* was inaugurated. Sponsored by the

It was established in Polignano a Mare in 1969 by the artist's parents, Franco and Lucia Pascali, to honour the memory of their son who died in a tragic motorbike accident in 1968 at the very young age of 33. The President of the award, Palma Bucarelli, and later Bruno Mantura and Italo Faldi, nominated the members of the jury. The members of the *Comitato di Presidenza* were Italo Faldi, Giulio Carlo Argan, Cesare Brandi, Palma Bucarelli, Maurizio Calvesi and Otto Hahn<sup>413</sup>.

The prize consisted of L. 200.000, a trophy and an exhibition<sup>414</sup>. The documents indicate that ministerial support for the prize was very limited. The Ministry recognized the value of such initiative (D.P.R. 31<sup>st</sup> July 1973)<sup>415</sup>, but did not consistently support it from the financial point of view<sup>416</sup>. The prize depended on the advice of the *Soprintendenza* for the nomination of the jury and for recommending the artists to whom the prize should be awarded, testifying to the importance of the role played by the Galleria at national level for the promotion of living artists, despite its limits<sup>417</sup>.

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Apulia region and the municipality of Polignano a Mare, the prize today is awarded every year to an internationally renowned artists, selected by a jury. One of the works of the winning artist is then integrated in the collection of the museum Pascali.

<sup>413</sup> Further details can be found also on the institutional website <http://www.museopinopascali.it/pino-pascali-award/?lang=en>

<sup>414</sup> Appendix Doc. 50. Premio Pino Pascali regolamento, in Pos 13 (1969-1977) Premi Pascali, 4.

<sup>415</sup> "Con D.P.R. 31-7-1973 insignito della Medaglia d'Oro e del Diploma di 1° classe quale benemerito della Scuola, Cultura ed Arte, proposta dal Ministero della Pubblica Istruzione (...)" Appendix Doc. 51. Curriculum Francesco Pascali, in Pos 13 (1969-1977) Premi Pascali, 4.

<sup>416</sup> Appendix Doc. 54. Soprintendente Italo Faldi al Ministero per i beni culturali e ambientali, IV edizione del Premio Nazionale Pino Pascali, 28 ottobre 1976, in Pos 13 (1969-1977) Premi Pascali, 4. Appendix Doc. 55. Direttore Generale al Soprintendente alla Galleria Nazionale d'Arte Moderna e Contemporanea, Mostra Premio Nazionale Pino Pascali, 12 novembre 1976, in Pos 13 (1969-1977) Premi Pascali, 4.

<sup>417</sup> See for example, Appendix Doc. 49. Segretario Premio Franco Favale alla Soprintendente Palma Bucarelli, 12 settembre 1974, Premio Pino Pascali 1974-1977, in Pos 13 (1969-1977) Premi Pascali, 4.



Furthermore, the *Soprintendenza* was a reference point for all Italian and foreign institutions that established artistic prizes. They wrote to the Galleria to promote their initiatives and to put forward possible candidates on the Italian artistic scene for prizes<sup>418</sup>. However, the resources provided by the Ministry to enable the participation of Italian artists in these international competitions were often not sufficient, as the related documents and ministerial responses testify<sup>419</sup>.

Since 1971, the *Soprintendente* of the Galleria also collaborated in the assignation of the international Bolaffi Prize, recommending two artists for each edition of the prize. The winner would have one of their works acquired by the *Galleria Nazionale* in return for L. 1.000.000. The establishment of this prize allowed the Galleria to obtain the works of Mario Ceroli (1972), Germano Olivotto (1973), Valeriano

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<sup>418</sup> Among others, *Premio nazionale di scultura Renato Carnevale del Museo d'arte contemporanea di Villa Croce*; Wolf Prize in the Arts from the Israelian Wolf Foundation; *Premio internazionale di scultura Giacomo Manzù*; *Ente Nazionale italiano per il turismo*; *Istituti di cultura italiana all'estero*; *Gran Premio di scultura Rodin*; *Gran Premio di scultura Henry Moore*; *Premio Saatchi & Saatchi per giovani artisti*; *Colonia artistica di Danilovgrad*; *Grand premio internazionale di arte contemporanea Montecarlo*; *Premio internazionale Biella per l'incisione*; Ministry of the Defense in Chile; Drawing Triennial in Wroclaw; Fulbright Program from the United States; Italian embassies abroad; Italian ministries; Istituto Nazionale di Previdenza Sociale; national municipalities; art academies. In this regard, see Appendix Doc. 56. Soprintendente Monferini al Ministero per i beni culturali e ambientali, 1 febbraio 1990, Pos 13 (1990-2003) premi, Bandi di concorso, 8. Appendix Doc. 57. Soprintendente Monferini al Direttore Generale Sisinni, Pos 13 (1990-2003) premi, Bandi di concorso, 8. Appendix Doc. 58. Soprintendente Faldi al Ministero degli Affari Esteri, Grand Premio Internazionale di arte contemporanea Montecarlo, 26 ottobre 1976, in Pos 13 (1970-1989) Premi, 3. Appendix Doc. 59. Borse di studio per l'estero offerte da stati esteri per l'anno accademico 1975-1976, in Pos 13 (1970-1989) Premi, 3. Doc. 60. Soprintendente Monferini Calvesi al Direttore Agresti, Div. VII, 18 aprile 1988, in Pos 13 (1970-1989) Premi, 3.

<sup>419</sup> See the numerous letters coming from the *Archivio generale Sezione storica della Galleria Nazionale d'Arte Moderna e Contemporanea* sent by the Ministry to the Galleria in those years and the replies that the *Soprintendenti* sent back in order to underline the importance of these initiatives for the promotion of the Italian contemporary art and artists. Some of these letters can be found in the Appendix.

Trubbiani (1974), Ugo Nespolo<sup>420</sup> (1975), Eliseo Mattiacci (1976), Claudio Parmiggiani (1977), Michelangelo Pistoletto<sup>421</sup> (1978) and Floriano Bodini (1979). However, the appointment of *Soprintendente de Marchis* stopped the participation of the Galleria in the prize in order to guarantee the “autonomy of the institution”<sup>422</sup>.

When analysing the case of the MAXXI museum, it emerges that the institution has also been created through the establishment of important prizes. In fact, they contributed to the creation of the museum collection and exhibitions at national and international level<sup>423</sup>. The first of these prizes was the *Premio per la giovane arte italiana* (Prize for Young Italian Art) that was organized in four editions (2000, 2002-2003, 2004-2005, 2006-2007) and enriched the museum’s collection and international prestige<sup>424</sup>. For each edition of

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<sup>420</sup> Appendix Doc. 62. Lettera Ugo Nespolo al Soprintendente Faldi, 16 giugno 1975, in Pos 13 (1970-1989) Premi, 3.

<sup>421</sup> Appendix Doc. 63. Lettera Michelangelo Pistoletto a Allemandi, 16 marzo 1978, in Pos 13 (1970-1989) Premi, 3.

<sup>422</sup> Appendix Doc. 64. Lettera Soprintendente de Marchis a Paolo Levi, 5 marzo 1979; Doc. 65. Lettera Allemandi al Soprintendente de Marchis, 19 luglio 1979; Doc. 66. Lettera Soprintendente de Marchis a Allemandi, 8 settembre 1979; Doc. 67. Lettera Allemandi al Soprintendente de Marchis, 10 giugno 1980; Doc. 68. Lettera Soprintendente de Marchis a Allemandi, 8 luglio 1980, in Pos 13 (1970-1989) Premi, 3.

<sup>423</sup> For a closer analysis of the role of the prizes for the Italian artists see the discussion of the *Forum dell’arte contemporanea italiana 2015* organised in Prato. *Atti del Forum dell’arte contemporanea italiana 2015*, 25-27 settembre, Prato, 152-154.

<sup>424</sup> The first edition, in the year 2000, saw the participation of five hundred artists in the call promoted by the Ministry and the *Agenzia romana per la preparazione del Giubileo* (Jubilee Agency), which highly supported the prize. Further details concerning the prize’s organisation, public calls, selection process and exhibitions can be found in the final Appendix Doc. 78 – 87. For a broader history of the prize see, MATTIROLO A., *Una (lunga) storia*, in FREZZOTTI S., ITALIANO C., RORRO A., *Galleria Nazionale d’Arte Moderna & Maxxi. Le collezioni 1958-2008*, Electa, 2009, 36. Further details concerning the projects proposed for the first edition of the prize can be found in PINTO S., MATTIROLO A. (ed.), *Il premio per la giovane arte italiana del centro nazionale per le arti contemporanee 2000. Migrazioni e multiculturalità*, Umberto Allemandi, 2001. See also, PINTO S., *The Award from The Centre*, in CASCANI S., *Verso il centro*, Castelveccchi arte, 2000, 59-97. PIGNATTI MORANO M., VANNINI S. (ed.), *Premio per la giovane arte italiana 2002-2003*, Gangemi editore, 2003. PIGNATTI MORANO M., COLOMBO P.

the prize a shortlist of artists was selected and their artworks became part of the museum collection.

The jury was nominated by the MAXXI and the Directorate General for contemporary art and was composed of Italian and international professionals (curators, museum directors, artists and scholars) in the contemporary art field. They tended to select the artworks according to the originality and quality of the expressive tools used to involve the spectator, the adherence to the theme of each competition and the work's communicative power also in relation to the local context. The winning artists received a monetary award and took part in an exhibition at the Venice *Biennale* or at the MAXXI foundation, after its opening.

The *Premio Italia Arte Contemporanea* (Prize Italy Contemporary Art) was then established in 2010 for artists under 45 and curated by Bartolomeo Pietromarchi<sup>425</sup>. It replaced the previous one. The prize was transformed in 2014 into the *Premio MAXXI*<sup>426</sup> and the *Premio MAXXI Bulgari* in 2018, thanks to collaboration between the luxury goods company Bulgari and the foundation<sup>427</sup>.

Additional important prizes that the Directorate General for contemporary art has established over the years saw collaboration with the Ministry of Foreign Affairs<sup>428</sup>. In particular, the Shanghai

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(ed.), *Premio per la giovane arte italiana 2004-2005*, Electa, 2005.

<sup>425</sup> The winning works of Rossella Biscotti and Gianluca and Massimiliano De Serio became part of the museum collection. In 2012 the final winner was Giorgio Andreotta Calò with the work *Prima che sia notte* which also became part of the museum collection. Further details concerning the artistic projects can be found in ITALIANO C., *Premio Italia Arte Contemporanea*, MAXXI, 2010.

<sup>426</sup> The final winner was Marinella Senatore with the work *The School of Narrative Dance*. In 2016 the *Premio MAXXI* was given to Zapruder. The works of the selected artists were displayed in the spaces of the MAXXI during an exhibition curated by Giulia Ferracci.

<sup>427</sup> The final artists selected for this edition were Talia Chetrit, Invernò and Diego Marcon, born between 1983 and 1985. Their works were displayed in 2018 during an exhibition curated by Giulia Ferracci in the spaces of the museum MAXXI. FERRACCI G., *MAXXI Bulgari Prize 2018*, Quodlibet, 2018.

<sup>428</sup> An additional prize was also promoted between 2006 and 2009 by the Directorate

Prize was initiated in 2011 by the *Istituto Garuzzo per le Arti Visive*, the DGAAP, the Ministry of Foreign Affairs through the Directorate General for the Promotion of the Country System, the Italian Cultural Institute in Shanghai, the Shanghai Promotion Center for City and Design and the East China Normal University of Shanghai – School of Design. It enhances artistic cooperation and residencies between Italy and China for emergent artists under 35<sup>429</sup>.

Moreover, the New York Prize was established in 2017 by the DGAAP, the Ministry of Foreign Affairs through the Directorate General for the Promotion of the Country System, the Italian Cultural Institute in New York, the Italian Academy for Advanced Studies in America at Columbia University. It allows the residency of Italian artists under the age of 40 in New York for six months<sup>430</sup>. In addition, the Moscow Prize created in 2018 allows two curators to spend six months in the Russian capital<sup>431</sup>. It was created as a collective initiative of the DGAAP, the Ministry of Foreign Affairs, the Italian Cultural Institute in Moscow and the VAC Foundation.

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General - PARC, *Direzione generale per la qualità e la tutela del paesaggio, l'architettura e l'arte contemporanee*, of the Ministry of Cultural Heritage and Activities<sup>428</sup>. The prize was called *Premio a concorso per la storia e la critica dell'arte italiana contemporanea* and intended to promote the research of young art historians in the contemporary art field.

<sup>429</sup> The first edition took place in 2018 and the selected Italian artists were Daniele Pio Marzorati, Fabio Roncato and Matteo Valerio, while the Chinese artists were Li Zhaopeng, Lu Yuyi and Fan Zhiye. Further details can be found on the DG website [http://www.aap.beniculturali.it/premio\\_shanghai\\_r.html](http://www.aap.beniculturali.it/premio_shanghai_r.html)

<sup>430</sup> The prize was started in 2004. For the XIV edition in 2017 the selected artists were Danilo Correale and Chiara Fumai; in 2018 Sara Enrico and Ludovica Carbotta; in 2019 Fatma Bucak and Antonio Fiorentino; in 2020 Ruth Beraha and Agostino Iacurci. Further details can be found on the DG website [http://www.aap.beniculturali.it/premio\\_NY\\_r.html](http://www.aap.beniculturali.it/premio_NY_r.html)

<sup>431</sup> The prize was started in 2018 and the selected curators were Joel Valabrega and Giulia Morucchio. In 2019 the curators were Vasco Forconi and Alessandra Franetovich. Further details can be found on the DG website: [http://www.aap.beniculturali.it/premio\\_mosca\\_r.html](http://www.aap.beniculturali.it/premio_mosca_r.html)

Furthermore, the Johannesburg Prize awards the opportunity for one artist to spend three months in South Africa<sup>432</sup>. The Cape Town Prize also allows one artist to spend three months in the city<sup>433</sup>. They were both activated in 2019 by the DGAAP, the Ministry of Foreign Affairs through the Directorate General for the Promotion of the Country System and the Italian Cultural Institute in Pretoria.

Following the analysis of all these initiatives from the seventies until today, it emerges that while they were initially promoted by private individuals or organisations (as in the cases of the Pascali and Bolaffi prizes where the Galleria's support mainly concerned organisational issues and the selection of the juries), after the foundation of the MAXXI and the DG, at the beginning of the XXI century, prizes were integrated as fundamental ministerial tools for the promotion of young and emergent artists in Italy and abroad.

All these prizes offered important opportunities for exhibitions, new productions, acquisitions and residencies. The MAXXI and the *Galleria Nazionale* contributed to the promotion or establishment of prizes with their financial resources, when available, and expertise. They also organised exhibitions as a result of the prize's selection process and acquired the works of the winning artists. All these prizes were destined for the promotion and recognition of emergent artists, working with a variety of media, contributing to the growth of their career and the affirmation of their role in the contemporary art system.

In fact, all these prizes have some common traits. Their scope tended to focus on two main areas: expanding museum collections and

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<sup>432</sup> The first edition of the prize in 2019 was assigned to Niccolò Benetton (The Cool Couple, 1986).

<sup>433</sup> The prize was started in 2018 and the winning artist was Gian Maria Tosatti. Further details can be found on the DG website [http://www.aap.beniculturali.it/premio\\_citta\\_capo.html](http://www.aap.beniculturali.it/premio_citta_capo.html). Unfortunately, these initiatives could not be further explored due to the restrictions of the DG archive and the impossibility of consulting further documentation concerning these specific projects.

enhancing the international recognition of Italian artists (or curators) abroad through a series of initiatives around the globe. In the most recent cases they have aimed to facilitate the creation of a network and strengthening artistic training and research through the exploration of foreign contexts.

As a matter of fact, the Ministry of Cultural Heritage was only directly involved in the financial and organisational promotion of prizes for the contemporary during the past two decades. However, both the *Galleria Nazionale* and the MAXXI have been highly dependant on the initiative and external support of private bodies for supporting prizes<sup>434</sup>. The absence of the State in permanently promoting these tools has certainly affected the development of these instruments and the whole contemporary art system in Italy.

Prizes were established through internal ministerial acts that provided the financial resources and oversaw their procedures and regulation. The juries were directly nominated by the Directorate General or its institutions from among experts in the contemporary art field.

The limits in the State establishment of prizes emerge when examining those instruments through a historical perspective. In fact, prizes have been the oldest instrument for the state promotion of artistic expressions and potentially limit contemporary production, affecting its freedom or tendencies (as happened under the fascist regime). This possible distortion derives from the vertical and selective nature of these tools. Moreover, the selection criteria established for each prize are not always clearly defined, leaving space to broad interpretations.

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<sup>434</sup> In particular, the prizes of the *Galleria Nazionale* were initiated by private bodies such as the Pascali family and the Bolaffi company. The prizes of the MAXXI were also started through the funding coming from the *Agenzia romana per la preparazione del Giubileo* and needed the support of Bulgari fashion house in the latest part of their history.

On the other hand, the worldwide importance of prizes for the promotion of contemporary art is still undeniable. In fact, the Turner and Duchamp prizes, in Great Britain and France respectively, are just some examples of the significant recognition that national prizes could also have at international level. However, the recent results of the last Turner prize calls into question the significance of the individual assignation of these tools in the current global context<sup>435</sup>.

Moreover, these direct forms of state support permit the expansion of public collections, as it emerged in the analysis. Since many of these prizes led to consequent acquisitions, the question that arises is: why do institutions resort to one tool more than the other? The reply is not univocal. In fact, the procedures and responsibilities both for acquisitions and prizes are burdensome for the administration from the financial and organisational point of view. However, the criteria for the selection of the winners of prizes appear to be more flexible than those of acquisitions. In addition, prizes offer a public recognition of the artist's work that acquisitions do not always provide.

In conclusion, from the point of view of the promoting institutions, the additional value that they gain from prizes and acquisitions seems

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<sup>435</sup> In 2019 all four artists shortlisted for the Turner Prize have been named winners after they came together and made a plea for judges to recognise the causes of "commonality, multiplicity and solidarity". Lawrence Abu Hamdan, Helen Cammock, Oscar Murillo and Tai Shani were named the collective winner and shared the final prize. The artists referred to the significance of the Turner prize seeking to "expand what it means to be British", and said their work sought to take a stand against isolation and exclusion in a hostile environment with a "symbolic gesture of cohesion. (...) At this time of political crisis in Britain and much of the world, when there is already so much that divides and isolates people and communities, we feel strongly motivated to use the occasion of the prize to make a collective statement in the name of commonality, multiplicity and solidarity – in art as in society". Moreover, in 2020 in place of the Turner Prize exhibition the jury has selected 10 artists to receive £10,000 bursaries, in order to face the pandemic crisis. See also, BROWN M., *Turner prize awarded four ways after artists' plea to judges*, in *The Guardian*, 3<sup>rd</sup> December 2019.

to be the same. In both cases they enrich their collections and demonstrate a public and consistent support to the field.

#### **4. Financial interventions for the contemporary: the funding programmes**

After the foundation of the Directorate General for contemporary art in 2001, the Ministry established important funding programmes, through specific laws and additional secondary administrative sources, which transformed the Italian state support to the field. These funding programmes are the PAC and the Italian Council which are analysed in this section of the research.

First of all, the *Piano per l'Arte Contemporanea* (PAC – Plan for Contemporary Art) was established through the law 23<sup>rd</sup> February 2001, n. 29, *Nuove disposizioni in materia d'interventi per i beni e le attività culturali*. This programme was created as an essential instrument to officially fund contemporary art and new acquisitions for the future MAXXI and Italian contemporary art institutions<sup>436</sup>. The PAC has been the only tool created for explicitly expanding public contemporary art collections in Italy and for contributing to the management, protection and enhancement of contemporary artworks<sup>437</sup>.

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<sup>436</sup> The PAC was adopted through the D.M. 24<sup>th</sup> April 2002, *Adozione del piano per l'arte contemporanea*, published in the *Gazzetta Ufficiale* n. 231 on the 2<sup>nd</sup> October 2002.

<sup>437</sup> It needed to be approved annually. The *Piano per l'arte contemporanea* (2001) included the *Patto per l'arte contemporanea* (2003). "The *Patto per l'Arte Contemporanea* defines an important agreement signed between the Ministry, Regions, Provinces, Autonomous Provinces, Municipalities and Mountain Communities ratified by the Unified Conference on 27 March 2003 to identify and support a network of centres of excellence for the promotion of contemporary art. (...) In order to allow the enlargement of the public heritage of contemporary art and thus recover a cultural gap with the countries of the European Union, the Minister for Cultural Heritage and Activities has authorized, starting from the year 2002, an annual expenditure of 5 million euros plus similar resources that local and regional authorities will make available for the same purposes. (...) The *Patto* will favour, in the first instance, artists who, within the framework of transparent strategies and in a concerted approach between the State and local authorities, will have greater opportunities to see their works acquired by State



The purpose of the PAC was to expand the public heritage of contemporary art through acquisitions, direct commissioning<sup>438</sup>, competitions for the creation of new works and prizes<sup>439</sup>. In these cases, the PAC would cover expenses for the selection, the project, the organization and realization of the work. Besides these direct activities for expanding contemporary art's public heritage, the PAC covered all interventions aimed at achieving the objectives set out in the Plan<sup>440</sup>.

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museums, municipal and provincial galleries. (...) One of the objectives of the *Patto per l'Arte Contemporanea* is also to encourage greater coordination of museum acquisition policies, the definition of standards and systems for the assessment and certification of quality, and the recognition and cataloguing of public heritage. At the same time, the need for museums to adequately guarantee the presence of works produced in Italy, without excluding acquisitions by foreign artists, is stressed. The increase in the public heritage of contemporary art can thus take place both through the acquisition of works (in any case the main and ordinary form) and through the commissioning of new works through a selection procedure for artists and projects or through competitions for the promotion of young artists (...)" [https://www.beniculturali.it/mibac/export/MiBAC/sito-MiBAC/Contenuti/MibacUnif/Comunicati/visualizza\\_asset.html\\_1269573726.html](https://www.beniculturali.it/mibac/export/MiBAC/sito-MiBAC/Contenuti/MibacUnif/Comunicati/visualizza_asset.html_1269573726.html) See also, TRIMARCHI M., *I mercati dell'arte contemporanea*, in DE LUCA M., GENNARI SANTORI F., PIETROMARCHI B., TRIMARCHI M. (ed.), *Creazione contemporanea. Arte, società e territorio tra pubblico e privato*, Luca Sossella editore, 2004, 37.

<sup>438</sup> The guidelines outlined by the decree for commissions were: "b) committenza: compatibilità dell'intervento contemporaneo con la collezione, edificio o il contesto cui è destinato; correttezza della procedura di selezione; adeguata motivazione della scelta degli artisti da invitare".

<sup>439</sup> Among the priorities for the year 2002, the decree listed the importance of enriching the contemporary art collection of the *Galleria Nazionale d'Arte Moderna* in Rome, by prioritizing acquisitions of donated, loaned or deposited artworks. The decree also mentioned the importance of organizing the second edition of the *Premio per la Giovane Arte Italiana*.

<sup>440</sup> In accordance with the limitations provided by point 17 of the first decree that introduce the plan, the D.M. 24<sup>th</sup> April 2002. "Finanziamenti. 17. Le quote di finanziamento da destinare a ciascuno degli assi d'intervento per il 2002, dato il carattere sperimentale del Piano in questo primo anno di applicazione, non sono state fissate in modo rigido. Posto che il canale ordinario d'incremento è costituito dalle acquisizioni, si è stabilito per gli altri ambiti d'intervento un limite in percentuale che ha ancora carattere orientativo. Ciò consentirà di destinare comunque agli acquisti le

The first goal, in the short term, was to enlarge the contemporary art collections of the museums dependent on the Ministry, filling the gaps of the past and enriching contemporary creativity. The second medium-term goal concerned the creation of a network of contemporary art centres of excellence together with the regions and local authorities<sup>441</sup>.

Article 3 of the law 23<sup>rd</sup> February 2001, n. 29 defined the PAC. In order to achieve its goal of expanding the public heritage of contemporary art through the acquisition of works by both Italian and foreign artists, the Ministry established the PAC and provided the annual funding of Lire 10.000 million starting from 2002, including the expenses for its management and organization<sup>442</sup>.

Finally, the D.M. 24<sup>th</sup> April 2002, *Adozione del Piano per l'arte contemporanea* (Adoption of the Plan for Contemporary Art)<sup>443</sup>, adopted the Plan for the promotion of contemporary art in 2002. It acknowledged the necessity of supporting the role of contemporary

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somme eventualmente non spese per altri scopi. Le soglie previste sono le seguenti: committenza non oltre il 20%; spese del Premio per la giovane arte italiana non oltre il 10%; attività preliminari e di gestione del Piano non oltre il 10%".

<sup>441</sup> These institutions were identified in 2002 to target for funding and ministerial investments in the following years. "7. Per il conseguimento degli obiettivi di cui al punto 5 b), si procederà mediante le intese previste dal decreto legislativo 28 agosto 1997, n. 281. Una quota non inferiore al 50% delle spese propedeutiche e di gestione del Piano di cui al punto 17 viene destinata al cofinanziamento delle relative attività da parte del Ministero". In this regard, see BALDI P., *Il piano 2002 per l'arte contemporanea*, in *Ufficio Studi Mibac*, Notiziario, XVII. 68-70, gennaio-dicembre 2002.

<sup>442</sup> "1. Al fine di consentire l'incremento del patrimonio pubblico di arte contemporanea, anche mediante acquisizione di opere di artisti italiani e stranieri, il Ministro per i beni e le attività culturali predispone un «Piano per l'arte contemporanea», per la realizzazione del quale, ivi comprese le connesse attività propedeutiche e di gestione del medesimo, è autorizzata, a decorrere dall'anno 2002, la spesa annua di lire 10.000 milioni". The following paragraph of article 3 stated that "2. Al comma 11 dell'articolo 1 della legge 12 luglio 1999, n. 237, dopo le parole: «attività propedeutiche», sono inserite le seguenti: «nonchè per la nomina di un curatore»".

<sup>443</sup> Published in the *Gazzetta Ufficiale* n. 231 on the 2<sup>nd</sup> October 2002.

art in Italy and investing in this specific field in order to enhance national cultural heritage as a whole.

It stated that contemporary art still occupied only a marginal position, both quantitatively and qualitatively, in Italian cultural heritage. This side-lining, particularly evident in the case of state museums, had had a negative impact on the knowledge of the art of the present and recent past; on the promotion of artistic creativity at national level and also on the development of a modern system of contemporary art, where public commissioning and acquisitions were deemed essential.

According to the decree for the adoption of the PAC, the creation of new spaces for contemporary art and the expansion of existing ones would start to reverse this trend. This growth in space had to correspond with an expansion of public heritage, aimed at documenting the most significant recent and contemporary productions on a permanent basis, in coordination with the various administrations<sup>444</sup>.

The PAC defined the objects of its application as the artworks of living artists or the works created no earlier than 50 years before and including photography and industrial design, if characterized by a specific cultural interest for the public heritage. The archives of artists, collectors, gallerists, photographic and audiovisual funds as well as

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<sup>444</sup> "1. Nel patrimonio culturale pubblico italiano l'arte contemporanea occupa ancora un posto marginale, in senso sia quantitativo sia qualitativo. Questa lacuna, particolarmente evidente nel caso dei musei statali, ha inciso negativamente sulla conoscenza dell'arte del presente e del recente passato, sulla promozione della creatività artistica a livello nazionale e anche sullo sviluppo di un moderno sistema dell'arte contemporanea, nel quale è necessaria la presenza di acquirenti e committenti pubblici che operino in modo selettivo ma regolare. (...) 2. Oggi è in atto un'inversione di tendenza, che ha preso le mosse dalla creazione di nuovi spazi destinati all'arte contemporanea o dall'ampliamento di quelli esistenti.(...) 3. Alla crescita di spazi per l'arte contemporanea deve però corrispondere la crescita del patrimonio pubblico volto a documentare in forma permanente gli esiti più significativi della produzione recente e attuale, secondo un'ottica di sistema che massimizzi e coordini gli sforzi in atto da parte delle diverse amministrazioni. 4. Per questo scopo è stato predisposto il Piano per l'arte contemporanea 2002 (...)"

relevant documents were considered complementary sources for enriching the knowledge and study of the heritage of contemporary art.

The criteria set out for the expansion of the public heritage are of particular interest. The growth of the public heritage must first of all satisfy a cultural interest. The identification of this interest presupposes: a) a value judgment on the works to be acquired or commissioned, which must be expressed not only in an absolute sense, considering their characteristics, but also in a relative sense, considering their relationship between both the public heritage of contemporary art and the collection, building or context; b) the evaluation of conservation needs and possible public fruition of the artworks. Along with the pursuit of cultural interest, the convenience of the acquisition or commission must also be considered<sup>445</sup>.

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<sup>445</sup> "12. L'incremento del patrimonio pubblico deve soddisfare anzitutto un interesse di ordine culturale. L'individuazione di questo interesse presuppone: a) un giudizio di valore sulle opere da acquisire o commissionare, che deve essere espresso non solo in senso assoluto, considerando le loro caratteristiche, ma anche in senso relativo, considerando il loro rapporto sia con il patrimonio pubblico d'arte contemporanea in generale sia con la collezione, edificio o contesto cui esse sono destinate; b) la valutazione delle condizioni di conservazione e fruizione che potranno essere assicurate a queste opere. Compatibilmente con il perseguimento dell'interesse culturale, devono inoltre essere garantite la convenienza delle operazioni d'acquisizione e committenza". Moreover the decree also stated that "13. I musei e gli istituti beneficiari degli interventi finanziati dal Piano sono tenuti a definire preliminarmente la loro politica di acquisizione in materia di arte contemporanea. Si applica, a tale proposito, quanto previsto dall'Atto d'indirizzo sui criteri tecnico-scientifici e sugli standard di funzionamento e sviluppo dei musei approvato con decreto ministeriale 10 maggio 2001, punto VI. 2: 'Ogni museo deve adottare e rendere pubbliche le linee della propria politica di incremento delle collezioni, impegnandosi a rivederle periodicamente. Gli oggetti devono essere acquisiti coerentemente con le linee stabilite dal museo e deve essere documentata la loro legittima provenienza. I musei devono evitare di acquisire opere che non siano in grado di conservare ed esporre in maniera adeguata o siano di legittimo interesse di altri musei, senza informarli preventivamente'".

The PAC has been managed by the Directorate General for Contemporary Art and Architecture, which received advice from the Committee for Architecture and Contemporary Art until 2012 and, later on, from the evaluating Committee regarding acquisitions<sup>446</sup>. The procedure for selecting the works to be acquired or commissioned had specific phases: proposal, evaluation of opportunities and order of priority<sup>447</sup>.

The proposal is presented by the *Soprintendente* or by the peripheral ministerial branches which own or wish to create contemporary art

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<sup>446</sup> *Commissione di valutazione per le proposte di acquisizione (donazione e acquisti) di beni e opere d'arte e per la formulazione di altri pareri tecnici.*

<sup>447</sup> "[...] 18. La gestione del Piano è assicurata dalla direzione generale per l'architettura e l'arte contemporanea (...), che si avvale della consulenza tecnico-scientifica del Comitato per l'architettura e l'arte contemporanea (...). La procedura di selezione delle opere da acquisire e commissionare prevede le seguenti fasi: proposta, valutazione di opportunità e ordine di priorità. 19. Le proposte d'acquisizione e committenza per l'anno 2002 sono formulate dalle soprintendenze e dagli istituti periferici del Ministero che possiedono o intendono costituire collezioni d'arte contemporanea. Le proposte devono essere esaurienti, motivate e coerenti con la politica d'incremento del museo. Se gli acquisti sono diretti alla costituzione di nuove collezioni, queste devono rispondere a un progetto, da allegare alla proposta, che ne motivi l'esigenza, ne dichiari le finalità e ne garantisca la gestione e lo sviluppo. (...) 20. Il Comitato esprime un parere sull'opportunità delle proposte di acquisizione e committenza e sull'assegnazione dell'ordine di priorità, tenendo conto: delle motivazioni indicate dai proponenti, e della loro coerenza con la politica d'incremento delle rispettive collezioni; dei criteri di valutazione e delle priorità indicati per gli assi d'intervento a) e b) ai precedenti punti 15 e 16. (...) 22. Ogni tre mesi, e per la prima volta entro il 30 giugno 2002, il direttore generale presenta al Ministro una relazione contenente l'elenco delle proposte di acquisizione e committenza pervenute e di quelle approvate. 23. Entro il 30 novembre 2002, il direttore generale presenta al Ministro una valutazione d'efficacia del Piano. Ai fini della verifica del conseguimento degli obiettivi di cui al punto 5 a) saranno oggetto di valutazione in particolare: la capacità di pianificazione e valutazione da parte dei singoli istituti, che si concretizza nella definizione della propria politica d'incremento e nella coerenza e motivazione delle proposte d'acquisizione o committenza; l'efficienza delle procedure di gestione, con particolare riferimento ai tempi di svolgimento. Ai fini della verifica del conseguimento degli obiettivi di cui al punto 5 a), saranno oggetto di valutazione in particolare: lo stato della ricognizione sui musei e centri attivi nel settore dell'arte contemporanea; definizione dei criteri, modalità e procedure per l'individuazione dei centri d'eccellenza".

collections. The proposals have to be reasoned and coherent with institutional acquisition policies. The Technical-Scientific Committee for contemporary art and architecture has to evaluate the proposals for acquisitions and commissioning and define priorities for the national heritage, in accordance with their motivation and coherence. The Director-General delivers the list of the proposals and an evaluation of the efficacy of the programme to the minister.

Despite the reductions of available funding for the PAC, it remained the only tool expressly dedicated to expanding Italian State collections and was the main source of funding for the acquisition and management of contemporary works of state heritage. However, until 2009 the resources of the PAC were mainly dedicated to the creation of the MAXXI museum and were progressively reduced in the following years<sup>448</sup>. Half of the annual funding was destined for the MAXXI, the other half to enlarge public collections and projects together with external non-profit institutions, in accordance with article 3, law n. 29/2001<sup>449</sup>.

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<sup>448</sup> In this regard, see BELLISARIO M.G., *Le risorse per il settore del contemporaneo, verso le politiche di rete*, in TRUPIANO G. (ed.), *La finanza della cultura - La spesa, il finanziamento e la tassazione*, Roma Tre-Press, 2015, 75. And BELLISARIO M.G., *Architettura e arte contemporanee, dopo la riforma del 2009*, in *Ufficio Studi Mibac* (ed.), *Notiziario XXV-XXVI*, 92-97, gennaio 2010 – dicembre 2011, 33-38.

<sup>449</sup> Thanks to the PAC, the *Galleria Nazionale* in Rome acquired the sculpture of Mauro Staccioli, which is still in the museum garden, and the work *Passi* created by Alfredo Pirri. At the same time, the *Castel Sant'Elmo* in Naples established a prize called *Un'Opera per il Castello* that intended to enrich the museum collection every year with a new site-specific artwork made by a young artist. For a brief history of the prize see TECCE A., *Novecento a Napoli (1910-1980): per un museo in progress*, in *Ufficio Studi Mibac* (ed.), *Notiziario XXV-XXVI*, 92-97, gennaio 2010 – dicembre 2011, 43. For a broader history of contemporary art and its institutions in Campania see also TRIONE V. (ed.), *Atlante dell'arte contemporanea a Napoli e in Campania 1966 – 2016*, Madre – Fondazione Donnaregina, Electa, 2016. See also, BELLISARIO M.G., *Le risorse per il settore del contemporaneo, verso le politiche di rete*, in TRUPIANO G. (ed.), *La finanza della cultura - La spesa, il finanziamento e la tassazione*, Roma Tre-Press, 2015, 75-76. See also the following link for further details concerning the prize *Un'opera per il Castello* [http://www.aap.beniculturali.it/operacastello\\_r.html](http://www.aap.beniculturali.it/operacastello_r.html)

In 2009 the PaBAAC was founded under the ministry of Sandro Bondi. From that moment, the V Service of the new Directorate General coordinated the triennial programs of the PAC by supporting specific acquisitions, projects, exhibitions and public calls. However, the availability of funding destined for the PAC was radically reduced over the years until 2014 when, under the ministry of Dario Franceschini, it was consistently increased<sup>450</sup>.

The second important program established in 2017 by the DGAAP, in dialogue with the *Comitato delle Fondazioni*<sup>451</sup>, is the Italian

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<sup>450</sup> See the tables and charts in the final Appendix Doc. 88 Allocation of PAC resources 2010-2015. Source: Direzione Generale Creatività Contemporanea, Mibact, 2020. These tables should be compared with the data of the Annual Monitoring 2010-2014 (*Monitoraggio annualità 2010-2014*) and with the analysis concerning the ministerial funding for contemporary art over its 45 years of history. See, Piano dell'arte contemporanea – Monitoraggio annualità 2010-2014.

<sup>451</sup> Regarding the birth of the programme Italian Council, in June 2015 the agreement between the Ministry and the *Comitato delle Fondazioni* (Committee of the Foundations) for the promotion of contemporary art was signed. In 2014, under the presidency of Patrizia Sandretto Re Rebaudengo, the *Comitato delle Fondazioni* was comprised of representatives of: Fondazione Sandretto Re Rebaudengo per l'Arte, Fondazione Spinola Banna per l'Arte, Fondazione Brodbeck, Fondazione Memmo - Onlus, Fondazione Mario Merz, Nomas Foundation, Fondazione Nicola Trussardi, Fondazione Pastificio Cerere, Fondazione Giuliani per l'Arte Contemporanea, Fondazione Antonio Morra Greco, Fondazione Volume!, Fondazione Pistoletto Onlus, Fondazione Pier Luigi e Natalina Remotti, Palazzo Grassi - Punta della Dogana - Pinault Collection, Fondazione Antonio Ratti. "On 10<sup>th</sup> June 2015, Minister Dario Franceschini signed a memorandum of understanding with the *Comitato Fondazioni Italiane Arte Contemporanea*, made up of the most prestigious Italian Foundations, aimed at developing joint collaborations for the promotion of contemporary art in Italy and abroad, focusing on collaboration between the public and private sectors. The strategic objectives of the agreement are: to support the international mobility of young Italian artists, to define standards in terms of education, cultural mediation and relations with visitors, and to discuss regulatory and fiscal issues related to artistic and cultural heritage. The signing of the protocol, strongly encouraged by the DGAAP, led to the establishment of a Steering Committee, chaired by the Director General and whose representatives are Patrizia Sandretto Re Rebaudengo, Chiara Parisi, Carolina Italiano, Francesco Manacorda. The first result of the protocol is the *Arte in Periferia* project, which saw nine foundations working in nine peripheral areas, involving artists and younger generations". See *Rapporto attività 2015-2017 DGAAP* available on the DG

Council<sup>452</sup>. The project was started after the development of a comparative study with similar foreign institutions that inspired its foundation and organisation<sup>453</sup>.

Article 1 of the Italian Council Regulation 2017<sup>454</sup> defines it as a project of the DGAAP, created to advance the production, knowledge and dissemination of contemporary Italian creativity in the visual arts<sup>455</sup>.

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website. "Scopo prioritario [del Comitato delle Fondazioni] è stato ed è quello di presentarsi come interlocutore delle Istituzioni pubbliche". SANDRETTO RE REBAUDENGO P., *Un nuovo paesaggio culturale*, in *Le organizzazioni private dell'arte contemporanea in Italia*, Intesa Sanpaolo, Comitato Fondazioni Arte Contemporanea, Civita Associazione, Gennaio 2020, 1. The study is particularly important for understanding the Italian context for private contemporary art organisations. The Steering Committee was composed of five members, two nominated by the Directorate General, one by the *Comitato delle Fondazioni*, and two experts nominated by the DG and the *Comitato*. The first Steering Committee was composed of Federica Galloni (Direttore generale arte e architettura contemporanee e periferie urbane - Mibact), Carolina Italiano (Mibact), Patrizia Sandretto Re Rebaudengo (President of the *Comitato*), Vincenzo De Bellis (Mibact), Francesco Manacorda (nominated by the Consiglio direttivo del *Comitato*). The Steering Committee started a close dialogue with the DG that brought to the creation of the Italian Council.

<sup>452</sup> The necessity of establishing an Italian Council had already been discussed in 2015 during the *Forum per l'arte contemporanea* in Prato. "The second level requires already greater economic and organisational commitment and a clear political will. This involves setting up an agency to promote Italian art, along the lines of Pro Helvetia, for example, to support Italian creativity, particularly abroad. The third level, the most desirable, is the establishment of an Italian Arts Council, a body capable of working strategically and effectively, in a coordinated manner but independent of the department, thus implementing the separation between culture and political power that was often advocated during the Prato Forum". *Atti del Forum dell'arte contemporanea italiana 2015*, 25-27 settembre, Prato, 18. Similar needs were discussed during the *Forum dell'arte contemporanea 2020* organised through online round tables during May 2020.

<sup>453</sup> See, for example, the role of the Art Council in the United Kingdom and that of the Mondriaan Fund in the Netherlands.

<sup>454</sup> The *Regolamento* was re-enacted with updated versions on 6<sup>th</sup> August 2018 and on 12<sup>th</sup> December 2019.

<sup>455</sup> In accordance also with the *Regolamento per l'utilizzo delle risorse afferenti progetti e attività di promozione, di valorizzazione, di ricerca e di partecipazione a iniziative istituzionali in materia di arte e architettura contemporanee e periferie urbane*, decrees enacted by the Director-General Galloni on 15<sup>th</sup> January 2018 and on 8<sup>th</sup> February 2019. *Regolamento Italian Council 2017* recante il procedimento ai fini della programmazione e attuazione



The project was in line with the provisions regarding the functions of the DG (D.P.C.M. 29<sup>th</sup> August 2014, n. 171, article 16, paragraph 2, letters g) and h)), for the promotion and enhancement of Italian contemporary art abroad, as well as the ministerial guidelines concerning political priorities 2016-2018 that included investments in contemporary art and architecture for their promotion in Italy and abroad<sup>456</sup>.

A significant part of the resources for the Italian Council came from the *Piano per l'arte contemporanea* since it aimed to expand the Italian contemporary art heritage<sup>457</sup>. The Ministry of Foreign Affairs and the international Italian institutes also supported the project in accordance with article 2 of the regulation<sup>458</sup>. However, funding for

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degli interventi relativi alla promozione dell'arte contemporanea italiana in Italia e all'estero, available on the DGAAP website.

<sup>456</sup> Regolamento Italian Council 2017 recante il procedimento ai fini della programmazione e attuazione degli interventi relativi alla promozione dell'arte contemporanea italiana in Italia e all'estero. In the introductory notes to the Regolamento 2017 the text stated "Ritenuto, in coerenza con quanto sopra, strategica, l'istituzione di un organismo interno alla DGAAP denominato Italian Council, dotato di risorse pubbliche e contributi privati, con il preciso compito tramite la pubblicazione di bandi, di promuovere la produzione, la conoscenza e la disseminazione della creazione contemporanea italiana nel campo delle arti visive continuando ad incrementare le pubbliche collezioni". It is interesting to highlight the use of the term "organism" in relation to the Italian Council, while the rest of the Regolamento called it "project". Moreover, the same introductory section of the Regolamento 2018 and 2019 described it as a "project".

<sup>457</sup> "VISTO il parere dell'Ufficio Legislativo espresso con nota n.23777 dell'8 agosto 2016 secondo il quale al progetto Italian Council 'potrebbero essere destinate anche le risorse del cap. 7707 pg.13 relative al Piano per l'arte contemporanea di cui all'art. 3 c. 1 della Legge 23 febbraio 2001 n. 29, a condizione che ciò sia finalizzato all'incremento del patrimonio pubblico di arte contemporanea, come espressamente richiesto dalla norma sopracitata e non avvenga per esclusivi scopi di promozione e valorizzazione'." Regolamento Italian Council 2017 recante il procedimento ai fini della programmazione e attuazione degli interventi relativi alla promozione dell'arte contemporanea italiana in Italia e all'estero, available on the DGAAP website.

<sup>458</sup> "Art. 2 Finalità. Il progetto Italian Council sostiene e promuove i soggetti che operano nell'ambito dell'arte contemporanea nelle sue ampie e variegate espressioni, operando in collaborazione, sulla base di successivi accordi, con il Ministero degli Affari Esteri e

the Italian Council could be both public and private, in accordance with article 5<sup>459</sup>.

Public calls for the assignment of the Italian Council funds are opened at least twice per year and are evaluated by a specific commission (articles 3 and 4), nominated by the DG every three years. The commission is responsible for defining the annual themes of the call, approving the public calls and evaluation criteria for the proposals, and evaluating the received proposals. The commission is composed of the Director-General, the President of the Technical-Scientific Committee for contemporary art and architecture and three other members, nominated for their recognition (“chiara fama”) in the visual art field and/or in the management of cultural heritage. The commission is appointed, after approval of the minister, by the decree of the Director-General and can be confirmed for only one mandate.

The public calls are open to artists, curators, critics, Italian and foreign public and private non-profit institutions, in accordance with article 6 of the Regulation. The Italian Council’s funds are used to commission new artworks, for acquisitions, residencies or exhibitions aimed at producing a new work. Alternatively they can be used for supporting

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la rete internazionale degli istituti italiani di cultura nel mondo”. Regolamento Italian Council 2017 recante il procedimento ai fini della programmazione e attuazione degli interventi relativi alla promozione dell’arte contemporanea italiana in Italia e all’estero, available on the DGAAP website.

<sup>459</sup> “Art. 5 Finanziamenti - Il progetto Italian Council si avvarrà di risorse finanziarie pubbliche e private. Quanto alla linea di finanziamento pubblica il progetto graverà sulle risorse assegnate alla DGAAP con DM 4 gennaio 2017, codice azione 2, cap. 7707, PG 13 per l’intera quota parte di spettanza della DG AAP, ivi “comprese le attività propedeutiche e di gestione” ( art. 3 L. 23/02/2001 n. 29 art 3 ). Il progetto Italian Council potrà avvalersi anche delle risorse finanziarie assegnate alla DGAAP con DM 4 gennaio 2017, codice di azione 2, cap. 7707, PG 10, PG 11 e PG 12 e codice di azione 3, cap. 7709, PG 1. Quanto alla linea di finanziamento privata di erogazione libera in denaro, ovvero di sponsorizzazioni, per il tramite dei musei pubblici, il progetto Italian Council, seguirà rispettivamente la procedura di cui all’art.1 del D.Leg. 31 maggio 2014 n. 83 (Art Bonus) convertito in legge n.106 del 29 luglio 2014 e dell’art.19 (contratti di sponsorizzazioni) e art.151 (sponsorizzazioni e forme speciali di partenariato) del D.Leg.18 aprile 2006 n. 50”.

participation in international exhibitions such as biennials and triennials (article 8). Funding could also be applied to prizes promoting contemporary art and scholarships for artists and curators, residencies and editorial projects or international presentations (including art fairs).

The procedure set out in article 7 states that once winning projects are selected, the artwork produced through Italian Council funding would become part of a museum collection<sup>460</sup>, pursuant to the law 23<sup>rd</sup> February 2001, n. 29, article 3 and the counsel of the Legislative Office of the Ministry of 26<sup>th</sup> January 2017<sup>461</sup>.

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<sup>460</sup> *Musei di arte contemporanea statali, Istituti di Cultura italiana all'estero, musei civici*. The *Regolamento* enacted on 12<sup>th</sup> December 2019 introduced the acquisitions of new works for any kind of public museums (State, regional, provincial and municipal).

<sup>461</sup> For the first edition of the public call in 2017 the overall resources available were € 450.000 and could not cover more than the 80% of the budget for each accepted project. The final sum designated for projects was € 432.956,16 (Decreto Direttoriale 26<sup>th</sup> July 2017 available on the DG website). There were 51 applications and seven winning projects. For the second edition in 2017 the sum available for the Italian Council was € 490.000 and € 489.999,78 was destined for the seven winning projects out of 41 applications received (Decreto Direttoriale 16<sup>th</sup> November 2017). For the third edition in 2018 there were 10 winning projects out of 60 applications received by the commission. The funding provided for the third edition was € 950.000 and € 948.729,20 was assigned to the projects (Decreto Direttoriale 5<sup>th</sup> July 2018). For the fourth edition in 2018 there were 10 winners, out of 28 applications. The available funding provided was € 1.080.000 and € 1.024.259,80 was the amount assigned to the winning projects (Decreto Direttoriale 5<sup>th</sup> November 2018). The fifth edition in 2019 offered € 621.000 and € 620.998 was the sum destined to the six winning projects, out of 42 applications (Decreto Direttoriale 4<sup>th</sup> April 2019). The sixth edition of the Italian Council in 2019 set up € 1.700.000 of the budget and € 1.329.015,06 was the sum designed for the 17 winning projects, out of 41 applications (Decreto Direttoriale 30<sup>th</sup> July 2019). The seventh edition 2019 of the Italian Council provided the sum of € 1.900.000 and € 1.959.371,70 was the amount destined to the 24 winning projects, out of 69 applications received (Decreto Direttoriale 27<sup>th</sup> January 2020). The new eighth edition 2020 of the Italian Council is providing € 1.300.000 of funding for Italian contemporary artistic projects. Further details, the documents and regulations concerning the Italian Council calls can be found in the DGAAP institutional website. See also Italian Council. The Archive for further details concerning the winning projects of the past editions <http://www.aap.beniculturali.it/italiancouncilarchive/presentazione.html>

The selection criteria set out in article 8 of each public call include:

1. Quality, originality, credibility, significant characteristics of the project as a whole, in terms of compliance with the aims indicated in the call for proposals, with particular attention to the expected impact of the initiative in Italy and abroad.
2. Artistic quality of the project.
3. Prestige of the involved institutions.
4. Agreements with project partners on international promotion and enhancement activities<sup>462</sup>.

The Commission's decisions, as well as its working methods, are final and unquestionable. This prevents the programme and the jury from being appealed against by the losing participants.

When analysing the data of the DGAAP regarding proposals to the Italian Council between 2017 and 2020, it emerges that of the 332 applications received in seven editions, 30% came from public institutions, while 70% from private ones. 21% of the institutions were based abroad, while 79% were based in Italy. Even when examining the data of only the winning projects, it appears that the majority of the proposals came from private and Italian institutions<sup>463</sup>.

It is particularly interesting analysing the ages of Italian Council winning artists between 2017 and 2020 in order to understand which generation of artists was considered to be the most valuable and in which the Ministry decided to invest. From the research it emerges that the majority of the artist were between 36 and 50 years old when they received the grants and support of the Italian Council. They

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<sup>462</sup> Criteria set out in the eighth edition of the Italian Council in 2020. The public call is available on the institutional website of the DG.

<sup>463</sup> See the tables in the final Appendix Doc. 89. Analysis of the data of the Italian Council, DGAAP. Source: the author.

appear to be mid-career and internationally acclaimed artists. Only a few of them were over 50 and even less were under 35.

From the analysis of the data, it also appears that some artistic projects have more chance of being supported by the Italian Council than others. In fact, between 2017 and 2020, 30,6% of the winning projects were films or video installations, while sculptures and installations were 17,3%. 8% were exhibitions, while books and photographic projects were 5,3%. Only a small number of the winning projects were residencies (6,6%), performances (4%) and paintings (1,3%). However, it must be noted that several of the winning projects included a plurality of media. For this reason, it could be argued that diversification of media increases the possibility of being supported by the Italian Council.

The discretionary evaluation of the proposals for these funding programmes must respect the criteria defined in the ministerial regulations and in the specific public calls published for each programme edition. However, these criteria appear to leave broad room for interpretation to the jury. In fact, evaluating the artistic quality, the credibility or the prestige of an institution leave a margin of interpretation and of personal evaluation that do not surely respect objective and scientific criteria. This leaves a certain space to the autonomous reasoning of each jury that, in the case of the Italian Council, was changed every three years.

Overall, it emerged that these instruments favoured mid-career artists and established institutions, since they were those who profited the most from the programmes. The reason for this selection, probably also derives from ministerial necessity of investing public resources in established projects that could have been perceived as more likely to guarantee successful final results and productions<sup>464</sup>.

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<sup>464</sup> However, in the very last edition of the Italian Council smaller and younger institutions appeared among the final selection. Nonetheless, structured and rich institutions can certainly better face the financial and administrative burdensome

However, the importance of these instruments to Italian contemporary art is undeniable even if it must be noted that they were established only after the foundation of a specific Directorate General for contemporary art which the field must not renounce.

In fact, these instruments appear to be only the first steps in the direction of a stronger organisation for the promotion of the contemporary and, for this reason, should be further implemented and developed. The arguments and analyses reported above will be essential to the creation of proposals for reform guaranteeing stable support to the field in the overall conclusions of this investigation.

## **5. Institutional choices for exhibiting the contemporary**

This section analyses the ministerial activity of exhibiting contemporary art as a tool for promotion under the discretion of specific institutions.

In fact, this instrument was particularly used by the *Galleria Nazionale* and the MAXXI, and only lately directly by the Directorate General<sup>465</sup>. However, this section specifically focuses on the activity of the *Galleria Nazionale* between 1975 and the end of the nineties, when the Directorate General for contemporary art was founded. The MAXXI foundation did not allow consultation of archival documents relating to museum activities<sup>466</sup>. Nonetheless, the documents that were

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deriving from the participation in the call. Moreover, there appeared to be a general tendency in choosing projects that have a specific historical and social relevance in several editions of the Italian Council's final selection.

<sup>465</sup> As an example, in the case of the exhibition *Real Italy* where some of the winners of the Italian Council were displayed in the spaces of the MAXXI in 2020.

<sup>466</sup> Even if the analysis of the catalogues of the exhibitions organized by the MAXXI foundation would have partially enriched the analysis of the tool of exhibitions for the promotion of the contemporary, such study would have not been coherent with the development of the analysis focused on the availability of the ministerial resources for contemporary art projects and not on the artistic choices of each initiative. The impossibility of accessing the financial information of the MAXXI foundation, with regard to acquisitions and exhibitions, forced the analysis to shift its attention towards the case of the *Galleria Nazionale*, whose historical importance and the detailed data

analyzed allow the drawing of some important conclusions regarding the ministerial commitment to funding contemporary art exhibitions during the time span taken into consideration.

Art exhibitions were regulated, until the abrogation enacted through article 166, d.lgs. 490/1999, under the law 2<sup>nd</sup> April 1950, n. 328<sup>467</sup>. Article 1 of the law concerned the organization of exhibitions abroad that needed to be authorized by the Ministry of Public Education. Meanwhile, article 6 regulated exhibitions within the national territory. It stated that they should be organized with approval of the Ministry of Public Education, after consultation with the relevant consulting bodies. The specific request had to be presented to the Ministry in October of the previous year together with a detailed technical and financial plan<sup>468</sup>. The examination of this plan by the consulting bodies determined ministerial approval.

However, article 7 stated that the provisions of the law did not apply to the exhibitions of the *Biennale* in Venice; to the exhibitions of living artists or those whose artworks were created less than fifty years before, or to exhibitions with a commercial scope, in accordance with the provisions of the law n. 1089/1939.

Subsequently, the d.lgs. 112/1998, article 152, section 3 letter f), concerning the enhancement of cultural heritage, provided that the State, Regions and local entities could implement their functions through the organization of exhibitions. This could also be in collaboration with public or private bodies, in accordance with article 2, section 1 letter h), D.M. 24<sup>th</sup> March 1997, n. 139<sup>469</sup>. The decree was

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made available from its institutional archive were precious for investigating its central role at national level for the promotion of contemporary art.

<sup>467</sup> This law abrogated the law 11<sup>th</sup> January 1940, n. 50.

<sup>468</sup> See also, Lettera circolare Direttore Generale Accardo a Tutti i soprintendenti e Direttori Istituti autonomi, Ufficio centrale per i beni ambientali, architettonici, archeologici, artistici e storici – Div. VII, 28 settembre 1976, n. 450. And Lettera Circolare n. 209/82 Istituzione presso il Gabinetto del Ministro dell’Ufficio per il coordinamento della programmazione delle attività espositive.

<sup>469</sup> “Regolamento recante norme sugli indirizzi, criteri e modalità di istituzione e

introduced after the Ronchey reform in 1993 (l. 14<sup>th</sup> January 1993, n. 4) which contributed to outsource the organization of exhibitions to external private bodies<sup>470</sup>.

After the promulgation of the T.U. d.lgs. 490/1999, article 102 of the decree regulated the organization of exhibitions. It provided that the Ministry declares, at request, the relevant scientific and cultural interest of exhibitions and authorizes loans of cultural heritage in relation to the criteria of integrity and public enjoyment of artworks.

Today, article 48 of the Cultural Heritage and Landscape Code regulates the authorization for exhibitions<sup>471</sup>. In particular, sections 5

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gestione dei servizi aggiuntivi nei musei e negli altri istituti del Ministero per i beni culturali e ambientali". Article 2 provided "1. Qualora risulti finanziariamente conveniente, presso i monumenti, i musei, le gallerie, gli scavi archeologici, gli archivi di Stato, le biblioteche e gli altri istituti dell'amministrazione, fermo restando quanto disposto dall'articolo 2, quarto comma della legge 13 luglio 1966, n. 559, possono essere affidati in concessione a soggetti privati, ad enti pubblici economici, a fondazioni culturali e bancarie, a società e a consorzi costituiti a tal fine, a cooperative regolarmente costituite, qualora non possano essere svolti mediante le risorse umane e finanziarie dell'amministrazione: (...) h) l'organizzazione delle mostre e delle altre iniziative promozionali".

<sup>470</sup> In this regard, see CASINI L., *In house vs. outsourcing: chi progetta le mostre?*, in *Ereditare il futuro*, il Mulino, ebook, 2016, 287.

<sup>471</sup> Article 48. "1. The loan of the following for exhibits and expositions is subject to authorisation: a) movable things indicated in article 12, paragraph 1; b) movable properties indicated in article 10, paragraph 1; c) movable properties indicated in article 10, paragraph 3, letters a) and e); d) collections and individual items pertaining to them, referred to in article 10, paragraph 2, letter a); book collections indicated in article 10, paragraph 2, letter c) and paragraph 3, letter c); as well as archives and single documents indicated in article 10, paragraph 2, letter b), and paragraph 3, letter b). 2. When authorisation concerns properties belonging to the State or which have been placed under State protection, the request shall be presented to the Ministry at least four months prior to the start of the event and shall indicate the party responsible for the safekeeping of the works on loan. 3. The authorisation shall be issued taking into consideration the conservation exigencies of the properties and also, for those belonging to the State, the exigencies of public enjoyment; it shall be subject to the adoption of measures necessary to ensure the integrity of the properties. The criteria, procedures and modalities for issuing the authorisation shall be established by ministerial decree. 4. The granting of authorisation is moreover subject to the insurance of the things and



and 6 provide that for exhibitions within the national territory, promoted by the Ministry, or with the participation of the State or other government institutions, the insurance provided for in paragraph 4 may be substituted by the assumption of the relative risks on the part of the State. Moreover, the Ministry shall have the power, at the request of the party, to declare the important cultural or scientific interest of exhibitions of cultural heritage and of any other initiative of cultural nature.

Furthermore, the d.l. 83/2014 provided that the new autonomous state museums should directly manage the organization of exhibitions. Article 35, section 4, letter a), D.P.C.M. n. 171/2014 states that the directors of autonomous museums program, direct, coordinate and monitor all museum management activities, including the organization of exhibitions and also should display the study, enhancement, communication and promotion of the museum's heritage. The decree, through these provisions put the direct organisation of exhibitions back under the competences of the museum administration.

In addition, the *Atto di indirizzo sui criteri tecnico-scientifici e sugli standard di funzionamento e sviluppo dei musei* (art. 150, section 6, d.l. n. 112/1998), also regulated the organisation of permanent and

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properties on the part of the applicant, for the value indicated in the application, with prior verification of its adequacy by the Ministry. 5. For exhibits and events within the national territory promoted by the Ministry, or with the participation of the State, or government bodies or institutions, the insurance provided for in paragraph 4 may be substituted by the assumption of the relative risks on the part of the State. Government guaranty is issued according to the procedures, modalities and conditions established by ministerial decree, in consultation with the Ministry of the Economy and Finance. The relevant costs will be provided for through the utilisation of the resources available in the reserve fund for obligatory and routine expenses established in the statement of expenditure estimates of the Ministry of the Economy and Finance. 6. The Ministry shall, at the request of the party concerned, have the power to declare the important cultural or scientific interest of exhibits or expositions of cultural properties and of any other initiative of a cultural nature, for purposes of the application of tax relief measures provided for under tax law".

temporary exhibitions. It listed the technical standards that each institution should respect. Each museum is required to define and periodically check the criteria that regulate permanent and temporary exhibitions and also the conservation of objects (including in storage), in relation to its institutional needs. In the definition of the criteria the museum should take into account the availability and security of spaces, the conservation and use of the collections and the respect for the history and mission of the museum.

The selection and display of objects in permanent exhibitions have to be based on a project, preceded by an in-depth historical-critical study which justifies the choices made. Every change has to be documented. Specific elements should be pursued in the organisation of an exhibition, such as the accessibility of the majority of the collection through a coherent design of the space and a rotation programme; the evaluation of the risk of the displayed objects through the control of the conservation and safety conditions.

Moreover, temporary exhibitions, especially those that include loaned works, must be part of a multi-year programme and be carefully designed, with sufficient anticipation, from both a scientific and organisational point of view<sup>472</sup>.

When analysing the case of the *Galleria Nazionale* and its internal regulation, it emerges that article 2 of the museum Statute describes the institutional tasks of the museum for the fulfilment of its mission. Among them, it lists in the section 2, letter c), the organisation of exhibitions, cultural events, symposia, researches, educational activities and publications in its fields of competence<sup>473</sup>. In fact, along

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<sup>472</sup> *Atto di indirizzo sui criteri tecnico-scientifici e sugli standard di funzionamento e sviluppo dei musei* (art. 150, section 6, d.l. n. 112/1998), in *Museologia scientifica nuova serie*, 1, 2, 2007, 77. See also, MiBAC, *Guida per l'organizzazione di mostre d'arte*, Luglio 2005 and its final bibliography.

<sup>473</sup> Also article 2, section 5 letter c), of the MAXXI Statute provides that for the fulfilment of its mission the museum should organize exhibitions in its fields of competence.

with the protection and enhancement of its collection the Galleria is responsible for the organisation of exhibitions.

As already discussed above, the funds requested by the *Soprintendenza*<sup>474</sup> were often not granted by the Ministry to the Galleria and this was also the case for the organisation of exhibitions which inevitably affected the artistic institutional programme<sup>475</sup>.

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<sup>474</sup> The ministerial funding requested by the Galleria in 1980 for the following year for the organization of 15 exhibitions was of L. 510.000.000, for 1982 L. 411.025.000 for the organization of 9 exhibitions. Concerning the fixed expenses for the functioning of the museum, the Galleria asked for L. 236.000.000 for 1983, L. 222.500.000 for 1982 and L. 209.000.000 for 1981. While the expenses for new investments regarding museum functioning (increase in electronic equipment, new machines for the various laboratories...) were L. 91.000.000 for 1981 and L. 35.000.000 for 1983. Appendix Doc. 8. Programma triennale 1981-1983, in Pos 5, B (1979-1982) Economato, Programmazione annuale e triennale, Schede finanziarie A/2 S/P, 4. Capitolo 2037, Galleria Naz. D'Arte Moderna: Programma mostre 1982, capitolo 2037, to Ministero per i beni culturali e ambientali – Uff. Centr. Per i beni amb. Architett. Archeol. Artistici e storici – Div. VII, Roma, Pos 5, B (1979-1982) Economato, Programmazione annuale e triennale, Schede finanziarie A/2 S/P, 12. For a broader description of the exhibition organization see Appendix Doc. 10. Programmazione 1982, 8 maggio 1982, in Pos 8, R (1981-1982) Programmazioni annuali e triennali, Invio schede finanziarie A/2 S/P. See also the Appendix Doc. 9. Richiesta finanziaria della Soprintendenza for 1982 to compare the difference between some of the sums requested by the *Soprintendenza* and the actual funds received from the Ministry, in Pos 8, R (1981-1982) Programmazioni annuali e triennali, Invio schede finanziarie A/2 S/P.

<sup>475</sup> “This *Soprintendenza* faces serious and delicate problems with its creditors due to the delay of the funds allocated to cover the costs of exhibitions”. Soprintendente de Marchis al Ministero per i beni culturali e ambientali, Div. VII, Finanziamento mostre, Capitolo 2037, in Pos 8, R (1981-1982) Programmazioni annuali e triennali, Invio schede finanziarie A/2 S/P, 13. See also the letter concerning the “Accreditamenti fondi Cap. 2035 – Manifestazioni temporanee, 1983-1984” that the *Soprintendente* Durbé sent to the Ministry on 14<sup>th</sup> September 1984, claiming the delay of the funding for the Italian contemporary art exhibitions abroad. A similar letter was then sent on 8<sup>th</sup> February 1985 complaining about the same delays. Appendix Doc. 19-20. Lettera Soprintendente Durbé al Ministero per I beni culturali e ambientali, Ufficio Centrale e Div. VII, 14 settembre 1984; Lettera Soprintendente Gaudioso al Ministero per I beni culturali e ambientali, Ufficio Centrale e Div. VII, Capitolo 2035. Mostre – anni 1983 e 1984. Accreditamenti annunciati, 8 febbraio 1985, in Pos 9, A (1969-1990) Corrispondenza col Ministero P.I e Ministero BCA per mostre da allestire in Galleria – Commissione mostre

Between 1978 and 1982, while there was an explosion in the mass production of large market-focused exhibitions, *Soprintendente* de Marchis saw the exhibition as a cultural production. From De Chirico, to Abstract Art and Leoncillo, these retrospectives intended to add depth to the history of the museum and its collections and explore the artistic expressions of that time. This included, for example, minimal art through the sculptures of the collection Panza di Biumo (1980)<sup>476</sup>. During his mandate de Marchis also organized screenings, musical, theatrical and cinematographic manifestations<sup>477</sup> that enhanced the museum's public service<sup>478</sup>. He underlined the immaterial dimension

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Italia – Estero.

<sup>476</sup> For the exhibition programme 1980 see Appendix Doc. 1. Programma mostre della Galleria Nazionale d'Arte Moderna 1980, 23 gennaio 1980, in Pos 8, R (1979-1980) Programmazioni annuali e triennali, Invio schede finanziarie A/2 S/P. While for the exhibitions abroad see Appendix Doc. 2. Lettera Soprintendente de Marchis al Direttore Generale Sergio Romano, 16 settembre 1980, in Pos 8, R (1979-1980) Programmazioni annuali e triennali, Invio schede finanziarie A/2 S/P. See also Appendix Doc. 3. Programma mostre 1981 e preventivi, 27 ottobre 1980, in Pos 8, R (1979-1980) Programmazioni annuali e triennali, Invio schede finanziarie A/2 S/P. De Marchis paid closer attention to the didactic programmes that Palma Bucarelli had already developed during her mandate, as well as the guided tours.

<sup>477</sup> "In order to respond to one of the institutional tasks of a modern museum of contemporary art, which wants to be a point of convergence and debate of what is happening in the world of artistic culture today, this Galleria has already prefigured during the Week of Cultural Heritage with excellent reception of public and critics, the program of initiatives that it intends to carry out during this year in the field of musical, theatrical and cinematographic events". Richiesta finanziamento attività didattica – Esercizio finanziario 1979, Soprintendente Giorgio de Marchis al Ministero per i beni culturali e ambientali – Uff. Centr. Per i Beni A.A.A.A. e Storici – Div. V, 26 febbraio 1979 in Archivio generale Sezione storica della Galleria Nazionale d'Arte Moderna e Contemporanea, Pos 5, B1 (1971-1980) Economato (spese d'ufficio), Richiesta fondi e accreditamenti e varie.

<sup>478</sup> " (...) l'accresciuta funzionalità del museo come servizio pubblico". De Marchis G., Cap. 2034 Funzionamento Musei, Richiesta fondi Esercizio Finanziario, 1980, Rif. Ns/ del 14/XI/79 n. 3968 Attività didattica, al Ministero per i beni culturali e ambientali – Uff. Centr. Per i beni Amb. Archeol. Archit. Artist.e Storici – Div. V, 6 dicembre 1979, Archivio generale Sezione storica della Galleria Nazionale d'Arte Moderna e Contemporanea, Pos 5, B1 (1971-1980) Economato (spese d'ufficio), Richiesta fondi e accreditamenti e varie.

of Italian artistic expressions of the time that refused to be reduced to mere products<sup>479</sup>.

However, the lack of resources was a constant burden for the activity of the Galleria which was limited in its organization of exhibitions and in the availability of travel expenses for museum staff, necessary for developing research and selecting relevant artworks for each exhibition project<sup>480</sup>. This lack of constant and consistent support for the organisation of exhibitions also persisted during the eighties<sup>481</sup>.

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<sup>479</sup> See also, DE MARCHIS G., *Album di viaggio in quarant'anni di arte italiana: 1960-2000*, Umberto Allemandi & C., 2005, 25-26. Marini Clarelli described the institutional activity of the *Soprintendente* de Marchis as "a laboratory of experimentation, open to new forms of music and theatre, but without losing awareness of its institutional function". MARINI CLARELLI M.V., *Cinque decadi*, in FREZZOTTI S., ITALIANO C., RORRO A., *Galleria Nazionale d'Arte Moderna & Maxxi. Le collezioni 1958-2008*, Electa, 2009, 26.

<sup>480</sup> "In relation to the allocation of funds on *Capitolo 2034* (Operation) to this *Soprintendenza*, it should be noted that all the various and manifold activities carried out so far run the serious risk of being abruptly suspended, due to the absolute lack of credited funds and news about the further crediting and the amount of funds already allocated". De Marchis G., *Ulteriore richiesta fondi Capitolo 2034*, al Ministero Ministero per i beni culturali e ambientali – Uff. Centr. Per i beni Amb. Archeol. Archit. Artist.e Storici – Div. VI, 13 giugno 1980, Archivio generale Sezione storica della Galleria Nazionale d'Arte Moderna e Contemporanea, Pos 5, B1 (1971-1980) Economato (spese d'ufficio), Richiesta fondi e accreditamenti e varie.

<sup>481</sup> On 27<sup>th</sup> October 1982 the new *Soprintendente* Dario Durbé wrote to the Division V of the Ministry concerning the 1983 institutional programme. He stated that the delay in the ministerial confirmation of resources for the following year would result in the deferral in the organization of exhibitions and the restoration works. Appendix Doc. 11. Lettera Soprintendente Durbé al Ministero dei beni culturali e ambientali, Programmazione 1983, Archivio generale Sezione storica, Galleria Nazionale d'Arte Moderna e Contemporanea, Pos 5, B (1979-1982) Economato, Programmazione annuale e triennale, Schede finanziarie A/2 S/P. The final sum for the organisation of exhibitions in 1983 was L. 1.024.900.000, in accordance with the *Capitolo 2035*, in Pos 5, B (1979-1982) Economato, Programmazione annuale e triennale, Schede finanziarie A/2 S/P, Appendix Doc. 13. The letter he sent to Augusta Monferini Calvesi on 26<sup>th</sup> May 1982 is an interesting document which demonstrates the procedure and discourse surrounding the organization of the numerous exhibitions that the *Soprintendente* intended to organize in those years. The contemporary artists mentioned in the letter are particularly interesting for understanding the discourses and opinions surrounding

Moreover, on 1<sup>st</sup> October 1983 the Director-General Triches wrote a general letter to all the *Soprintendenze* regarding the artistic programme for the following year<sup>482</sup>. The letter suggested that, in light

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contemporary art and its promotion in the main State institution for contemporary art at that time. Appendix Doc. 29. Lettera Soprintendente Durbé a Augusta Monferini Calvesi, 26 maggio 1982, in Pos 5, B (1979-1982) Economato, Programmazione annuale e triennale, Schede finanziarie A/2 S/P.

“But here the problem is not so much one of analysis, as in the past, but rather one of participation and verification. And imperiously, an intelligent review of the forces operating in the field of contemporary art is imposed in this sector, as a necessary thing now felt in many quarters, a review that ensures to the public detached and objective information, stimulating confrontation and arousing ideas, putting the museum as promoter and speaker in the first person of the current debate. (...) the Galleria therefore intends to organize continuous exhibitions of artists or groups of artists chosen directly by the museum management, without recourse to external commissions, according to criteria of maximum information and dialectical tension. The continuity of the exhibitions will protect the Galleria from criticism and will be on the whole, as well as an important driving force, a reference and a proposal on the way of seeing and comparing (and therefore judging) artistic production. (...) Apart from some exhibitions dedicated to important artists who more or less recently passed away, such as Cagli, Mazzacurati, Fontana, Mafai, Novelli, Magnelli, Tancredi, Lo Savio, Omiccioli (artists whose memory and teaching is still alive), the museum intends to present the following names in the next three years in personal or group exhibitions: Guttuso, Turcato, Morlotti, Vedova, Consagra, Santomaso, Melotti, Clerici, Scialoja, Montanarini, Ziveri, Attardi, Guccione, Twombly, Baj, Carla Accardi, Bendini, Dorazio, Strazza, Giulia Napoleone, Emblema, Vespignani, Ferroni, Adami, Cremonini, Titonel, Del Pezzo, Tadini, Ceroli, Schifano, Merz, Pisani, Pozzat, Giosetta Fioroni, Patella, Pistoletto, Rotella, Paolini, Fabro, Kounellis, Titina Maselli, Nigro, Vacchi, Battaglia. Each exhibition will be part of a cycle, aimed at highlighting particular aspects of modern figurative culture, and will be made more stimulating by the presentation, in that cycle, of great foreign artists who have had a significant influence on the natural course of things”. Progetto di mostre da realizzare nel prossimo triennio alla Galleria Nazionale d’Arte Moderna, allegato alla lettera del Soprintendente Durbé al Ministro, 22 aprile 1982, in Pos 9, A (1979-1982) Programmazione annuale e triennale e invio schede finanziarie A/2 S/P.

<sup>482</sup> For the full list of the exhibitions organized between 1980 and 1984 see Appendix Doc. 47. Relazione sul funzionamento della Soprintendenza negli anni 1980/1984 alla Segreteria tecnica del Consiglio Nazionale per i beni culturali, 8 febbraio 1985, in Pos 9, A (1985-1986) Programmazione annuale e triennale e invio schede finanziarie A/2 S/P. For a closer understanding of the complexity of the exhibition organisation in 1984 see Appendix Doc. 16. Lettera Soprintendente Durbé a Augusta Monferini Calvesi, 2

of the inadequate availability of ministerial resources, costs of exhibitions should be cut by re-using materials and structures of previous displays<sup>483</sup>. The complex role of the *Soprintendenza* emerges in these words. The museum's management, in all its aspects, and the promotion of contemporary art at national level and of Italian contemporary art and artists abroad<sup>484</sup> did not appear to be the priority for the ministerial administration<sup>485</sup>.

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maggio 1983, in Pos 8, R (1983-1984) Programmazioni annuali e triennali, Invio schede finanziarie A/2 S/P. Appendix Doc. 17. Lettera Soprintendente Durbé al Direttore Generale Triches, 2 maggio 1983, in Pos 8, R (1983-1984) Programmazioni annuali e triennali, Invio schede finanziarie A/2 S/P.

<sup>483</sup> The dramatic condition of the funding during those years emerges from these sentences. Appendix Doc. 18. Lettera Direttore Generale Triches, Divisione VII, a tutte le Soprintendenze, 1 ottobre 1983, in Pos 5 B, (1983-1984) Programmazione annuale e triennale e schede finanziarie, A/2 S/P.

<sup>484</sup> The Ministry of Foreign Affairs has always had a particular role in directing actions for the development of Italian contemporary art abroad. In this sense, the document sent in 1987 by the Ministry of Foreign Affairs to the Ministry of Cultural and Environmental Heritage suggested the geographical areas (Latin and North America, Asia) where Italian contemporary art should be promoted. Appendix Doc. 30. Ministero affari esteri al Ministero per i beni culturali e ambientali, Orientamenti per una programmazione degli eventi espositivi nell'ambito della diffusione culturale italiana all'estero, 23 giugno 1987, in Pos 9, A (1969-1990) Corrispondenza col Ministero P.I e Ministero BCA per mostre da allestire in Galleria – Commissione mostre Italia – Estero. See for example, Appendix Doc. 15. Accordo culturale Italia-URSS, 4 ottobre 1983, in Pos 5 B, (1983-1984) Programmazione annuale e triennale e schede finanziarie, A/2 S/P. Or Appendix Doc. 22. The Programma mostre 1984-85 that was sent on 26th June 1984 to the Ministry, where the Soprintendente complained of the slow communications with ministerial offices that prevented the organization of Italian exhibitions in Germany. Appendix Doc. 21. Programma mostre 1984-85, Soprintendente Durbé al Ministero per i beni culturali e ambientali, 2 maggio 1984, in Pos 9, A (1983-1984) Programmazione annuale e triennale e invio schede finanziarie A/2 S/P. Appendix Doc. 31. Mostre all'estero, Relazione sul programma di mostre nel prossimo triennio, 1989-1991, 16 novembre 1988, in Pos 5, B (1986-1991) Programmazione annuale e triennale.

<sup>485</sup> Despite the fact that admittedly public interest towards exhibitions and culture increased at that time. In this regard, see Lettera Circolare n. 177/84, Manifestazioni espositive, Direttore Generale Triches, Ufficio centrale per i beni ambientali, architettonici, archeologici, artistici e storici, Div. VII a Tutti i Soprintendenti e Direttore di Istituti autonomi, 6 luglio 1984, n. 2780.

Nonetheless, Director-General Sisinni in 1985 recognised the important value of exhibitions for the interdependent institutional goals of the Ministry of safeguarding and promoting<sup>486</sup>. They both concurred to provide a service for culture as a synthesis of the politico-cultural and administrative efforts in the public interest. The exhibition was addressed as an explicit manifestation of ministerial study and conservation activities and as the most important initiative in the application of the duty of enhancement<sup>487</sup>.

Moreover, the Director-General admitted that promotional activity demanded significant efforts of the personnel, particularly with regard to the directive functionaries. For this reason, he recognised the need of an “appropriate auto-regulation” in this area. The contradictory nature of these statements with regard to the promotion of contemporary art through exhibitions during those years is clear. In addition, the explicit recognition of the functionaries’ need to autonomously and individually regulate their own attitudes, activities and interests concerning the organisation of exhibitions is demonstrative of the approach of the *Soprintendenti* at the *Galleria Nazionale* during those years in the promotion of the contemporary. The activity of auto-regulation, in fact, leaves total autonomy and discretion to the individual initiative and willingness of each *Soprintendente*.

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<sup>486</sup> “(...) essi, infatti, concorrono in sintesi operative di impegno politico-culturale ed amministrativo, da assumere sempre nell’esclusivo interesse pubblico e, perciò, in un intelligente servizio alla cultura”. Lettera Circolare Sisinni BAAAAS a Direttori degli Istituti centrali, Soprintendenti, Direttori degli Istituti autonomi, Mostre in Italia e all’Estero, 3 agosto 1985 n. 3880.

<sup>487</sup> “È noto, infatti, che la mostra è occasione straordinaria per interventi conservativi, saggi di approfondimento scientifico e rilettura puntuale e aggiornata, fondata anche, ove necessario, su opportune analisi diagnostiche e restauri, costituendo un evento, difficilmente ripetibile, che consente una estesa fruizione, nonché una opportuna sensibilizzazione dell’opinione pubblica in merito al patrimonio culturale del Paese”. Lettera Circolare Sisinni BAAAAS a Direttori degli Istituti centrali, Soprintendenti, Direttori degli Istituti autonomi, Mostre in Italia e all’Estero, 3 agosto 1985 n. 3880.



Between 1986 and 1988, despite structural restoration works, a considerable number of internal and external exhibitions were put on display by the *Soprintendenza*. The majority of these exhibitions on contemporary artists were fully funded by external sponsors and donors<sup>488</sup>. In order to fill gaps in the collection left by previous short-sighted administrations, the *Soprintendenza* at that time established the *mostre-acquisizioni* that would promote new acquisitions and donations to enrich the Galleria's heritage<sup>489</sup>.

In 1987 after several years of closure, the right wing with collections of the XX century (1900-1945) reopened to the public<sup>490</sup>. However, exhibition space was reduced and the artworks displayed were strictly selected and periodically rotated<sup>491</sup>. The lack of financial resources for

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<sup>488</sup> Appendix Doc. 27. Programmazione mostre 1986-1988, in Pos 5, B (1986-1991) Programmazione annuale e triennale.

<sup>489</sup> "In order to fill at least in part the serious gaps in the collections, which a policy of acquisitions that was not prudent and far-sighted has left open, a new formula for exhibitions has been devised: that of exhibition-acquisitions, through which purchases are promoted and donations are solicited, which can give a greater representative value to the artistic heritage of the Galleria". Appendix Doc. 27. Programmazione 1986-88 Relazione, in Pos 5, B (1986-1991) Programmazione annuale e triennale. The same strategy was described in the Relazione, Programmazione 1987-89, Pos 5, B (1986-1991) Programmazione annuale e triennale, by the Soprintendente Gaudio. In this regard, see Appendix Doc. 41. Mostre in Galleria 1987, III, in Pos 5, B (1986-1991) Programmazione annuale e triennale, where the Soprintendente recommended the expansion of museum collections through these particular acquisitions.

<sup>490</sup> "The Gallery was collapsing, the planned appropriations would not have been much use if the FOI (Employment Investment Fund) had not intervened, which, with 37 billion in two years, allowed us to carry out all the necessary interventions and to reorganize the global restoration project that had been interrupted due to lack of funds". GULLOTTI, *Introduzione*, in DE FEO G., ROSAZZA-FERRARIS P., VELANI L., *Galleria Nazionale d'Arte Moderna. Collezioni del XX secolo. Il primo Novecento*, Centro Di, 1987.

<sup>491</sup> "A contemporary art gallery is, after all, a dynamic organism and, by its very nature, in constant renewal. The arrangement of a museum fatally reflects the dominant critical tendencies and in any case involves something ephemeral and relative. The current layout has attempted not to favour certain trends, but to offer a varied and composite panorama that takes into account both the innovative trends and the more academic and conservative currents of taste". GAUDIOSO E., *Un Novecento nuovo fiammante*, in *Art e dossier*, Roma, n.11, March 1987, 13.

supporting a more international exhibition programme led the museum to acquire a “provincial” focus and shifted its research activity to Italian artistic expressions<sup>492</sup>. Furthermore, the external activities of the Galleria for the promotion of contemporary art, at national and international level, were limited to the loan of artworks coming from the museum collection or to the organization of few travelling exhibitions<sup>493</sup>.

At the beginning of the nineties, the absence of funding and the necessity of full sponsorship (which was hard to obtain) in order to continue part of the exhibition programme challenged the museum’s activity<sup>494</sup>. The marginal approach of the ministerial administration towards the promotion of contemporary art, in fact, was explicitly declared. “This Ministry, even if it recognises the special importance of the enhancement of the contemporary artistic heritage, underlines that the task of protection is predominant. It can be fulfilled through

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<sup>492</sup> In 1989 the *Soprintendente* wrote to the Director-General to argue that the marginality of the *Galleria Nazionale* at national level was more and more evident when compared to the international breadth of exhibitions that were organized in Milan and promoted by the municipal administration. Appendix Doc. 32. Soprintendente Monferini al Direttore Generale Sisinni, 15 febbraio 1989, in Pos 8, R (1987-1990) Programmazione.

<sup>493</sup> For the year 1980 the *Soprintendente* Giorgio de Marchis expected exhibitions abroad in the United Kingdom, Czech Republic, Japan, Belgium, India, Peru, Canada, France, Germany, United States, Turkey, Austria, Egypt. Letter to the Minister on September 6<sup>th</sup>, 1980, in Pos 5, B (1979-1982) Economato, Programmazione annuale e triennale, Schede finanziarie A/2 S/P, 3.

<sup>494</sup> Appendix Doc. 35. Lettera Soprintendente Monferini al Direttore Generale Sisinni, 27 febbraio 1990, Pos 9, A (1969-1990) Corrispondenza col Ministero P.I.e Ministero BCA per mostre da allestire in Galleria – Commissione mostre Italia – Estero. However, in 1990 the Galleria managed to organise two exhibitions, on Luigi Spazzapan and Michelangelo Pistoletto, thanks to two full sponsorships. Appendix Doc. 36. Programma mostre GNAM aprile-ottobre 1990, Soprintendente Monferini al Direttore Generale Sisinni, 31 marzo 1990, in Pos 8, R (1987-1990) Programmazione. See also, Appendix Doc. 37. Programmazione attività espositive 1991-1993, Soprintendente Monferini al Direttore Generale Sisinni, 15 novembre 1990, in Pos 8, R (1987-1990) Programmazione.

museum activity, cataloguing and any form of safeguarding and through the dissemination of the results of the research”<sup>495</sup>.

Reading these words, it is understandable why from the Ministry’s foundation, the activity of the Galleria has been predominantly concerned with the protection and preservation of contemporary art and less with the promotion, enhancement and production of new artworks and exhibitions of Italian and foreign living artists. As a matter of fact, the lack of resources forced the *Soprintendenza* administration to focus on the display of the permanent collection, rather than on temporary exhibitions<sup>496</sup>.

Besides the scarcity of financial resources during the nineties, the lack of competent personnel also started to emerge in the acts signed by the *Soprintendente* Augusta Monferini, together with the limited opening hours of the museum to the public. However, in response to these difficulties among others, the exhibition programme was altered and sought sponsorships that could compensate for the shortage of funding<sup>497</sup>.

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<sup>495</sup> Appendix Doc. 38. Direttore Generale Sisinni alla Soprintendenza alla Galleria Nazionale d’Arte Moderna e Contemporanea, Convocazione riunione, 17 novembre 1990, in Pos 8, R (1987-1990) Programmazione. Translation by the author.

<sup>496</sup> Appendix Doc. 39. Soprintendente Monferini al Ministero per i beni culturali e ambientali, Programmazione attività espositiva anno 1991, 20 dicembre 1990, in Pos 5, B (1986-1991) Programmazione annuale e triennale. Appendix Doc. 40. Relazione sul programma di mostre nel prossimo triennio 1991-1993, Pos 5, B (1986-1991) Programmazione annuale e triennale. Appendix Doc. 42. Programmazione triennale delle attività espositive 1993-1995, in Pos 5, B (1991-1995) Programmazione annuale 1992-1993 e triennale.

<sup>497</sup> Appendix Doc. 33. Lettera Soprintendente Monferini al Ministero per i beni culturali e ambientali, Div. I e VII, 1 dicembre 1989, Pos 9, A (1969-1990) Corrispondenza col Ministero P.I e Ministero BCA per mostre da allestire in Galleria – Commissione mostre Italia – Estero. In this regard, the law 2<sup>nd</sup> August 1982, n. 512, *Regime fiscale dei beni di rilevante interesse culturale*, stated that private actors could take part in the protection and enhancement of the cultural heritage. This participation included the possibility of deducting the amount of the financial contribution from the income (art. 3). However, on 10<sup>th</sup> April 1991 in the law proposal for the promotion and development of contemporary art institutions, when considering the gaps in public contemporary art

In 1999 the *Soprintendenza* took part in the *Progetto Grandi Stazioni* (Big Stations Project)<sup>498</sup> that aimed to bring contemporary art into the public space of the Termini Station in Rome<sup>499</sup>. The project consisted

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collections, the deputies Bonfatti Paini, Soave, Boselli, Fachin Schiavi, Sapio, Bulleri, Gelli, claimed that “the attempt made by Law n. 512 of 1982 (...) to promote the enrichment of public collections and at the same time to facilitate artistic production through the introduction of incentive and tax reduction measures, similar to and even more advanced than those positively implemented in other countries, has so far given very little results”. Proposta di legge “*Promozione e sviluppo delle istituzioni di arte contemporanea e altri interventi per agevolare la produzione artistica*”, d’iniziativa dei deputati Bonfatti Paini, Soave, Boselli, Fachin Schiavi, Sapio, Bulleri, Gelli, Camera dei Deputati n.5593, X Legislatura, Disegni di legge e relazioni, Documenti, Atti Parlamentari, Camera dei deputati, 10 aprile 1991. Also Victor Uckmar stated that the law would have been “a pure expression of intent for the excess of complications caused by some application circulars, the inertia of the bureaucracy and the burden of tasks that comes to bear on the Ministry of Cultural Heritage, unable to perform them”. Uckmar V., la 512: il vero pericolo è la burocrazia, in *Il giornale dell’arte*, novembre 1983, 1. Further details concerning the rare application of the law n. 512/1982 can be found in ALIBRANDI T., FERRI P., PASOLINI DALL’ONDA N., *Il nuovo regime tributario dei beni culturali: commento alla l. 2 agosto 1982, n. 512*, Giuffrè, 1983. ALIBRANDI T., FERRI P., *I beni culturali e ambientali*, Milano, Giuffrè, 1995; FREGNI M.C., *Il regime fiscale*, in BARBATI C., CAMMELLI M., SCIULLO G. (ed.), *Diritto e gestione dei beni culturali*, Il Mulino, 2013. CASINI L., *La valorizzazione dei beni culturali*, in *Riv. trim. dir. pubbl.*, 2001, 3, 651-707. BARBATI C., CAMMELLI M., CASINI L., PIPERATA G., SCIULLO G., *Diritto del patrimonio culturale*, il Mulino, 2017, 232-238. ISMAN F., *Vietato donare. La 512: una legge inattuata*, in *Art & Dossier*, volume 72, ottobre 1992, 39-42. PIRRI A., *Pagamento di imposte mediante la cessione di beni culturali: una normativa discontinua?*, in *Aedon*, 1, 2019.

<sup>498</sup> Appendix Doc. 61. Soprintendente Pinto all’Ing. Caputi, Progetto Grandi Stazioni, 14 maggio 1999, in Pos 13 (1990-2003) premi, Bandi di concorso, 8.

<sup>499</sup> “The synergy between the Ministry of Cultural Heritage and Activities/Galleria Nazionale d’Arte Moderna and Ferrovie dello Stato/Grandi Stazioni has allowed the opening to the public of the Mazzoniana Wing at Termini Station, the three-year exhibition *Contemporaneo Temporaneo* [30 March 2001 - January 2004]. (...) *Contemporaneo Temporaneo* has represented for three years, however, the contemporary tip of state public collections and one of the main spaces for the knowledge of the art of the present in Rome”. RORRO A., *Contemporaneo Temporaneo. Un museo in stazione*, in FREZZOTTI S., ROSAZZA-FERRARIS P., *La Galleria Nazionale d’Arte Moderna: cronache e storia 1911-2011*, Palombi, 2011, 233-241. Among the forty works selected for the exhibition, some of the contemporary artists displayed were Chia, Clemente, Cucchi, Paladino, De Maria, Airò, Arienti, Beecroft, Studio Azzurro, Gilardi, Marisaldi.

of: a public call for the acquisition of some new works, destined for the *Ala Mazzoniana* in the station and capable of establishing dialectic relationships with the surrounding social and spatial environment; the loan of some sculptures of Consagra, Guerrini and Mastroianni to be displayed in the station, as well as the musealisation of several works destined for the Centre for Contemporary Arts that was “about to open”<sup>500</sup>.

When looking at the more recent history of the Galleria, it emerges that the organisation of exhibitions was rich and diverse. However, it still depended on the individual interests and initiatives of the *Soprintendenti* and functionaries. Through the analysis of the exhibitions organised by the museum since the beginning of the XXI century, it appears that the Galleria, as well as performing its important institutional role, has developed an extensive exhibition programme focused on established Italian and international artists, only rarely including artworks of young and emergent artists.

From 2000 until 2020, the Galleria organised 208 exhibitions of contemporary and modern art, also in collaboration with external Italian and foreign institutions, from the *Musée d’Orsay* to the *Biennale* in Venice and the Tokyo Museum of Contemporary Art. Particularly during the directorship of Cristiana Collu, the exhibition programme has been renovated through the involvement of emergent Italian and

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<sup>500</sup> “(...) artists of various and different importance, but always of international standing, by generation, environment, trend and materials, identified not so much in relation to those values that would be pre-eminent for the museum exhibition or for exhibitions in the sector, but because they are able, specifically for the competition, to obtain maximum visibility, to interact with other surroundings, not to generate addiction, on the contrary to continue over time to generate emotion, and to always maintain compatibility, possibly even dialectical, with the surrounding spatial and social environment and its aesthetic assumptions”. Doc. 61. Soprintendente Pinto all’Ing. Caputi, Progetto Grandi Stazioni, 14 maggio 1999, in Pos 13 (1990-2003) premi, Bandi di concorso, 8.

foreign artists<sup>501</sup>. However, the effects of a discretionary approach towards the organisation of exhibitions still emerge.

The discretion of the *Soprintendente* and museum director (after the 2014 reform) in the organisation of exhibitions has been limited by consistently precarious material and financial conditions, as emerged throughout the analysis. These problems do not solely concern the contemporary art and cultural field, but characterize the whole Italian public administration system. However, the Galleria managed to maintain international recognition of the importance of its institutional activity for Italian contemporary art, with alternating phases. The limited financial resources, the discretionary approach and the auto-regulation that the Ministry recommended to all of its functionaries in the organisation of exhibitions hindered the development of the exhibition tool for the promotion of contemporary art.

From the analysis, it emerged that regarding the initiatives of the *Galleria Nazionale* at national and international level, the support of the Ministry for the organisation of contemporary art exhibitions was sporadic and not always consistent with the necessities of such an important and central institution for the promotion of contemporary art nationwide. This absence of ministerial support was a flaw that limited the autonomy of the Galleria in the organisation of an up to date exhibition programme.

However, after the foundation of the Directorate General for contemporary art at the beginning of the XXI century, the ministerial commitment to the organisation of contemporary art exhibitions was reinforced by the opening of the MAXXI foundation and the establishment of specific programs for supporting the organisation of

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<sup>501</sup> The whole museum institution has been renovated since 2016 after the inauguration of the exhibition *Time is Out of Joint* which reshaped the organization and display of the permanent museum collection and deeply affected its institutional identity and perception.

exhibitions promoted by public and private bodies<sup>502</sup>. The specificity of the DG and of the museum institution also allowed stronger attention towards the needs of the contemporary.

## 6. Other ministerial tools for supporting contemporary art

A series of additional ministerial tools for the promotion of contemporary art, developed after the foundation of the Directorate General for contemporary art in 2001, confirm the importance of the specificity of its mission and competences. These instruments have been based on diverse ministerial strategies that concerned: the

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<sup>502</sup> Among other projects related to the promotion of contemporary art through exhibitions, the Directorate General Contemporary Creativity and Urban Regeneration provided 100.000 euro in 2020 through a public competition for the economic contribution to exhibition projects involving Italian artists, including emerging ones, which stood out for their high design and curatorial quality. Such projects had to be proposed by Italian public museums (state, regional, provincial and municipal) or by private non-profit bodies (foundations, cultural associations, exhibition or independent spaces) active in the promotion and enhancement of contemporary art for at least two years. The contribution was aimed at supporting expenses strictly related to the scientific, curatorial and promotional activity of the proposed exhibitions. Another fundamental task of the Ministerial central organisation and of the Directorate General for contemporary art, since 2001, is the appointment of the curator of the Italian Pavilion for each edition of the *Biennale* in Venice. This role is particularly important as every two years the *Biennale* opens a window into the field of Italian contemporary artistic production, visible to the world during such significant international event. However, such an important appointment, which is strictly intertwined not only with the expertise of the curators involved, but also with the political strategies of the numerous governments between the foundation of the Ministry and today, should be specifically investigated in future research. In fact, this topic is particularly complex for its historical, political and artistic relevance and cannot be specifically developed in an investigation broadly focused on the ministerial intervention in the contemporary art field. The last curators of the *Padiglione Italia* were: Vittorio Sgarbi in 2011 with *L'Italia non è Cosa Nostra*; Bartolomeo Pietromarchi in 2013 with *Vice Versa*; Vincenzo Trione in 2015 with *Codice Italia*; Cecilia Alemani in 2017 with *Il mondo magico*; Milovan Farronato in 2019 with *Né altra né questa*. The issues and possible solutions concerning the nominee of the curator for the *Padiglione Italia* were also discussed during the *Forum dell'arte contemporanea italiana in Prato* in 2015. See *Atti del Forum dell'arte contemporanea italiana 2015*, 25-27 settembre, Prato, 120-123.

internationalization of the Italian contemporary art scene, the development of existing contemporary art institutions, fiscal incentives, the mapping and cataloguing of contemporary public heritage and spaces and the protection of contemporary art<sup>503</sup>. These strategies lead the analysis of the following instruments, introduced, administered and funded directly by the Directorate General.

Besides the programmes for the internationalization of Italian contemporary art, already analyzed in the previous sections, two important initiatives were recently introduced by the DG.

The first one is the project *Grand Tour d'Italie*. It has been organized to spread awareness of Italian artists abroad by inviting foreign curators and museum directors to meet a selection of mid-career Italian artists during four days of studio visits. The first edition was organized in Rome and Milan in 2017 and was then repeated in 2018<sup>504</sup>.

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<sup>503</sup> Also of note among the diverse projects implemented by the DG from 2015-2017 are: the site-specific work of public art of William Kentridge, *TRIUMPH AND LAMENTS* (2016), next to the Tiber river in Rome; the project *Un'opera per Mantova* (Law n. 106, 29<sup>th</sup> July 2014), that selected the work of Francesca Grilli, *BORDERS*; the exhibition *Da io a noi. La città senza confini* in the *Palazzo del Quirinale* in Rome (2017); the project *Arte alla luce* organised by the DG and the organization Save the Children; the public art project *Foglie di pietra* created by Giuseppe Penone with the support of the fashion house Fendi in Largo Goldoni in Rome. It is also necessary to mention the Education Hub organized by the DG during *Manifesta 12* in Palermo, the *Premio Arte, Patrimonio e Diritti Umani*, and the Talent Video Award organized with Careof. Unfortunately, these initiatives could not be further explored due to the restrictions of the DG archive and the inability to consult further documentation concerning these specific projects.

<sup>504</sup> The 20 artists selected to show their works for the first edition were Nico Angiuli (Bari, 1981), Francesco Arena (Torre Santa Susanna BR, 1978), Riccardo Arena (Milan, 1979), Ludovica Carbotta (Turin, 1982), Beatrice Catanzaro (Milan, 1975), Leone Contini (Florence, 1976), Luigi Coppola (Lecce, 1972), Cherimus (Perdaxius CI, 2007), Nicolò Degiorgis (Bolzano, 1985), Gianluca and Massimiliano De Serio (Turin, 1978), Chiara Fumai (Milan, 1978), Stefania Galegati Shines (Palermo, 1973), Riccardo Giacconi (San Severino Marche, MC 1985), Invernemuto (Milan, 2003), Claudia Losi (Piacenza, 1971), Marzia Migliora (Turin, 1972), Moira Ricci (Orbetello, 1977), Diego Tonus (Pordenone, 1984), Valentina Vetturi (Reggio Calabria, 1979) and Zimmerfrei (Bologna, 2000). They presented their works during four days spent in Rome and Milan to Els van Odijk,



The selection of artists, studio-visits and portfolio reviews were curated by Carolina Italiano (DGAAP) and Simone Frangi (Viafarini), starting from the documentation centre of the artist-residency in Viafarini, curated by Giulio Verago. In particular, the portal Italian Area, which documents online the artists selected by Viafarini's activity, has been used as a research tool for the *Grand Tour*<sup>505</sup>.

In this regard, a tight and important relationship emerges between the DG and private bodies in the promotion of contemporary art. This fundamental connection was already apparent, in diverse ways, in the organization of prizes and in the establishment of the Italian Council, thanks to the support of the *Comitato delle Fondazioni*<sup>506</sup>. The influence that such bodies have on the initiative of the DG for contemporary art

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director of the Rijksakademie van beeldende kunsten (Amsterdam); Emilie Villez, director of the Kadist Foundation (Paris); Boshko Boskovic, director of the Residency Unlimited (NYC); Dennis Elliot, founder of the ISCP International Studio & Curatorial Program (NYC); Jean-Baptiste Joly, director of the Akademie Schloss Solitude (Stuttgart); Michal Novotny, director of the Futura Projects (Prague); Gilleen Dickie, senior curator at the Delfina Foundation (London) and Hedwig Fijen, director of Manifesta, The European Biennial of Contemporary Art. The artists selected for the second edition were Elena Bellantoni, Alex Cecchetti, Cristian Chironi, Gabriella Ciancimino, R   di Martino, Francesco Fonassi, Anna Franceschini, Silvia Giambrone, Francesca Grilli, Diego Marcon, Elena Mazzi, Stefania Migliorati, Margherita Moscardini, Matteo Nasini, Marco Raparelli, Eugenio Tibaldi, Serena Vestrucci and Luca Trevisani. They presented their works to directors and curators coming from international institutions such as ART plus (Marseille), BAR – Beirut Art Residency (Beirut), Dena Foundation (Paris), EVA International (Limerick), Inter Arts Center (Malmo), Spike Island (Bristol), Triangle Art Association (New York), Whitechapel Gallery (London) and WIELS (Bruxelles). "The selection of artists, studio-visits and portfolio reviews are curated by Carolina Italiano (DGAAP) and Simone Frangi (Viafarini), starting from the documentation centre of Viafarini, curated by Giulio Verago. In particular, the portal [www.italianarea.it](http://www.italianarea.it), which documents online the artists selected thanks to Viafarini's activity, has been used as a research tool". [http://www.aap.beniculturali.it/progetto\\_grand\\_tour\\_italie.html](http://www.aap.beniculturali.it/progetto_grand_tour_italie.html)

<sup>505</sup> Further details can be found on the official website [http://aap.beniculturali.it/eng/progetto\\_grand\\_tour\\_italie.html](http://aap.beniculturali.it/eng/progetto_grand_tour_italie.html)

<sup>506</sup> The influence of the AMACI Association is also important, together with that of the *Forum dell'arte contemporanea* which helped trigger important debates with regard to the crucial issues of the contemporary art field.

is undeniable. Even if this relationship might appear to jeopardise the independence of the public administration in the activity of promotion, it is also an important tool for ascertaining the real needs of the various actors of such a complex and diverse system.

The second initiative promoted for the internationalisation of Italian contemporary art is the fellowship established by the DGAAP, the *Scuola Normale Superiore* in Pisa and the CIMA - Center for Italian Modern Art. They collaborated to create the *New York Fellowship Program* for promoting Italian contemporary art and for supporting the education of young Italian researchers. The contribution of the DGAAP provided for a scholarship for a six-month training period in New York at the CIMA headquarters.

Moreover, the DG has also developed a series of projects with GAI Association (*Associazione per il Circuito dei Giovani Artisti Italiani*) as part of the project *DE.MO*<sup>507</sup>. The first is the project *Movin'up* for the mobility of young Italian artists abroad<sup>508</sup>. It covers many diverse disciplines, not only in the visual arts, but also in music, cinema, theatre, dance and writing. The second project is called *On Board* and covers the expenses of artistic residencies of Italian artists abroad<sup>509</sup>.

The second course of action focused on the expansion of existing contemporary art institutions. In fact, thanks to the support of the DG the *Arsenale pontificio* in Rome is under renovation to become the new site of the permanent headquarter of the *Quadriennale* starting in 2022<sup>510</sup>. In addition, the MiBACT has decided to establish a new branch of the MAXXI museum in *Palazzo Ardinghelli* in L'Aquila in order to stimulate the cultural valorisation of the territory, following

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<sup>507</sup> Further details can be found on the DG website [http://www.aap.beniculturali.it/progetto\\_demo.html](http://www.aap.beniculturali.it/progetto_demo.html)

<sup>508</sup> The artists should be between 18 and 35 years old. [http://www.aap.beniculturali.it/progetto\\_movinup.html](http://www.aap.beniculturali.it/progetto_movinup.html)

<sup>509</sup> See the DG website for further references <http://www.aap.beniculturali.it/onboard2017.html>

<sup>510</sup> *Piano Strategico Grandi Progetti Beni culturali*, Law n. 106, 29<sup>th</sup> July 2014.

the 2009 earthquake. The project intends to display part of the MAXXI collection in order to inspire local projects through contemporary art, in accordance with article 2, section 8, of the MAXXI Statute<sup>511</sup>.

Another important instrument, which could still require further development, is that of fiscal incentives.

In particular, the Art Bonus appears to be a pliable instrument in which the Ministry should further invest in order to better adapt it to the needs of the contemporary art field<sup>512</sup>.

The legislative decree n. 83/2014, converted into the law n. 106/2014 introduced the Art Bonus in order to promote liberal donations in the whole cultural sector<sup>513</sup>. Article 1, sections 1 and 2, recognize a tax credit, to be used in three annual instalments, up to a maximum of 30% of the amount of donations, equal to 65% in the years 2014 and 2015 and 50% in 2016, within the limits of 15% of income in the case of individuals and non-commercial bodies, and 0,5% of annual income in the case of commercial bodies.

The rule, which initially had a temporary and experimental character, was made permanent thanks to the Stability Law 2016 of 28<sup>th</sup> December 2015 n. 208. It officially allowed a tax relief of 65% for liberal donations in support of culture and for the maintenance, protection and restoration of public cultural heritage. The relief also applied to the support of public institutions and places of culture, lyrical-symphonic foundations and theatres. Furthermore it was granted for the construction of new structures, the restoration and strengthening

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<sup>511</sup> "8. The foundation may set up decentralized venues, as well as establish or acquire additional museum, exhibition and research spaces, without legal personality, with the management and accounting autonomy established by specific regulations within the cultural and administrative unity of the foundation".

<sup>512</sup> Among others, see the reflections of the *Forum dell'arte contemporanea italiana, Documento di sintesi e Report dei tavoli, Chiamata alle arti 10-30 maggio 2020*, 8.

<sup>513</sup> CASINI L., *Il tempo ritrovato: mecenatismo e artbonus*, in *Ereditare il futuro*, ebook, il Mulino, 2016.

of existing ones of public bodies or non-profit institutions which carry out activities in the performing arts.

The awareness of the legislator of the usefulness of these instruments to attract the resources of private individuals to the cultural field is the result of the degradation of cultural heritage due to a lack of ministerial resources. The aim of the regulation is to favour interventions in public heritage, strengthening its link with the community and the territory. It encourages public actors to improve their organisation, their search for patrons and their choice of specific interventions to be promoted. Since February 2015, the Ministry has entrusted Ales S.p.a., the in-house company of the Ministry of Cultural Heritage, with the task of implementing the Art Bonus, facilitating donations and publishing the results of the programme.

In the contemporary art field, this instrument has benefited some public contemporary art institutions, but has been more pervasive in the field of the performing arts. For this reason, the possibility of reforming the conditions for the use of the Art Bonus has been discussed on several occasions in the past few years, suggesting reforms taking into consideration the specific needs of contemporary artists<sup>514</sup>. In particular, the enjoyment of such an incentive should be extended not only to the protection and conservation of existing works, but also to the production of new ones.

Among other actions, another important activity of the DG for contemporary art has been that of mapping and cataloguing contemporary art productions and institutions nationwide. In particular, in 2003 the DARC created the project called *Luoghi del Contemporaneo* (Places of the Contemporary) that is still under development today. The aim of the project was to map and enhance the networks of both public and private contemporary art institutions in Italy. The results of the project were a series of publications and an

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<sup>514</sup> In this regard, see the debates of the *Forum dell'arte contemporanea* in 2016 and in 2020 available on the institutional website.

online public platform<sup>515</sup> that formally strengthened the Italian contemporary art system by offering an overview of the diverse initiatives across the country<sup>516</sup>.

This research offered the opportunity to analyse the national context of contemporary art institutions<sup>517</sup>. The results demonstrated the lower number of contemporary art institutions in the Southern regions when compared with the Northern ones. However, it recognised the fertility of this field that has been growing over the years by activating important regional and interregional networks<sup>518</sup>.

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<sup>515</sup> “Given the dynamic and changing nature of the contemporary art scene, having an online interactive mapping, founded on a geolocalized and an editable online database is becoming a necessity. Thanks to the new site the Directorate General for Contemporary Creativity and Architecture and Urban Regeneration aims to report the changes occurring in the geography of *Contemporary Art Venues* including not only institutional spaces, but also independent spaces. (...) The platform contributes to promoting and enhancing contemporary art and artists, and falls within the scope of this Directorate-General”. The description of the project mission is available on <https://luoghidelcontemporaneo.beniculturali.it/progetto>

<sup>516</sup> The first book publication in 2003 was called *I luoghi del Contemporaneo. Musei, gallerie, Centri d'Arte e Fondazioni in Italia*, edited by the DARC. In 2012 the PaBAAC – *Direzione generale per il paesaggio, le belle arti, l'architettura e l'arte contemporanea* (Directorate General for landscape, fine arts, contemporary art and architecture) published the new updated edition *I luoghi del contemporaneo. Contemporary art venues 2012*. The platform is available on <https://luoghidelcontemporaneo.beniculturali.it/home>

<sup>517</sup> In it, Director-General Maddalena Ragni, stated that “contemporary art is no longer a niche phenomenon, a privilege for few connoisseurs and experts in this field. On the contrary, it has increasingly become a way for the public at large to acquire a better understanding and appreciation of the many and diverse aspects of art, the history of art and, as a result, museums”. RAGNI M., *Introduction*, in *I luoghi del contemporaneo*, Gangemi Editore, 2012. In the same publication Carlo Fuortes claimed that “overall, the study highlighted a lively and dynamic situation which has, however, not been left unscathed by the profound crisis facing Italy today. In fact quite a few organisations and institutions have either closed or changed their focus; likewise new management models do not always achieve their prefixed goals and objectives. Nevertheless, we must use the knowledge contained in this study, and bend all our efforts to supporting and empowering this rich cultural heritage”. FUORTES C., *I luoghi del contemporaneo*, Gangemi Editore, 2012.

<sup>518</sup> “(...) Apart from the figures – however diversified they may be – in today's harsh

Moreover, the DARC since 2003 has promoted the project called *Sensi Contemporanei* focusing on the particular context of Southern Italy<sup>519</sup>. It aimed to increase the interest and promotion of contemporary arts in seven regions through specific European, ministerial and regional funds. The project was started in collaboration between the *Biennale* in Venice, the DARC and the Department for development and cohesion policies of the Ministry of Economic Development.

Furthering the development of contemporary art in Southern Italy, the *Studio per la definizione di una rete di centri dell'arte contemporanea nelle Regioni del Sud Italia*<sup>520</sup>, supported by the Ministry of Cultural Heritage and Activities between 2009 and 2011, mapped public and private institutions working in the contemporary art field in eight Southern regions. The South of Italy appeared to have a very fragmented and fragile contemporary art scene. The research highlighted that the main

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reality what really emerges from this study is the fact that citizens and institutions feel the need to use contemporary art to 'brand' their region. (...) that understanding all aspects of contemporary art in Italy is not only a crucial premise for political and institutional initiatives, but bears witness to a network of crystal-clear creativity that continues to flow despite all sorts of difficulties and obstacles. And finally, that contemporary art can be entrusted with a message of hope for the future". TECCE A., *Luoghi geniali*, in *I luoghi del contemporaneo*, Gangemi Editore, 2012.

<sup>519</sup> The project started in 2003 and was developed during the following years by involving more regions and broader cultural fields of interventions. <http://www.sensicontemporanei.it/home.php?article=2> "The network action - which sees the imminent establishment of a common work platform shared also with the territorial institutions - starts from the promotion and support to the regions of Southern Italy and aims to encourage the exchange and continuation of exemplary experiences carried out in the territories of Central and Northern Italy, with a view to effective interaction between national reality and international connections". Circolare Piano per l'Arte Contemporanea 2014, Prot. N. 4999, Class. 28.07.00/1.17, Direttore Generale Servizio V, 24 febbraio 2014.

<sup>520</sup> See, Accordo di programma quadro multiregionale. *Sensi Contemporanei - Promozione e diffusione dell'arte contemporanea e la valorizzazione di contesti architettonici e urbanistici nelle regioni del sud d'Italia*, signed in Rome by the Ministero dell'economia e delle finanze, the Ministero per i beni e le attività culturali, the Fondazione La Biennale di Venezia, the regions Abruzzo, Basilicata, Calabria, Campania, Molise, Puglia, Sardegna and Sicilia, 4th April 2006.

difference between the North and the South of Italy emerged from the capacity to create partnerships at national and international level and in finding stable and sustainable sources of financial support<sup>521</sup>.

Furthermore, with regard to the cataloguing activity, the DG has also promoted the *Censimento delle raccolte e degli archivi fotografici* (Census of photographic collections and archives) in Italy<sup>522</sup>. The project was

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<sup>521</sup> "For these activities, in agreement with the Directorate General for Organization, General Affairs, Innovation, Budget and Personnel, have already been promoted and implemented by RTI Ecoter-Cles-Consortium Civita, the Feasibility Study of the network of contemporary art centers within the Operational Project of Technical Assistance (POAT) financed with resources from the European Regional Development Fund (ERDF), with reference to the Convergence Objective regions (Calabria, Campania, Puglia and Sicily). The study, which is expected to be extended to all Southern regions, is aimed at deepening in particular some aspects: a reconstruction of the framework of available resources between structural funds, state and non-state budget, banking foundations and a reconstruction of the framework of regional policies on contemporary art. It is also intended to encourage the identification of the identity, aims and objectives of interinstitutional governance and a reconstruction of the framework of contemporary art supply in the four regions involved. The main objective of the study is to provide cognitive elements and at the same time to formulate operational proposals to be shared with the regional administrations (...)". BELLISARIO M.G., *Architettura e arte contemporanee, dopo la riforma del 2009*, in *Ufficio Studi Mibac* (ed.), *Notiziario XXV-XXVI*. 92-97, gennaio 2010 – dicembre 2011, 33-38. The agreement, *Accordo di programma quadro multiregionale. Sensi Contemporanei – Promozione e diffusione dell'arte contemporanea e la valorizzazione di contesti architettonici e urbanistici nelle regioni del sud d'Italia*, was signed in Rome by the Ministry of Economy and Finance, the Ministry of Cultural Heritage and Activities, the *Fondazione La Biennale di Venezia*, the Regions Abruzzo, Basilicata, Calabria, Campania, Molise, Puglia, Sardegna and Sicilia, 4<sup>th</sup> April 2006. For the analysis of the results of this specific project see RUGA M., *Analisi delle fasi di progettazione e attuazione di un "sistema integrato" per l'arte contemporanea nel sud d'Italia: il caso di Sensi contemporanei in Calabria*, in *"Analisi delle Politiche Regionali per i Sistemi Museali"* - LARTTE Scuola Normale Superiore di Pisa - <http://sistemimuseali.sns.it>, and the relevant bibliography quoted in the article. See also RAGNI M. (ed.), *Studio per la definizione di una rete dei centri di arte contemporanea nelle regioni del mezzogiorno. Analisi di contesto*, Mibact, PaBAAC – Servizio Architettura e Arte contemporanee, available at <https://www.civita.it/Sala-stampa/Giornata-di-Studi-Sud-contemporaneo-Progetto-per-una-rete>

<sup>522</sup> The DG also created a specific scholarship for researchers in the photography field. Concerning photography, the establishment of MUFOCO is particularly significant. "MUFOCO - Museo di Fotografia Contemporanea, the only public institution in Italy

born from the collaboration between the MiBACT (ICCD and DGAAP) and *Camera - Centro Italiano per la Fotografia* (D.M. 28<sup>th</sup> July 2017, n. 339). It is the first comprehensive project for cataloguing the Italian photographic heritage of public and private bodies, “an immense and frequently misunderstood heritage”<sup>523</sup>.

Among the tasks of the DG it is necessary to mention its supervision of the application of the law n. 717/1949<sup>524</sup>. The law, called “legge del 2%”<sup>525</sup>, was enacted in 1949 immediately after the Second World War

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dedicated to contemporary photography, is an active structure in the field of conservation, cataloguing, study and dissemination of photography, with particular emphasis on the ongoing technological transformations and the relationship between photography and other expressive disciplines. During 2016, as part of its institutional activities, the DGAAP was part of the inter-institutional table for the development of the management and technical-scientific project for the relaunch of the Museum. The project designs an institution projected onto an international cultural scene, thanks to a new Milanese exhibition venue in the *Palazzo della Triennale* in Milan, which will complement and integrate the historic venue of Villa Ghirlanda, in the historic centre of Cinisello Balsamo, and a new focus on the themes of the suburbs and urban spaces”. <http://www.mufoco.org>

<sup>523</sup> “The project - born from the collaboration between MiBACT (ICCD and DGAAP) and *Camera - Centro Italiano per la Fotografia*, as part of the activities of the *Cabina di Regia per la fotografia* established by minister Dario Franceschini (D.M. of 28 July 2017, n. 339) - is the first participatory tool for the cataloguing of the Italian photographic heritage of public and private bodies, an immense and, frequently, unrecognized heritage. Among the resources available on the site, there is also a selection of texts on the theme of photographic collections; a package of links to sites and portals that publish digital photographic resources; information on institutions that provide training courses on cataloguing, conservation, digitization and processing of photographic collections; virtual exhibitions and photo-galleries dedicated to the heritage preserved by each archive or collection”. [www.censimento.fotografia.italia.it](http://www.censimento.fotografia.italia.it)

<sup>524</sup> In this regard, see also the *Linee guida per l'applicazione della legge n. 717/1949 recante norme per l'arte negli edifici pubblici*, published on the *Gazzetta Ufficiale* on 25<sup>th</sup> July 2017.

<sup>525</sup> For a complete history of the 2% law see ACOCELLA A., TOSCHI C. (ed.), *Cronologia critica*, in MiBACT, *2%/717/1949. La legge del 2% e l'arte negli spazi pubblici*, Cura.books, 2017, 76-86. SALVAGNINI S., *Il sistema delle arti in Italia 1919-1943*, Minerva, 2000, 403-426. The analysis developed by the *Forum dell'arte contemporanea italiana in 2015* in Prato concerning the 2% law is particularly interesting for understanding the complexity of this law and its historical and possible future developments. See *Atti del Forum dell'arte contemporanea italiana 2015*, 25-27 settembre, Prato, 124-128. See also



during the reconstruction period to support the promotion of culture through the creation of artworks in new public buildings. The norm states that a percentage of the overall budget for the construction or renovation of buildings should be dedicated to the production of an artwork to be installed in the new construction<sup>526</sup>.

Article 2 of the law states that the procedure for the selection of artists depends on the evaluation of a specific commission formed by a representant of the involved administration, the architect responsible for the construction project, the competent superintendent and two artists appointed by the public administration<sup>527</sup>. They have to

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<http://www.aap.beniculturali.it/2percento/>

<sup>526</sup> Article 1 “Le Amministrazioni dello Stato, anche con ordinamento autonomo, nonché le Regioni, le Province, i Comuni e tutti gli altri Enti pubblici, che provvedano all’esecuzione di nuove costruzioni di edifici pubblici devono destinare all’abbellimento di essi, mediante opere d’arte, una quota della spesa totale prevista nel progetto non inferiore alle seguenti percentuali: - due per cento per gli importi pari o superiori ad un milione di euro ed inferiore a cinque milioni di euro; - un per cento per gli importi pari o superiori ad cinque milioni di euro ed inferiore a venti milioni; - 0,5 per cento per gli importi pari o superiori a venti milioni di euro. Sono escluse da tale obbligo le costruzioni e ricostruzioni di edifici destinati ad uso industriale o di edilizia residenziale pubblica, sia di uso civile che militare, nonché gli edifici a qualsiasi uso destinati, che importino una spesa non superiore a un milione di euro. I progetti relativi agli edifici di cui alla presente legge dovranno contenere l’indicazione di massima di dette opere d’arte e il computo del relativo importo. Nei casi in cui edifici siano eseguiti per lotti separati ed anche in tempi successivi, ai fini dell’applicazione della presente legge si ha riguardo alla spesa totale prevista nel progetto. A formare la quota del 2 per cento non concorrono le somme che eventualmente siano state previste per opere di decorazione generale. Qualora il progetto architettonico non preveda l’esecuzione in sito di opere d’arte di pittura e scultura, il 2 per cento di cui sopra verrà devoluto all’acquisto ed all’ordinazione di opere d’arte mobili di pittura e di scultura, che integrino la decorazione, degli interni”.

<sup>527</sup> Article 2 “La scelta degli artisti per l’esecuzione delle opere d’arte di cui all’articolo 1 è effettuata, con procedura concorsuale, da una commissione composta dal rappresentante dell’amministrazione sul cui bilancio grava la spesa, dal progettista della costruzione, dal soprintendente per i beni artistici e storici competente e da due artisti di chiara fama nominati dall’amministrazione medesima”. See also, *Linee guida per l’applicazione della legge n. 717/1949 recante norme per l’arte negli edifici pubblici*, published on the *Gazzetta Ufficiale* on 25 July 2017.

evaluate the relationship between the proposed works of art and the architectural project.

In 2015 the DG supported the creation of a web platform to display all the artistic productions emanating from the 2% law. It also created an online observatory concerning public art practices nationwide<sup>528</sup>.

Regarding the protection of contemporary art and its value, the DGAAP activated a joint initiative in 2017 with the association AMACI, the Technical-Scientific Committee for contemporary art and architecture, the ISCR (*Istituto Superiore per la Conservazione ed il Restauro*), the MAXXI Arte, the *Polo Arte Moderna e Contemporanea* of the municipality of Milan, the Milano-Bicocca University and members of the International Institute for Conservation.

They organised an important meeting to discuss the need to establish a new certificate for the authentication and protection of contemporary art in Italy. The certificate was called PACTA (*Protocolli per l'Autenticità, la Cura e la Tutela dell'Arte contemporanea e delle relative linee guida per l'utilizzo*)<sup>529</sup>. It intended to update the theory and practice concerning the authenticity, conservation and restoration of contemporary art<sup>530</sup>.

These are just some of the initiatives promoted by the DG since its foundation<sup>531</sup>. They appear to be diverse and of varying scope. In fact,

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<sup>528</sup> Further details concerning the public art projects' observatory in Italy can be found on the website <http://www.aap.beniculturali.it/2percento/>

<sup>529</sup> *Circolare n. 7/2017* of the DGAAP.

<sup>530</sup> "This is a new model certificate for the conservation and documentation of the authenticity and identity of the work of art. Structured with the primary aim of guaranteeing the correct conservation and permanence of the work of art and its continuity of perception, PACTA is intended for state museums and museums with different statutes, as well as foundations, institutions and private individuals". All the related documentation is available online at [https://www.beniculturali.it/mibac/export/MiBAC/sito-MiBAC/Contenuti/Avvisi/visualizza\\_asset.html\\_1054867027.html](https://www.beniculturali.it/mibac/export/MiBAC/sito-MiBAC/Contenuti/Avvisi/visualizza_asset.html_1054867027.html)

<sup>531</sup> More details regarding the DG's activity between 2015 and 2017 can be found in *Direzione Generale Arte e Architettura contemporanee e Periferie urbane, 2015-2017 Rapporto*

they were not always an expression of the direct initiative of the DG, but were activated through dialogue with external bodies and groups of interest.

Openness towards these actors appears to be an important element for applying efficient instruments for the promotion of contemporary art. However, a general cohesive and coherent course of action should be defined on a long-term basis in order to guarantee consistent support to the field. The investigation of all these plural tools, developed throughout the forty-five-year history of the Ministry of Cultural Heritage allows an overall analysis of their nature and application.

The discretionary nature of the ministerial tools for the promotion of contemporary art generally prevails. It is mainly absent when a horizontal approach predominates, particularly in the case of mapping tools which include all the actors active in the field nationwide, regardless of their private or public nature. The inclusive attitude of these instruments testifies to the importance of such initiatives for building a cohesive national system and network of contemporary art.

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*delle attività, 2017. The Giornata del Contemporaneo* that since 2015 has been organised between the DG and the association AMACI, *Associazione dei Musei d'Arte Contemporanea Italiani*, is another important initiative which contributed to sensitize the Italian public towards the contemporary. As Gabriella Belli stated AMACI was born to achieve three main goals. "AMACI, the Association of Italian Contemporary Art Museums, was born from the shared desire of about twenty Italian museums to carry out a precise task of liaison and coordination; to establish a true institutional culture of modern and contemporary art in our country which, in this specific field, has not yet reached an incisive presence in the international institutional debate; to try to fill that gap in planning and that too modest desire for new investment that pushes Italy down in the European ranking of advanced contemporary projects, with a growth trend that is not very significant as regards, in particular, expenditure on new architecture and the enrichment of publicly owned contemporary art collections". BELLI G., *AMACI, una rete di musei per il contemporaneo in Italia*, in PRATESI L., *I Musei d'Arte Contemporanea in Italia*, Skira, 2006, 19-21. To further understand the relationship between AMACI and the DG see the project of the Archivio RAAM <https://archivioraam.org/?#home>

Nevertheless, despite the limits of discretionary tools, the scarcity of the ministerial financial resources means that the public administration cannot function without the discretion of its intervention in the field, in order to individuate specific projects and initiatives to be supported and promoted.

## **7. Reflections on discretionary tools for the contemporary**

When analyzing the ministerial tools for the promotion of contemporary art in Italy, it appears that the plural reforms for the reorganization of the Ministry and the delimitation of its scope of intervention in the cultural field have not always been harmonized with the fundamental promotion of contemporary art nationwide. The different phases of the ministerial organization for the contemporary testify to its checkered promotion.

Between the seventies and the beginning of the XXI century the ministerial intervention for contemporary art was mostly focused on acquisitions, prizes and exhibitions and was poorly funded. However, since the beginning of the new century a stronger focus on the importance of the ministerial promotion of the field has emerged, through the development of a series of specific initiatives reinforcing the contemporary art field nationwide in alternative phases. In fact, the periods in which most of the ministerial tools for the promotion of the contemporary were developed and activated correspond to those in which the Directorates General had specific competences in the contemporary art field (particularly under the DARC and the DGAAP).

The tools applied and promoted by the Ministry for the contemporary addressed and supported public institutions (particularly through acquisitions, exhibitions and the PAC), artists (through prizes and incentives for new productions) or private institutions (only recently through the Italian Council and mapping). However, in the case of the Italian Council, the involvement of private bodies is supported for the fulfilment of a public interest (the promotion of contemporary art and

the enrichment of public collections). These tools had a variety of aims, not always complementing one another. Nonetheless, their scope generally intended to promote and financially support contemporary art production and collections, to build a network in the field and to sensitize the public to the contemporary.

Drawing the conclusions of this section of the research, it emerges, on one hand, that the instruments applied by the Ministry over the years for promoting contemporary art had a primarily discretionary character. In fact, many of the ministerial tools did not have a horizontal direction for their interventions, based on automatic mechanisms, but were addressed to selected parts (groups, individuals or institutions) of the contemporary art field. This selection was defined at the beginning, in the texts of the public calls of each ministerial project (e.g. by nationality, age, career limits), or was introduced in a second phase through the intervention of the expertise of a jury. The discretion did not always address the weakest categories of the contemporary art field and left certain portions without any possibility of consistent and direct ministerial support.

The discretion of the tools promoted by the Ministry appears to encourage certain categories more than others. In fact, the projects destined for young artists, and those promoting research periods, independent from the production of concrete final artworks, were almost absent. Mid-career and established artists appeared to be the most supported throughout the years. Small non-profit institutions face difficulties in fulfilling ministerial requests and procedures for receiving public funding. Moreover, in the XX century only certain media were funded, with particular regard to paintings and sculptures, ignoring the rapid development of artistic practices and technologies between the seventies and the XXI century.

The discretionary nature of the ministerial intervention should guarantee support to subjects less advantaged by the market mechanisms. However, this did not always emerge from the analysis. The less structured and established individuals and institutions are

often still disadvantaged and need broader forms of support. The public administration should improve its capacity to award emerging figures and small scale institutions whose conditions should be differentiated from established organisations and individuals.

Most of the projects and programs promoted by the Directorate General, involved a jury for evaluating the quality of the proposals received by the administration for each of the diverse public calls. The juries have usually been composed of experts, professionals and academics from the contemporary art field, directly appointed by the central administration or its institutions.

These conditions particularly characterized the organization of prizes and funding programmes over the years, where specific juries were periodically appointed. The discretionary power of the ministerial functionaries and *Soprintendenti* also directed initiatives in the case of exhibitions and acquisitions, despite limited availability of ministerial resources. However, the criteria established by ministerial regulations and acts for the applications of these various tools often appear to leave a margin of interpretation and of personal evaluation that do not always respect objective and scientific criteria.

On the other hand, other ministerial projects, that did not explicitly concern the involvement of the administration in the allocation of its funding, were characterized by a more horizontal dimension. In particular, the activity of mapping and cataloguing and the Art Bonus were extended to all institutions active in the field, in the first case, or only to the public ones, in the latter.

In conclusion, the instruments that stood out for their importance and consistency in the promotion of the contemporary were those providing specific ministerial funding for new artistic productions (from exhibitions to artworks, from publications to public programs). Above all, the *Piano per l'Arte Contemporanea*, established in 2001 by the DARC, and the Italian Council, initiated in 2017 under the DGAAP. Despite their discretionary character, they consistently

contributed not only to the expansion of contemporary art collections of public institutions, but also to the exposure of Italian contemporary art and artists at national and international level.

Moreover, it emerged that these important tools were established through specific legislative initiatives that reinforced their permanent nature as central and stable instruments (and budget items) of the administration for the promotion of contemporary art. However, these instruments could still be further developed in order to meet the needs of all the actors of the contemporary art field. This topic is further investigated in the conclusions of the whole thesis.

The tools for the promotion of contemporary art differ from those applied in other fields of cultural production, as for example those for cinema<sup>532</sup>. In fact, the instruments for the contemporary do not appear to explicitly consider both the socio-cultural and commercial value of the artworks promoted and supported. The focus of many of these tools on public museum collections prevented the Ministry from taking into account this other significant element of the artwork's life. In fact, one of the fragilities of the ministerial system emerges from the detachment of the State from the market mechanisms and trends, ignoring a fundamental actor of the contemporary art system. However, in this regard, some adjustments have recently been introduced, as in the case of the Italian Council where the possibility of producing more copies of a film or video work was finally allowed.

On the other hand, the risk of such an approach could be that of an overly intrusive State, affecting free contemporary production and distorting the market mechanisms. The Italian State appears to correspond to the "promotional legal order", described by Bobbio,

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<sup>532</sup> However, as in the field of cinema the nature of the tools applied is mainly discretionary. In this regard, see AVERARDI A., *Gli ausili pubblici al settore cinematografico tra eccezione culturale e regole di mercato*, in *Munus: rivista giuridica dei servizi pubblici*, 1, 2019.

whose functions are mainly applied through positive provisions (such as article 9 of the Constitution)<sup>533</sup>.

The tendency of this promotional approach in the contemporary art field shifted its focus over the years from supporting products (such as through prizes and acquisitions) to supporting productive processes (through the Italian Council and fiscal incentives), keeping a discretionary character. Moreover, these ministerial tools initially intervened in an *ex post* phase (prizes and acquisitions) and only recently contributed to supporting *ex ante* by incentivizing the production of new artworks (Italian Council). Split between past and new tendencies, a progressive ripening of state institutions and their awareness towards the field is taking place.

As emerged throughout the analysis, the promotion of contemporary art initially appeared to be formally recognized by the State through the establishment of specific institutions. However, they were not financially supported as required. Moreover, several initiatives for the field highly depended on private willingness and resources, as in the case of prizes. The foundation of the DG for contemporary art at the beginning of the XXI century signaled the turning point of the ministerial organization and tools for satisfying the real needs of the contemporary.

Looking at these ministerial tools from an overall perspective, some common traits emerge. They all rely on the ministerial control and approval, despite the scarcity of resources available, with particular regard to acquisitions, prizes and exhibitions. Moreover, the criteria drawn up for their application leave broad discretionality to the functionaries or juries involved. The legal provision of a minum fixed rate of ministerial resources destined for the contemporary and simplified administrative procedures for their application could be

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<sup>533</sup> In contrast with negative provisions aiming to protect, as in the cultural field. BOBBIO N., *Sulla funzione promozionale del diritto*, in *Rivista trimestrale di diritto processuale civile*, 1969, 1313.



introduced. This rate should be comparable with the funding provided by other European countries in the same fields of intervention<sup>534</sup>. The increase of ministerial resources for supporting contemporary art would prevent some of these tools, such as prizes, from highly depending from private initiatives.

In addition, the sporadic nature of some tools, the limited application of the funding programmes to certain categories, such as young artists and independent spaces and institutions, and the fragile relationships with foreign institutions, that some of these tools activate, could be reinforced through the establishment of a plurality of differentiated funding and programmes. These could be implemented and managed by a specific institution for the contemporary, subject to simplified administrative procedures. A flexible and pliable, autonomous institution whose nature is further investigated in the overall conclusions of the research.

The Italian State still has a long way to go in giving to the contemporary the role it deserves<sup>535</sup>. The necessity of diversifying its tools emerges from the different needs of the various actors involved that still appear, in some cases, to be unsatisfied<sup>536</sup>. In this regard, the unstable and liminal notion of the term *contemporary art* might also contribute to limiting the effectiveness of the public administration's intervention in the contemporary art field. In fact, the difficulty for the Ministry in defining the specific scope of its intervention and the evolving nature of the subject force the administration to apply

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<sup>534</sup> See, for example, the case of France where a plurality of specific institutions for promoting contemporary creativity, from the state to the regional and local level, are considerably funded. JAMET D., FOSSEYEU J., PATTYN C., *Les établissements publics sous tutelle du ministère de la Culture: Histoire administrative*, Paris, 2004. BERNARD Y.-M., *Origine et création des Fonds régionaux d'art contemporain: les années militantes, 1981-1986*, Saint-Denis, 2015.

<sup>535</sup> In this regard, see the final part of the conclusions of the investigation.

<sup>536</sup> See *Forum dell'arte contemporanea italiana, Documento di sintesi e Report dei tavoli, Chiamata alle arti 10-30 maggio 2020*.

constant adjustments and to update its organization and tools in order to respond to the exigencies of such a complex field of culture.

## Conclusions

### 1. Drawing conclusions and future developments of the ministerial promotion of contemporaneity

The investigation, after examining the relevant laws, legislative proposals and administrative acts regarding contemporary art in order to grasp its understanding for Italian institutions and administration, focused on the analysis of the history of ministerial organization for contemporary art from 1974 until 2020. It took into account the plurality of ministerial reforms and institutions that contributed to the promotion of the contemporary in Italy in order to deeply comprehend, in the last chapter, the nature and scope of the tools applied by each ministerial branch over the years.

The research shows that the evolution of the promotion and support to contemporary art in Italy since 1974 has been erratic. Despite the importance given to certain specific, exceptional projects for promoting the contemporary, the general support to the field has been subject to frequent government changes, shifting political interests and policy priorities. However, these fluctuations also characterized ministerial support to the whole cultural field in Italy over the same period.

At the beginning of the analysis three main dilemmas emerged concerning the promotion of contemporary art and cultural heritage in general. The thesis intended to respond to these crucial issues which regarded the evolving ministerial organization for contemporary art, the tools applied for its promotion and the definition of the term *contemporary art*.

The first problem concerned the relationships between the centralization of the Ministry organization, its frequent administrative and organizational reforms and the activity of promoting and supporting contemporary art. To what extent did the reforms of the ministerial organization and institutions for the contemporary affect its promotion?

The central and unique role of the *Galleria Nazionale* in Rome until 1998 and of the Directorate General since 2001 strongly affected ministerial action for the contemporary. The centralized ministerial structure prevented the system from applying specific policies in accordance with diverse local needs. It did so by standardizing all the initiatives aiming to promote contemporary art through one single model, mostly focused on the enrichment of public museum collections. However, several attempts to rebalance the relationship between the central and peripheral administration have been put forward over the years<sup>537</sup>.

Moreover, it emerged that the centralized ministerial structure was highly affected by the frequent changes of government. Each government had different priorities concerning culture and its promotion. These differences were reflected in the numerous reforms that affected the ministerial organization. In fact, the reforms required recurrent periods of adaptation to new administrative structures and competences, both for the internal functionaries and the external stakeholders.

The plurality of the reforms might suggest the development of a flexible and adaptable system. However, this did not characterize the Italian public administration for contemporary art which has not always been updated with the developments of this evolving field, in order to fulfil its mission<sup>538</sup>. The lack of consistent support to the field was also reflected in the dispersion of competences of ministerial executives due to the inevitable spoils system.

When looking at the organizational structures of the institutions for contemporary art, it is evident that their history has been moving

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<sup>537</sup> Among them, the project *Sensi Contemporanei* and the *Patto per l'Arte Contemporanea* tried to harmonize the relationship between the State and the Regions for collectively and cohesively promoting contemporary art.

<sup>538</sup> These updates, that concern the terminology used, the nature of the artistic practices and the diverse forms of support for the promotion of contemporary art already established worldwide, were not always carried out.

between centralization and the assignment of competences for the contemporary to external and peripheral institutions. In fact, the main office for contemporary art after the foundation of the Ministry in 1974 was the *Galleria Nazionale* in Rome. The *Soprintendenza Speciale* was a peripheral branch of the ministerial organization responsible for promoting, enhancing and expanding contemporary art collections at national and international level.

From this peripheral management with centralized competences nationwide, the promotion of the contemporary was entrusted to the first Directorate General for Contemporary Art and Architecture (DARC) in 2001, that today exists under the DG for Contemporary Creativity. The foundation of the DG and the re-centralization of competences under the main ministerial body corresponded to the time when the constitutional reform for the partition of legislative competences between the State and the Regions was enacted. The shift of competences towards regional authorities, in accordance with the principle of subsidiarity, and the stronger attention towards different local needs, faced a parallel effort of centralizing and reinforcing, under the ministerial organization, the specific competences for the protection, enhancement and promotion of contemporary art.

The tension between the central organization of the Ministry and the regional ones could have contributed to stronger cooperation between these bodies and a more effective intervention for satisfying the needs of the contemporary art field. However, the results were not as expected. The lack of cohesive and targeted policies for the field, covering all regional areas, was evident. The DG tended to promote uniform initiatives for the whole Italian territory. The contemporary art field, like the cultural field in general, needs persistent, coherent and supportive policies in order to guarantee the fulfilment of the structural needs of this crucial subject.

As well as being a focus for central administration, the promotion of contemporary art in Italy between 1974 and today has been part of the mission of other independent institutions, public funded and under

the control of the Ministry: the MAXXI, the *Biennale*, the *Triennale* and the *Quadriennale*. These were also taken into consideration by the analysis.

The creation of the MAXXI foundation transformed the nature of the main contemporary art museum in Italy from a dependent museum, as in the case of the *Galleria Nazionale*, to an independent foundation under private law from 2009<sup>539</sup>.

Looking at the history and roles of the *Biennale*, *Triennale* and *Quadriennale*, it appears that while they were born as autonomous bodies under public law, they were then all transformed into foundations under private law in the nineties. Cultural foundations, in fact, after the enactment of the Bassanini laws, appeared to be a pliable instrument, open to direct participation of public and private bodies. These could consistently cooperate and contribute with their own resources for the management of such important institutions for the contemporary art realm in Italy, increasing the available and precarious ministerial funding.

However, the MAXXI and the *Triennale* were the only institutions, among those analysed, to see the direct involvement and contribution of private stakeholders. They engaged private companies, including them in the achievement of the institutional mission thanks to a stronger relationship with the local environment. In fact, the research on and the relationship with the territory is the central starting point for the involvement of other participants and contributors to cultural foundations<sup>540</sup>. The efficacy of the foundational instrument often lies in the establishment of fair and consistent relationships between public and private stakeholders.

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<sup>539</sup> Moreover, since the 2014 reform, the *Galleria Nazionale* has also obtained a broader administrative autonomy.

<sup>540</sup> However, the history of the MAXXI foundation testifies to the complexity of managing participatory foundations, where a plurality of interests are involved and specific competences are necessary.

Moreover, the independence of these institutions was particularly reflected in their artistic programmes, in staff selection, and in the capability of attracting external investors and sponsors to support their own activities. However, in some cases, this autonomy did not guarantee full independence from political influences, also considering that the main stakeholder and contributor has always been the Ministry of Cultural Heritage.

The fragility of dependent ministerial institutions for contemporary art is also evidenced by the complex situation of the *Soprintendenza* at the *Galleria Nazionale* entangled in bureaucratic mechanisms and lacking material, financial and human resources. Its case demonstrates that achieving recognition of the important national and international role of Italian contemporary art institutions has been a difficult task throughout the years. Only at the beginning of the XXI century did the State invest significant resources in the creation of the Centre for the documentation and enhancement of contemporary arts<sup>541</sup>. However, the foundation of this important museum did not guarantee the freedom from the political influence to which all Italian public institutions have always been submitted, due to the provisions of their own Statutes<sup>542</sup>.

The dichotomy between the public or private nature of the institutions and between peripheral and central forces characterized the history of the Ministry of Cultural Heritage in the promotion of contemporary

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<sup>541</sup> An interesting reflection regarding contemporary art institutions in Italy between the end of the XX century and the beginning of the XXI is available in BARRECA L., LISSONI A., LO PINTO L., PAISSAN C., *Terrazza. Artisti, storie, luoghi in Italia negli anni zero*, Marsilio, 2014. The authors referred to non-profit spaces, artist-run spaces and magazines that compensated for the lack of a strong system for the promotion and experimentation of contemporary art and artists.

<sup>542</sup> In fact, the power of nominating the managerial bodies of these public institutions in the hands of the Ministry, as provided by the institutional Statutes, binds participatory foundations to the political influence. See also, BARRECA L., LISSONI A., LO PINTO L., PAISSAN C., *Terrazza. Artisti, storie, luoghi in Italia negli anni zero*, Marsilio, 2014, 26.

art in Italy<sup>543</sup>. As already shown throughout the research, these trends and shifts in ministerial organization affected the administrative, financial and organizational autonomy of the institutions involved, together with spending cuts, the absence of specific public policies for the field and the public administration's spoils system<sup>544</sup>.

Overall, it appears that during the XX century the ministerial commitment to the promotion of the contemporary was entrusted to external institutions that became ministerial satellites for the achievement of its goals at national and international level. They tended to act independently from one another, preventing the construction of a strong Italian contemporary art network.

On the other hand, in the XXI century the centralisation of the administration's competences for the contemporary under the Directorate General generally reinforced the ministerial attention towards this crucial field. However, after the foundation of the DARC in 2001 and the subsequent PARC in 2007, the DG lost its specificity in 2009 with the institution of the PaBAAC, under the ministry of Sandro Bondi. It was only in 2014, under the ministry of Dario Franceschini, that the DGAAP expanded and strengthened its competences for the contemporary, starting an important phase of the history of its promotion.

The second dilemma investigated concerned the nature of the tools for promoting and supporting contemporary art in Italy. These appeared to be diverse, not merely assistance, and were generally characterized

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<sup>543</sup> The central ministerial organization was also directly affected by the influence of external private bodies in the establishment of specific tools for the promotion of contemporary art. Above all, see the case of the Italian Council.

<sup>544</sup> "There are at least three aspects that need to be considered and that are able to condition the exercise of the freedom of art: spending cuts, the policy of public subsidies and the intervention of private individuals in culture. (...) The management of the crisis soon (and by necessity) became a subject that led to a series of effects affecting not only the economic life of citizens but also and above all their social and cultural life". CRISMANI A., *Libertà dell'arte e limiti del diritto*, in *Diritto, economia e società. In ricordo di Luisa Cusina*, EUT, 2018, 74.



by strong discretion. They included prizes, scholarships, funding for residencies, exhibitions, new artistic productions, publications, public programs and other special projects.

However, despite their variety, common scope appeared throughout the analysis. In fact, they corresponded to specific courses of action that the Ministry of Cultural Heritage had explicitly declared, with alternating phases and extent, since its foundation. These objectives concerned:

1. the expansion of public museum collections in order to fill the gaps left by incohesive acquisition and investment policies of the past;
2. the internationalization of contemporary art, artists and practices in order to strengthen their recognition globally and enrich their own training and research;
3. sensitizing the public to the contemporary and allowing the public enjoyment of the heritage;
4. creating strong networks among contemporary art public and private institutions and individuals with the aim of strengthening the whole national system for the contemporary.

These four areas appeared to directly cover some of the general interests of the actors involved in the contemporary art system: museum institutions, artists, curators and the public. They also indirectly addressed some of the interests of other actors, such as private galleries and collectors. Private bodies, in fact, have had an important role in collaborating with the Ministry in supporting and developing the promotion of the contemporary.

When looking at these aims in more detail, it emerges that they correspond to the specific courses of action of state intervention in the cultural field, already synthesized in the introduction to the research. The first are actions of promotion, that indirectly affect the supply and

demand of culture. The second regards the establishment of cultural institutions that remain under the management and control of the public administration. The third way is financial support for institutions and individuals through direct subsidies, such as prizes, scholarships or specific funding. A fourth option regards the forms of detaxation that the public administration can apply to private non-profit organisations or individuals.

The kind of tools applied and developed by the Ministry over the years concerned diverse measures taken through all these courses of action. The activity of promoting, and indirectly affecting the supply and demand of culture, was particularly reflected in the steady attention paid towards the expansion of public collections of contemporary art, as already mentioned above<sup>545</sup>.

However, regarding the XX century when the *Galleria Nazionale* was at the core of the public administration for the contemporary, this expansion depended strongly on the interest and will of each *Soprintendente* who faced the dual institutional mission of supporting the modern and the contemporary. After the foundation of the Directorate General the interest in growing public collections was expressed through direct subsidies (PAC, Italian Council) to institutions all over Italy that indirectly affected the artists and their work.

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<sup>545</sup> As Becker highlighted in 1982 "government support of the arts often means preserving in museums what has already been done (...) but it also often includes support for working artists, training institutions, performing groups, exhibition spaces, publication, and expenses of production, as well as fellowships and other grants which free artists' time for work. (...) When the government sees artistic activities as supporting national interests, it provides financial support which otherwise would have to come from elsewhere or would not be available at all. It may give a direct financial subsidy, to be spent as the individual artist or the organizers of the art group see fit; or access to government-owned exhibition or performance spaces which otherwise would have to be paid for; or materials or salaries for specific personnel or categories of personnel". BECKER H.S., *Art Worlds*, University of California Press, 1982, 181-182.

In fact, the direct subsidies promoted by the Ministry have always been destined to public or private institutions (national, local or foreign museums, private foundations, associations) rather than being directly provided to the artists. The direct support to artistic creation has been achieved through specific prizes and a few scholarships focused on the internationalization of artists' careers abroad rather than supporting their research and practices at national level.

As far as the second and third fields of state intervention are concerned, the establishment of artistic institutions that remain under the management and control of the public administration was evident during the decade that ended with the inauguration of the MAXXI foundation. The State, during this time, invested most of its resources for the contemporary art field in this gigantic and renowned project. This had an inevitable effect on the whole national system and on the development of a variety of other policies for its support.

Today museum and institutional networks for contemporary art in Italy are broad and multifaceted, from national museums to several local ones, from private foundations to an increasing number of independent spaces. The latter have been springing up as a result of the efforts of private collectors, investors, artists and curators, bridging a gap left by state institutions<sup>546</sup>.

The state's role in promoting and supporting contemporary art appears in the broader network where diverse actors are involved. Its direct or indirect forms of support affect artistic creation and the independence of artists from the market mechanisms and from the influences of plural actors. This is why in a way, as Becker stated, "(...)

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<sup>546</sup> This situation is particularly visible in some regional contexts more than others. The MAXXI Foundation seems to recognize the importance and complementary nature of these institutions with the project *The Independent* born in 2014. Also the Directorate General recognized their value by including them in the national mapping of contemporary art spaces with the project *I luoghi del contemporaneo*.

all artists depend on the State and their work embodies that dependence"<sup>547</sup>.

With regard to the fourth aspect, it appears that the main form of detaxation provided for cultural heritage, the Art Bonus, does not fully satisfy the needs of the contemporary art field. For this reason, the instrument does not seem to be extensively used for the contemporary, shifting its application to other areas of cultural production (with particular regard to the field of the performing arts). Therefore, this important tool needs consistent reform in order to be adapted to the needs of contemporary art.

From the investigation it emerged that established tools often theoretically foresaw a path of growth for the career of the artists and institutions involved, even if only few of them were eligible due to scarce resources and the limited scope of the initiatives. In fact, young and emergent artists appeared to have fewer opportunities to receive any form of support from the State, since the tools were mainly destined for mid-career or established artists. Moreover, the results showed a lack of support from the Ministry for artistic research, besides the production of an artwork, and a strong focus on certain practices at the expense of others<sup>548</sup>. Nonetheless, ministerial support for state institutions' research activities in contemporary art has never been a priority and it especially was not during the XX century.

The ministerial support to established artists and institutions has been more pervasive when compared to that offered to emergent and young actors. The reason of this tendency might lie in the necessity of the Ministry of guaranteeing certain high standards and effective results of its promotion activities. Moreover, the strong ministerial attention to the growth of public museum collections forced the system to inevitably shift its interest towards recognized artists to be presented in front of the public. Young artists were consequently

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<sup>547</sup> BECKER H.S., *Art Worlds*, University of California Press, 1982, 191.

<sup>548</sup> As emerged in the analysis of the Italian Council winning projects.

limited in their possibility of enjoying such forms of ministerial support due to the early stage of their career. However, young and emergent artists need support and trust, even on the part of the State, in order to grow in the system. The limit of establishing ministerial tools for the promotion of the contemporary particularly focused on expanding public collections emerges also from these considerations<sup>549</sup>.

Furthermore, from the analysis of the tools for the promotion of the contemporary, it emerged that the instruments that prevailed and mostly contributed to the enhancement, production and promotion of the field were the specific funding programmes established by the DARC in 2001 and the DGAAP in 2017: the PAC and the Italian Council. They were both focused on the enrichment of public collections of contemporary art. Despite turbulent periods characterized by frequent changes of government and ministerial organization, as well as the abolishment of the DG for contemporary art (2009-2014) and the subsequent reduction of available financial resources, their importance has always been widely recognized and consistently contributed to a formal recognition of the central role of contemporary art production for the Ministry. However, the amount of funding destined for these programmes has not always been consistent, considering their scope and unique role in the national context<sup>550</sup>.

As far as the nature of these tools is concerned, the discretionary character emerges from their vertical and selective application. A jury is directly appointed by the Ministry or its institutions, composed of experts, professionals and academics from the contemporary art field. The selection process, entrusted to the jury, is based on criteria

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<sup>549</sup> In fact, the broader scope of the tools and the simplification of their procedures would allow an extensive application and enjoyment of these instruments to all the diverse actors involved in the field.

<sup>550</sup> Moreover, when comparing the Italian Council with similar programmes abroad, the scarcity of the available resources in the Italian context emerges.

established through ministerial regulations and acts that appeared to leave a certain margin of interpretation.

These instruments for the contemporary ranged from supporting products, in an *ex post* phase, to supporting productive processes *ex ante* by incentivizing the production of new artworks. Despite the development of the tools introduced over the years, the necessity of a broader diversification still emerges in order to fulfil the diverse needs of the various actors involved. In this regard, the evolving and liminal nature of the subject *contemporary art* enriched the complexity of the issues to be faced by the public administration.

The third dilemma that the thesis intended to address was the question of how the legislator and the public administration were affected by the evolving material and immaterial nature of contemporary art and the absence of a clear definition of the term from the administrative and juridical point of view.

The complexity of the topic particularly appeared in the first part of the analysis where in legislative and administrative acts the impossibility of addressing contemporary art through a unique and clear definition of the term emerged. This fact consequently evidenced the near impossible task of delimiting the scope of the promotion of contemporary art. This condition seems to be a physiological state of the subject in the juridical realm. In fact, as with the term *cultural heritage*, *contemporary art* also appeared to be a liminal concept, whose notion needs to be delimited by a plurality of disciplines, in accordance with the definition given by Giannini.

Moreover, the complexity of the definition and its evolving nature were reflected in the frequent reforms that affected ministerial organization for the contemporary, particularly between 2001 and 2020, expanding or reducing its scope.

The nature of the interventions for the contemporary art field was also affected by the lack of a clear definition. In fact, in some instances, ministerial initiatives did not appear to be systematic, cohesive or

taking into account the diverse practices and actors included in the contemporary art realm<sup>551</sup>. This deficiency also resulted from the absence of constant dialogue with professionals and experts in the field, which could have signaled its diverse needs and existing practices that still needed to be addressed<sup>552</sup>.

Hence, from the analysis of these dilemmas and the history of the ministerial organisation for the contemporary, critical and persisting issues concerning the whole administration for culture in Italy have emerged:

1. the scarcity of the financial resources available for the field and the difficulty of their distribution;

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<sup>551</sup> These elements also emerged from the interviews conducted in the field. However, policies for contemporary art, especially since 2014, were complementary to general government courses of action, particularly focused on urban peripheries and the transformative power of culture in these contexts. In this regard, the reflections of Pinna and Trimarchi are particularly relevant. "Public funding of artistic and cultural activities is in fact based on transfers that often have the flavor of a mere deficit authorization, and are rarely commensurate with indicators referring to specific objectives of state support for art and culture. (...) it is therefore the restructuring of the entire public funding, from the identification of its objectives to the preparation of suitable instruments to implement its achievement, which seems essential to avoid, on the one hand, waste and inefficiency in a sector excessively protected by the public financial umbrella, on the other hand, an undesirable contraction of supply to its units less endowed with training potential in a sector abandoned to the laws of the market and the inevitable consequent selection towards lower quality levels". PENNELLA G., TRIMARCHI M., *Stato e mercato nel settore culturale*, il Mulino, 1993, 16-17.

<sup>552</sup> "Information appears, in fact, to be a crucial component of the choices that the various operators make regarding the production, distribution and consumption of artistic and cultural goods and services". PENNELLA G., TRIMARCHI M., *Stato e mercato nel settore culturale*, il Mulino, 1993, 13. The Ministry appeared not to be the most informed on the field's developments and its consequent interventions always seemed delayed. Some of these aspects were among the issues discussed during the *Forum dell'arte contemporanea* between 2015, when it was started, and 2020. The importance of these discussions will further emerge in the following section of the conclusions.

2. the importance of government influence to support the cultural field and the strong consequences of the spoils system for the functioning of this crucial area;
3. the rigidity of the public administration, in some cases, towards risk and innovation<sup>553</sup>;
4. the lack of specific competences in fields that are under constant transformation;
5. the lack of a plurality of specialised institutions and the subjugation of existing ones to the limits mentioned above<sup>554</sup>;
6. the absence of constant dialogue with diverse groups of interest and reference to organizational models for the administration of culture abroad.

Confronting these issues and carrying out periodical updates would help the flexibilization of the administrative system and would increase its openness to change. Some of these problems concern the whole system of the Italian public administration. It is undoubtable that a process of eradicating them would be slow and long since it is also a matter of culture and sensibility of administrators and legislators. However, this process must be started. Some starting points for the contemporary art field are suggested in the next and final section of this investigation.

The research developed here was rich and had a variety of contents and sources, coming from different disciplines, essential to guarantee a broad analysis of the field. However, it is undeniable that the topic could be further investigated by exploring specific aspects of state policies for contemporary art in Italy through quantitative or

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<sup>553</sup> As already highlighted also by LEON P., TRIMARCHI M., *L'eresia dello stato mercante*, in *Economia della cultura*, XIII, 2003, 1.

<sup>554</sup> "Among the reasons - and at the same time the consequences - of this original vice is the clear disproportion of the attention that Italian legislation dedicates to things, in particular cultural heritage, compared to institutions such as archives, libraries and museums". CASINI L., *Ereditare il futuro*, il Mulino, 2016, e-book, 427-428.



comparative approaches, taking into account the plurality of the actors involved in the contemporary art field and their crucial relationships<sup>555</sup>.

## **2. The way forward for the institutions for contemporary art in Italy**

It is undeniable that the final development of this research has been affected by the ongoing global pandemic. The emergency forced the research to focus even more on the essential problems that characterize the contemporary art field and that have been exacerbated by the pandemic and economic crisis. What is the role of contemporary art in Italy after this social, economic and health crisis going to be? The response to this crucial question also lies in the organization, tools and funding that the government and the public administration will make available in the next few years.

The persisting issues discussed above cannot simply be solved in this section of the research. However, some hints could be put forward for future reflections regarding the transformation and improvement of initiatives for the promotion of contemporary art and artists in Italy and abroad. Among them, there are two main issues encompassing many of the problems that have emerged in the analysis and in the

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<sup>555</sup> In particular, it is hoped that further investigations into the impact of state promotion of contemporary art could be developed using a quantitative approach. This analysis could measure more clearly the effects of the policies and projects promoted by the Ministry of Cultural Heritage in this field. It could offer the possibility of designing precise courses of improvement for the future promotion of contemporary art in Italy and abroad. Moreover, future research could compare the ministerial policies for contemporary art with those pursued at the local level by regions, provinces and municipalities. These studies would explore and elucidate the complementary role of these territorial entities in relation to the Ministry of Cultural Heritage, in order to establish a coherent organisation of interventions nationwide, in accordance with their specific competences. A third development of research could compare public and private institutions in Italy since the stronger emergence of the latter at the end of the XX century. The study of these crucial relationships is fundamental in attempting to establish their diverse roles nationally and internationally and to possibly structure forms of cooperation between public and private bodies for the promotion of contemporary art nationwide.

parallel interviews: the role of the Italian Council and that of public museums of contemporary art. These have been discussed over the last few years on multiple occasions and still need to be questioned and addressed<sup>556</sup>.

As discussed in the previous section, the relationship between the administration and the government is problematic. The spoils system, the constraints and uncertainties of the budget with every change of government and the rigid bureaucratic procedures, are just some of the issues that the public administration responsible for the promotion of contemporary art (and culture) have to face.

When we compare the Italian contemporary art system and its forms of public support with foreign models, an obvious flaw in the Italian system emerges. This crucial element is the absence of an autonomous, stable, organized and established institution explicitly responsible for the promotion of the contemporary. This absence derives from the different cultural and administrative systems that have historically characterized the Italian institutions when compared with other foreign examples.

This kind of institutions charged with the promotion of culture in some cases, or specifically of contemporary art in others, is widely visible throughout Europe. Pro Helvetia in Switzerland, Arts Council in England, Mondriaan Fonds in the Netherlands and CNAP in France are just some examples.

These topics have been discussed in the last decade and certainly contributed to the establishment of the Italian Council in 2017, inspired by foreign institutional models<sup>557</sup>. However, the creation of

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<sup>556</sup> Among others, see the recent Report of the *Forum dell'arte contemporanea italiana 2020, Documento di sintesi e Report dei tavoli, Chiamata alle arti 10-30 maggio 2020*, where the author of this research took part for contributing to the discussion related to the reform of the Italian Council.

<sup>557</sup> This topic was discussed during the *Forum dell'arte contemporanea* in 2015, 2016 and 2020. See the reports published on the institutional website [www.forumartecontemporanea.it](http://www.forumartecontemporanea.it). As mentioned in the second chapter, in 1996 Sandra

this important program for the promotion and support of contemporary art in Italy and abroad, despite its continuous adjustments with each successive version, seems to only partially fulfil the needs of the Italian contemporary art system.

As Bobbio claimed in 1955, a policy for culture should defend and promote freedom and the “strategic institutions of freedom”<sup>558</sup>. These strategic institutions of (and for) freedom in the Italian contemporary art field have been embodied by museums and contemporary art institutions and by the Directorate General for contemporary art since 2001. However, the gaps in the promotion of contemporary art in Italy still exist and need strong reforms in order to reinforce and direct constant support to this crucial field of collective life.

As discussed in the thesis, constraints for contemporary art and artists are numerous and diverse. The role of the State in trying to fulfil the needs of all the actors involved in the field is complex and undermined by the limited nature of the whole public administration’s organization and history. The procedures and mechanisms that characterize the administration of contemporary art are common to the whole Italian administration. The need for administrative simplification has been present in political and academic discourses for decades<sup>559</sup>.

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Pinto had already proposed the establishment of a new institution for contemporary art that could be active in international exhibitions, in public calls for public art and for supporting young artists, including the whole realm of visual culture, from design, to photography, from advertising images to fashion. The importance of Pinto for the promotion and support to contemporary art in Italy emerges also from these proposals.

<sup>558</sup> “What are the guidelines for a cultural policy can be derived from the above premises. The most favourable conditions for the development of culture are, first of all, the existence and effectiveness of what Abbagnano has called the ‘strategic institutions’ of freedom. A policy of culture should be first and foremost a defence and promotion of freedom, and then a defence and promotion of the strategic institutions of freedom. The awareness of the value of freedom for the development of culture is one of the few certainties laboriously conquered by men in the formation of modern society and thought”. BOBBIO N., *Politica e cultura*, Einaudi, 1955, 148.

<sup>559</sup> D’ALBERTI M., *Le disfunzioni*, in *Lezioni di diritto amministrativo*, Giappichelli, 2013.

A possible solution to those constraints and limitations of the Italian public administration in favor of the promotion of contemporary art could be the establishment of an autonomous and simplified institution, by transforming the Italian Council from a ministerial program to a proper institution. This could be under the control of the Ministry of Cultural Heritage, but it would essentially be independent in managing the administration, its budget and staff<sup>560</sup>. The creation of such an institution would follow as a direct development of the Italian Council that was created in 2017 as an “organism”<sup>561</sup> based on the models of the British Council and the Mondriaan Fonds, as made explicit by the Ministry<sup>562</sup>.

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TORCHIA L., *La modernizzazione del sistema amministrativo: semplificazione e decentramento*, in *Le Regioni*, 2-3, March - June 1997. CASSESE S., *La semplificazione amministrativa e l'orologio di Taylor*, in *Rivista trimestrale di diritto pubblico*, 1998, 699. BASILICA F., BARAZZONI F., *Diritto amministrativo e politiche di semplificazione*, Maggioli, 2014. CERULLI IRELLI V. (ed.), *La semplificazione dell'architettura istituzionale*, in *Per il governo del paese: proposte di politiche pubbliche*, Astrid, 2013. NATALINI A., *Le semplificazioni amministrative*, il Mulino, 2002. VESPERINI G. (ed.), *Che fine ha fatto la semplificazione amministrativa?*, Giuffrè, 2006. ITALIADECIDE, *Rapporto 2015. Semplificare è possibile*, il Mulino, 2015.

<sup>560</sup> The author does not intend to take a definitive position regarding the juridical nature of this institution for the contemporary. However, a participatory foundation, under private law, could be a model to be further investigated. In this regard, see D'ALBERTI M., *Poteri regolatori tra pubblico e privato*, in *Diritto Amministrativo*, 2013, 667. D'Alberti underlined that public duties could be achieved through private bodies if a correct system of checks and balances is established.

<sup>561</sup> As already discussed in chapter four. See Regolamento Italian Council 2017 recante il procedimento ai fini della programmazione e attuazione degli interventi relativi alla promozione dell'arte contemporanea italiana in Italia e all'estero, available on the DGAAP website.

<sup>562</sup> The foundation of the Italian Council as a program has seemed, since the beginning, just the first step in the creation of an independent organism with structural autonomy. “A new structure is born to support national contemporary art. Following the example of the British Council and the Mondriaan Fonds, this structure will work in synergy with the Ministry of Foreign Affairs and the worldwide network of Italian Cultural Institutes both to increase public collections through the promotion and acquisition of works by contemporary Italian artists and to strengthen the presence of our authors on the international scene”. Communication of the Ministry of Cultural Heritage, 14<sup>th</sup>

Even if the Italian Council has been subject to continuous reforms in order to adapt the program to the various needs of the contemporary art field, some flaws persist, often due to the intrinsic restraints of the public administration that has to comply with a complex regulatory and control system. The main issues of the current Italian Council organization concern: the impossibility of individually applying to a call without the support of an institution; the administrative constraints arising from the obligation to establish a financial guarantee (*fideiussione*) regardless of the amount of funding received from the Council; the complexity of the procedures for applying and receiving the funding, and the absence of diversified funding based on different artistic productions or phases of artistic careers and their potentially diverse needs<sup>563</sup>.

Moreover, the complexity and fluidity of the contemporary art field demands a flexible institution capable of adapting to the evolving needs of the groups of interests involved (artists, curators, critics, public or private, foreign or national institutions). Strong and continually updated competences of the public administration in relation to the contemporary appear to be an essential element for the management and promotion of the field. This institution would also be independent from the frequent changes of government, reforms and the spoils system that follows which delay the whole administration and the fulfilment of its public mission.

This institution could be organized into different departments, specialized in all the diverse fields of contemporary creativity (visual art, architecture, design, fashion, theatre, dance, etc.) which could coordinate and communicate, enriching and complementing their

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October 2016, available on the institutional website  
[https://www.beniculturali.it/mibac/export/MiBAC/sito-MiBAC/Contenuti/MibacUnif/Comunicati/visualizza\\_asset.html\\_293698082.html](https://www.beniculturali.it/mibac/export/MiBAC/sito-MiBAC/Contenuti/MibacUnif/Comunicati/visualizza_asset.html_293698082.html)

<sup>563</sup> Many of these issues also emerged from the interviews conducted with artists and curators currently working in the field. For a full list of the interviewed see the final acknowledgements.

competences and knowledge. This efficient organization would guarantee the standards of transparency and accessibility that characterize the activity of the public administration. It would also attract the interest of foreign or Italian private bodies and individuals aiming to fund the contemporary art field by increasing the available ministerial funding and becoming a reference point globally for the promotion of contemporary creativity in Italy and abroad<sup>564</sup>. Such an institution would be essential in facing future political, economic and social crises. It would also guarantee a constant support to the field and would embody this support on a symbolic level as a stable and organized institution.

Institutional funds would be available throughout the year for short (1 year) and long-term projects. They would cover costs of production, research, display and promotion (and all related expenses) of the artworks or practices selected for support. It would adapt and diversify its possibilities of funding in accordance with diverse local contexts. This would allow the establishment of strong relationships and networks between Italian and foreign institutions willing to support artistic projects. The establishment of these relationships is fundamental to fully promote the artists' work, particular in regard to foreign contexts. This institution would become part of an international network of support and exchange in the contemporary art field and for contemporary artists worldwide<sup>565</sup>.

The second and final aspect that this research suggests for future developments of state organisation for contemporary art concerns the role of state museums. This reflection emerges from the recommendations of Sandra Pinto in 1996, as already mentioned in the second chapter. She envisaged a museum capable of collecting and

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<sup>564</sup> This institutions would also coordinate the activity of the Ministry of Foreign Affairs for contemporary art and of the Italian Cultural Institutes abroad.

<sup>565</sup> The new institution could incorporate the activities of both the Italian Council and of the project Q-International of the *Quadriennale* by operating in a joint and coordinated manner with the diverse institutions and projects promoted with ministerial funding.

promoting arts and monitoring contemporaneity for the future. In order to achieve this goal Pinto proposed the establishment of an experimental laboratory or an atelier for European artists inside the spaces of the *Galleria Nazionale*.

This idea was effectively implemented by two municipal museums although not as a result of Pinto's recommendations. The MACRO museum in Rome between 2018 and 2019, despite the critical conditions of implementation, and the MAMbo in Bologna in 2020, did so, as a response, in the latter case, to the pandemic and to the effects it had on the museum's role and functions<sup>566</sup>. These examples could be interesting experiments for building the future of contemporary art museums under the control of the Ministry, strengthening their role and public mission. This approach would open them to displaying the daily life of artistic practices by physically including artists in their institutions and making them protagonists of the museum in the eyes of the public. This approach would also give local and international communities a better perception and understanding of contemporary artistic productions.

Museums should protect and promote in their role as stratified archives and places for research and artistic experimentation, open to "the risk of compromising themselves with everything that is living"<sup>567</sup>. The museum could be a space for collective experimentation with the involvement of artists, young curators and local communities who can contribute to cultural debates. All these actors together can develop a culture of the contemporary.

How could the tools and strategies analysed in the thesis be implemented to guarantee the re-birth of this fundamental cultural

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<sup>566</sup> In this regard, see the initiatives of the *MACRO Asilo* <https://www.macroasilo.it/pagine/presentazione-macro-asilo> and of the *Nuovo Forno del Pane* <http://nuovofornodelpane.it/call-for-artists/>.

<sup>567</sup> "(...) aperto al rischio di compromettersi con tutto ciò che vive". DALAI EMILIANI M., *Il museo e l'arte contemporanea*, in EMILIANI A., *Capire l'Italia. I musei*, Touring Club Italiano, 1980, 199.

field after the current crisis?<sup>568</sup> Investing in contemporary art and artists in times of crisis is a sign of the courage of the State. These investments are springs of vital energy for the whole country and of new perspectives on contemporaneity and the world to come. Assuring the freedom for contemporary artists to express their practices and researches is an essential tool that will contribute to the restoration of an Italy more cohesive, inclusive and stronger than before.

Italy has never needed more urgently than today consistent investments in contemporary art to restore a sense of being together. Only farsighted governments and policies will be able to achieve long-term projects and initiatives to guarantee the rebirth of the contemporary art field and of a state in constant need of new nourishment.

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<sup>568</sup> As Ilaria Conti recently questioned in relation to the role of institutions during the global lockdown period: "What are the essential functions of the institution, then? Can these function be cultivated through communal and pluriversal contexts instead? Can we shift from museums to communal spaces (and not simply physical spaces) of offering and exchange (...) Can resources follow this shift too? (...) This might be a good time to go back to these fundamental questions, so as to imagine what can exist beyond the institutions and which changes we should begin to implement now". CONTI I., *Callejeando*, in *Juchari Palabra*, n.1, August 2020.



## Appendix

### Analysis of the ministerial funding for contemporary art 1974 - 2019

#### 1. Introduction

This study intends to complement the analysis developed in the thesis through the study of the ministerial funding for contemporary art between 1974 and today. For this reason, the research has taken into consideration the financial statements of the Ministry of Cultural Heritage<sup>569</sup> between 1974 and 2019.

However, the numerous reforms that have affected the organization of the ministerial balance sheets over the years have prevented a complete analysis<sup>570</sup>. This is because scope and nature of the items were often varied with each subsequent reform which did not allow for a detailed and continuous study of the funds available for contemporary art projects, artists and institutions<sup>571</sup>.

For this reason, in the study the ministerial financial statements were integrated with the analysis of the balance sheets of the main

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<sup>569</sup> Conto consuntivo per l'esercizio finanziario. Spesa del Ministero per i beni e le attività culturali.

<sup>570</sup> Between 1966 and 1978 the State financial statement, "*Rendiconto dello Stato*", was regulated under the Curti reform, law 1<sup>st</sup> March 1964 n. 62. Between 1979 and 1988 it was then regulated under the Stammati reform, law n. 468/1978. Between 1992 and 1997 the "*Rendiconto dello Stato*" was regulated under the Amato reform, d.lgs. n. 503/1992, while between 1998 and 2004 it was regulated under the Ciampi reform, law 3<sup>rd</sup> April 1997, n. 94 and article 13, titolo IV, d.lgs. 7<sup>th</sup> August 1997, n. 279. After the law 31<sup>st</sup> December 2009, n. 196, the d.lgs. 12<sup>th</sup> May 2012 n. 90 and the d.lgs. 12<sup>th</sup> September 2018 n. 116 implemented reform concerning the structure of the State budget which applies today.

<sup>571</sup> Moreover, some items were not taken into consideration by the analysis for their low value and their fixed presence that did not depend on the specific policies of the Ministry. Among them, the 2% law (*Somma destinata all'esecuzione di opere d'arte in edifici pubblici di nuova costruzione*) and the 5% destined for the *Ente Nazionale di Previdenza pittori, scultori, incisori* (*Quota del provento dei diritti d'ingresso nei musei, nelle gallerie, nei monumenti e negli scavi archeologici da assegnarsi a favore dell'ente nazionale di assistenza e previdenza per pittori, scultori, musicisti, scrittori, autori drammatici*) were not mentioned in this section of the analysis for these specific reasons.

independent contemporary art institutions that historically are under control of the Directorate General responsible for contemporary art. The financial statements and annual reports<sup>572</sup> of the *Biennale* in Venice, the *Triennale* in Milan, the *Quadriennale* and the MAXXI in Rome complemented the data collected.

However, the research in this section did not investigate the cases of those contemporary art institutions that only recently gained administrative autonomy, despite their historical importance for the promotion of contemporary art in Italy. These include the *Galleria Nazionale d'Arte Moderna e Contemporanea* in Rome<sup>573</sup>, the *Istituto Centrale per la Grafica* in Rome<sup>574</sup> and *Castel Sant'Elmo* in Naples that has promoted contemporary art and artists since the beginning of the XXI century. In fact, before the 2014 reform, the funding for these institutions was included in one single and general item destined for the State *Soprintendenze*, museums and galleries.

Nevertheless, the data collected was sufficient enough to offer an important overview of the development of the funding for contemporary art in Italy in the time span taken into consideration and contributed to drawing conclusions from the research.

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<sup>572</sup> In particular, besides the balance sheets published on the institutional websites, the *Quadriennale* allowed the consultation of the relevant ministerial funding between 1994 and 2019, while the *Biennale* also did for the ministerial funding received between 1999 and 2019. Further details concerning the data sources can be found in the related section of the final bibliography.

<sup>573</sup> The balance sheets of the *Galleria Nazionale d'Arte Moderna e Contemporanea* were analysed in the second chapter, with a stronger focus on certain specific items related to the museum institutional activities for contemporary art.

<sup>574</sup> D.P.C.M. 29<sup>th</sup> August 2014, n.171. For a comment to the reform, see FORTE P., *I nuovi musei statali: un primo passo nella giusta direzione*, in *Aedon* 1, 2015. CASINI L., *La riforma del Mibact tra mito e realtà*, in *Aedon*, 2016, 3. The importance of the reform derives also from the special administrative autonomy that many other museum institutions acquired all over Italy.

## 2. State funding for contemporary art institutions 1974 – 2000

The degree of public sector's engagement in the arts and culture depends on national economic priorities. It is a question of calculation and efficient allocation in line with a reasoned strategy <sup>575</sup>. The data and tables shown below demonstrate the particular choices that the Italian State has made for supporting contemporary art institutions and the fluctuations of these choices across the years. Moreover, the analysis compares not only the evolution of the funding for each item included in the contemporary art field, but also the overall distribution of ministerial resources across its main branches, the Directorates General, for the purpose of understanding the weight of importance given to contemporary art by the public administration<sup>576</sup>.

In order to allow fair comparisons among the data taken into consideration between 1974 and 2019, two steps have been taken. Firstly, amounts in Lire were converted in euros; secondly, an inflation adjustment was applied, by dividing all data by the Consumer Price Index (CPI), taking 2015 as the base year<sup>577</sup>. All the

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<sup>575</sup> "The degree of public sector engagement in the arts and culture depends on national economic priorities. It is a question of measurement, which responds to distributive and strategic logics". SANTAGATA W., *Simbolo e merce. I mercati dei giovani artisti e le istituzioni dell'arte contemporanea*, il Mulino, 1998, 183.

<sup>576</sup> However, the analysis of the data is not claimed to be complete for the reasons stated above. Further research should be developed by integrating the data collected with additional sources and specific decrees, *Decreti di riparto*, enacted each year for supporting contemporary art and its institutions.

<sup>577</sup> The source of the CPI data is the OECD. See <https://fred.stlouisfed.org/series/ITACPIALLMINMEI>

For a more detailed analysis of the procedure applied by the research for the analysis of the data see <https://qrc.depaul.edu/oelguntillman/Winter12/Notes/7%20-%20CPI%20Notes.htm>

The contribution of Simona Giglioli, current Research Intern at the *Banca d'Italia* and previous research analyst at the European Central Bank, for the conversion of the data analysed was precious.

data reported in the following analysis has been converted using these adjustments<sup>578</sup>.

The first table below analyses the ministerial funding for contemporary art institutions between 1974 and 2000 in accordance with the data obtained from the analysis of the financial statements. In particular, the items included the *Biennale* in Venice, the *Triennale* in Milan and the *Quadriennale* in Rome, together with the MAXXI starting from 1998 when the Centre for the documentation and enhancement of contemporary arts was established.

However, the research could not include data for the years 1975 and 1976 since the data in the financial statements for those years was absent from the digital archives of the Directorate General for Budget<sup>579</sup>. Unfortunately, it was also not possible to complete the analysis regarding the years 1996-1998 of the *Biennale* and the years 1996-2000 of the *Triennale*. Nonetheless, the data collected appeared to be sufficient to trace the trend of the ministerial investments for contemporary art institutions between 1974 and 2000.

Table 1 shows that the history of the funding for these institutions before the year 2000 was characterized by four peaks. The first appears in 1980 when the overall funding reached the sum of 12.878.307 €. The second is visible in 1984 when the overall funding reached the sum of 14.509.114 €, while the third in 1987 was of 14.335.554 €. The year 1987 signalled the beginning of a descending phase of the funding for contemporary art institutions. However, there was a spike in 1998 with funding destined for the establishment of the new Centre for the documentation and enhancement of contemporary arts (that was then renamed MAXXI) and for the creation of its collection<sup>580</sup>.

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<sup>578</sup> The data collected from the balance sheets in Lire and in Euro can be found in the final Appendix doc. 115.

<sup>579</sup> It was also possible to access the *Conti consuntivi* on the digital archive of the *Ragioneria Generale dello Stato*.

<sup>580</sup> In this section of the research the analysis did not take into consideration the funding destined for architectural project and the construction of the museum building, since

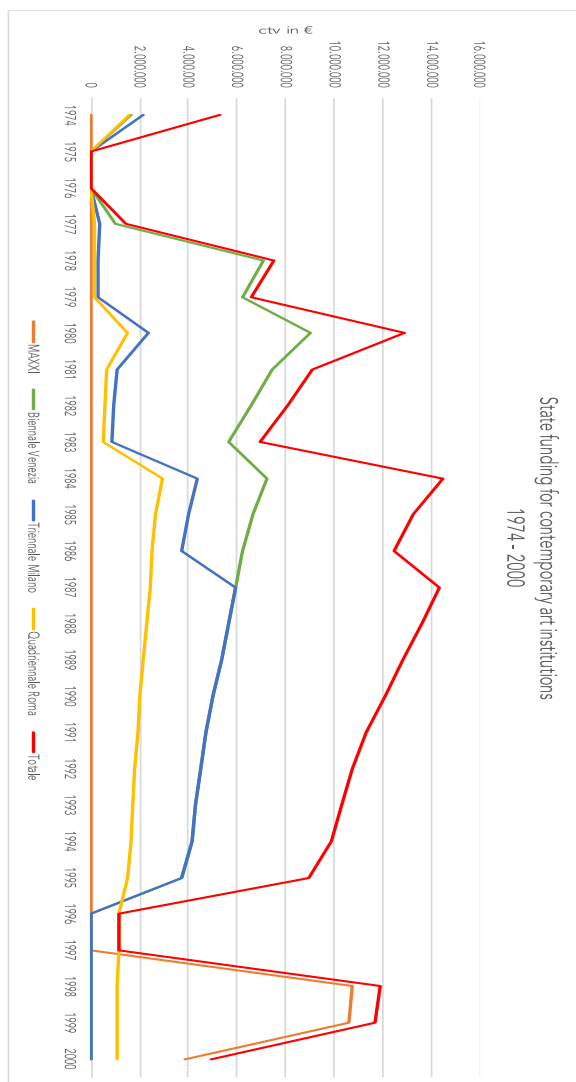


Table 1. State funding for contemporary art institutions 1974 – 2000

Source: Conto consuntivo Ministero per i beni culturali 1974 - 2000; the author

they were provided by the Ministry of Infrastructures and Transports, as already described in the second chapter.

### 3. State funding for contemporary art institutions and projects 2001 - 2019

This section focuses on the analyses of the ministerial funding for contemporary art institutions and projects after the foundation of the Directorate General for contemporary art in 2001 (DARC) and follows its administrative reforms until 2019 when the Directorate General Contemporary Creativity was established.

Table 2 displays the overall data relating to the diverse forms of ministerial funding for contemporary art institutions and specific initiatives between the years 2001 and 2019. In addition to the funding for contemporary art institutions over the decades which has already been analysed above (*Biennale, Triennale, Quadriennale, MAXXI*), the analysis takes into consideration the data regarding the *Piano per l'arte contemporanea* (introduced in 2002), the acquisitions and expropriations of contemporary artworks supported by the State, the funding provided for the expansion of contemporary art heritage and those for the promotion of contemporary art abroad. Moreover, items regarding national and international exhibitions and the conservation, restoration and enhancement of contemporary art were included in the data collection.

Before having a closer look at the following tables, it is necessary to underline that in 2007 the MAXXI received special ministerial funding for the completion of the structural works of the new museum building that was finally opened in 2010. The amount of funding provided by the Ministry for that year was 59.613.296 €. For this reason, in order to take into account this anomaly in patterns of funding and to give a clearer representation of the data collected, tables 3, 4 and 5 specifically focus on funding destined to the institutional activities of contemporary art institutions (Tables 4 and 5) and on all the other items related to the promotion of contemporary art (Table 3).

In Table 3 it is evident that besides the institutional funding, the *Piano per l'arte contemporanea* (PAC) has been the principal source of investment in contemporary art since 2002. However, the PAC has been subject to a progressive decrease in available funding, with a brief spike in 2018 when it received the sum of 3.851.915 €<sup>581</sup>. From Table 3 it appears also that the most consistent investments in contemporary art were destined to the conservation, restoration and enhancement of contemporary art, with an evident increase in 2007, and to the promotion of contemporary art abroad which amounted to 2.949.342 € in 2019.

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<sup>581</sup> It was not possible to collect the data of the PAC for the years 2008 and 2009. Moreover, between 2008 and 2016 the items were drastically reduced, and integrated into other broader items regarding cultural heritage in general, due to the reforms that affected the organization of the *Conto consuntivo*.

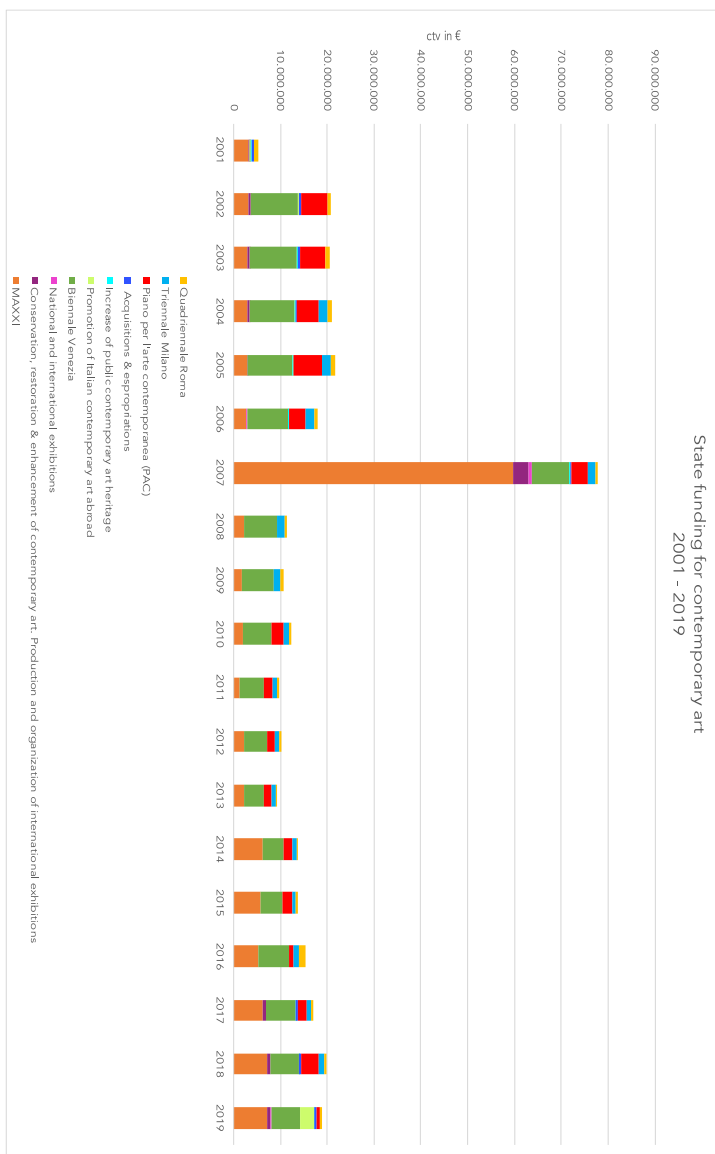


Table 2. State funding for contemporary art 2001 – 2019

Source: Conto consuntivo Ministero per i beni culturali 2001 – 2019; the author



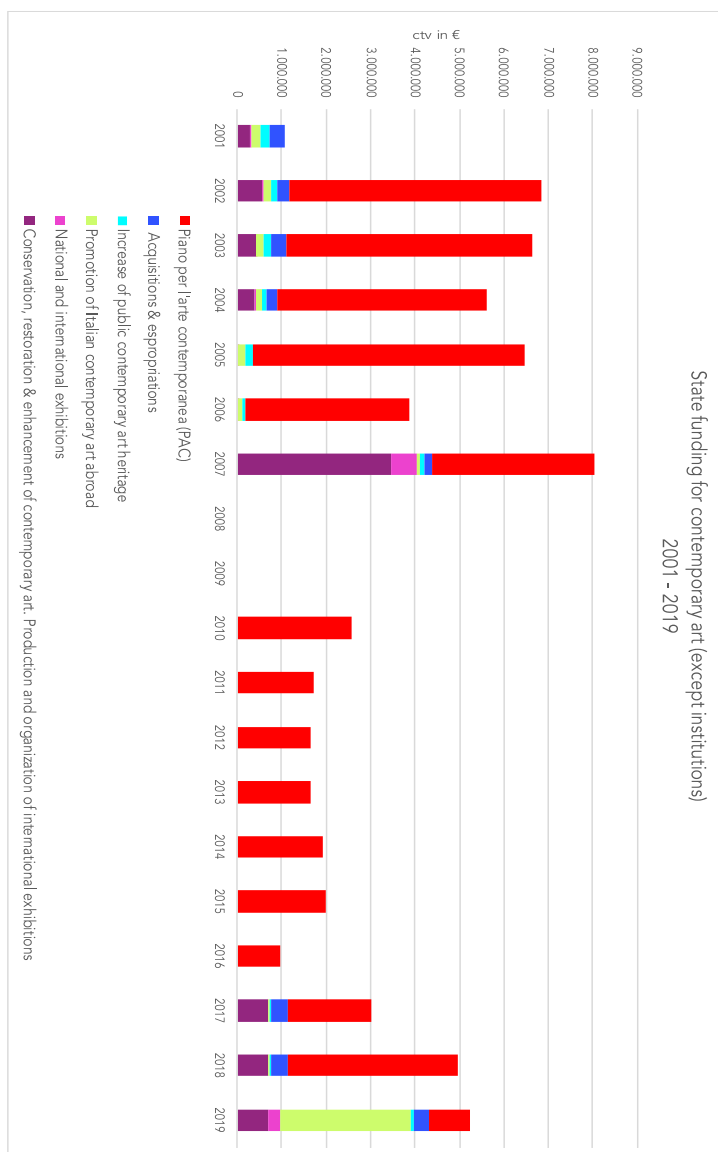


Table 3. State funding for contemporary art (except institutions) 2001 – 2019

Source: Conto consuntivo Ministero per i beni culturali 2001 – 2019; the author

Table 4 focuses on the ministerial funding for contemporary art institutions between 2001 and 2019. As already shown in Table 1, the *Biennale* historically tends to receive higher funding compared to other institutions of the contemporary. In order to have a closer look at the *Biennale*, *Triennale* and *Quadriennale*, Table 5 shows more clearly the different amount of funding received by each of these three institutions<sup>582</sup>.

If we analyse the specific trend in funding to each institution between 2001 and 2019, it appears that they were all subject to a progressive decrease in ministerial funding which inclined only in 2016. In particular, the *Biennale* received its lowest amount of funding in 2013, while the *Quadriennale*'s funding grew substantially in 2016 due to the organization of the *16a Quadriennale* that was inaugurated in October 2016.

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<sup>582</sup> However, for the periods between 2001 and 2003 and in 2019 it was not possible to collect the data related to the funding provided to the *Triennale* by the Ministry.



Table 4. State funding for contemporary art institutions 2001 – 2019

Source: Conto consuntivo Ministero per i beni culturali 2001 – 2019; the author

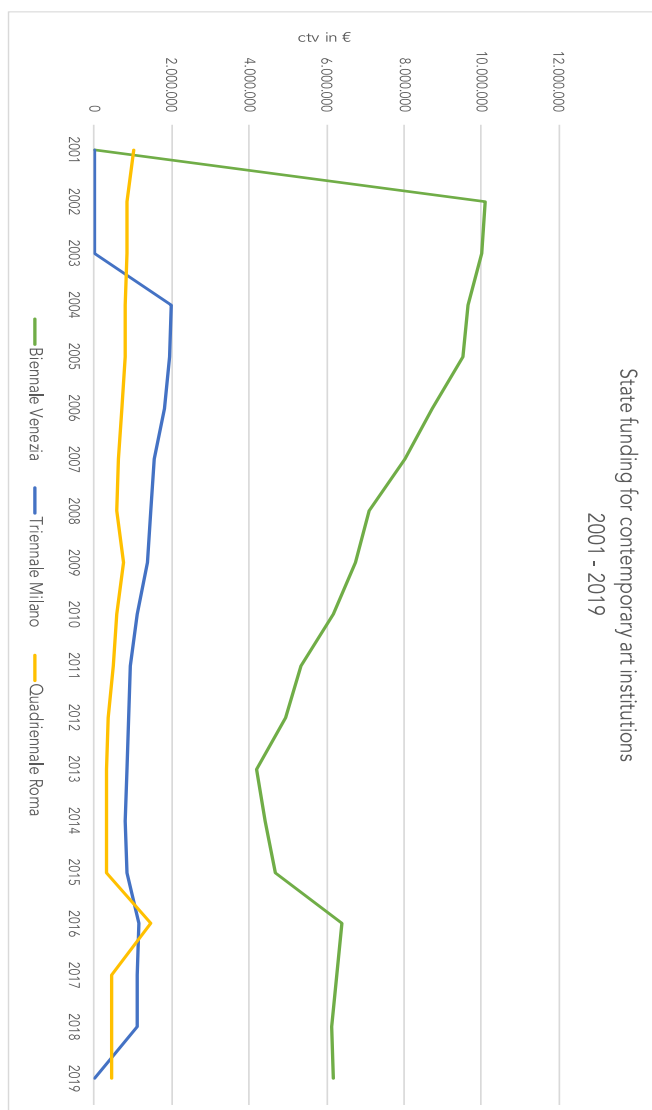


Table 5. State funding for contemporary art institutions 2001 – 2019 (Biennale, Triennale, Quadriennale)

Source: Conto consuntivo Ministero per i beni culturali 2001 – 2019; the author

#### 4. The allocation of ministerial resources among the Directorates General 2001 – 2019

This part of the analysis takes into account the overall availability of resources of the Ministry of Cultural Heritage between 2001 and 2019 and their distribution among the diverse central branches of the ministerial organization, the Directorates General.

Table 6 compares data concerning ministerial funding for the main Directorates General (DG) between 2001 and 2019. It takes into consideration the DG for books and libraries (blue), the DG for archaeology (orange), the DG for archives (grey), the DG for performing arts (light blue), the DG for cinema (green), the DG for contemporary art and architecture (brown), the DG for architecture and landscape (yellow) and the DG for historical, artistic and ethnoanthropological heritage (dark blue).

This comparison between the Directorates General is particularly interesting to put in contrast the overall funding provided by the Ministry to the Directorate General responsible for contemporary art (DARC and its following organizational evolutions). Even if between 2005 and 2006 and between 2011 and 2016 it was not possible to collect the data related to each Directorate General from the financial statement of the Ministry, the data that appears in the table is sufficient to show the trend of the ministerial funding.

It appears that archaeological heritage and performing arts have been the most funded over the years. Historical and artistic heritage, books, libraries and archives receive a constant amount of funding during the same time span<sup>583</sup>. However, the general trend is a continuous decrease in the overall funding for the Directorates General between 2001 and 2019. Nevertheless, it must be pointed out that the number

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<sup>583</sup> In 2010 there was a unified DG including landscape, fine arts, contemporary art and architecture. In 2018 and 2019 the *DG Patrimonio storico, artistico e demoetnoantropologico*, the *DG Beni architettonici e paesaggio* and the *DG Beni archeologici* merged into the *DG archeologia, belle arti e paesaggio* (orange in the table).

and scope of the Directorates General varied across the years, forcing a redistribution of the resources available<sup>584</sup>.

Concerning the DG for contemporary art and architecture, it could be argued that the funds for this ministerial branch are always the lowest. The overall sum destined for this DG spikes in 2007 and in 2009. In 2007 the DG received 81.114.065 € and in 2009, 51.141.798 €. The increase in funding during these couple of years might be related to the MAXXI museum that was finally inaugurated in 2010.

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<sup>584</sup> In fact, besides the DG listed in the table the Ministry in 2019 is constituted of the *DG Organizzazione*, the *DG Musei*, the *DG Turismo*, the *DG Bilancio*, the *DG Sicurezza del patrimonio culturale* and the *DG Educazione, ricerca e istituti culturali*.

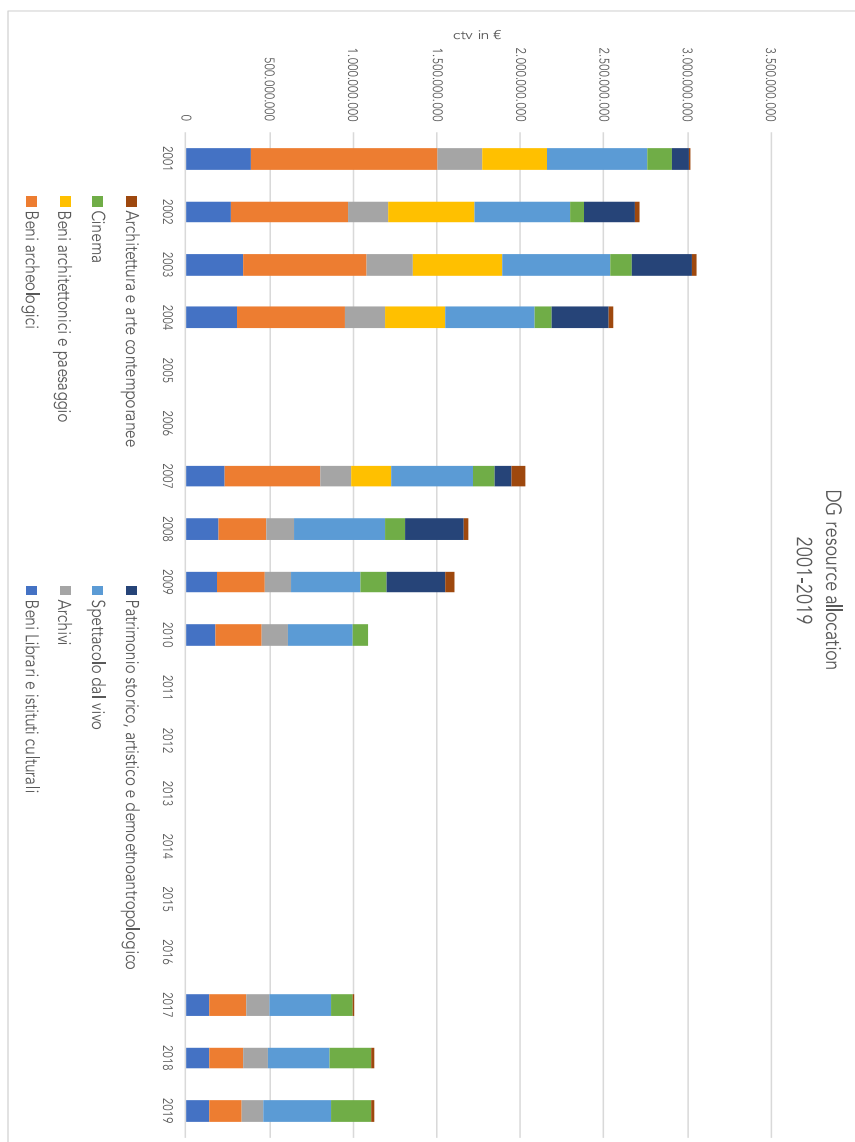


Table 6. DG resource allocation 2001 – 2019

Source: Conto consuntivo Ministero per i beni culturali 2001 – 2019; the author

Looking to the future, the law 30<sup>th</sup> December 2018, n. 145, *Bilancio di previsione dello Stato per l'anno finanziario 2019 e bilancio pluriennale per il triennio 2019-2021*<sup>585</sup>, concerning both existing and future investments in contemporary art, established resources for the contemporary art field detailed in the following paragraph.

A fund of 2 million € was authorized for the year 2019 by the Ministry of Cultural Heritage and Activities (paragraph 610) in order to support the implementation of interventions for the redevelopment and recovery of urban suburbs through contemporary art projects, with particular regard to metropolitan areas. For the promotion of contemporary art abroad, 3 million € for 2019 and 2020 and 1 million € starting from 2021, were provided as part of the fund referred to in article 3, paragraph 1, law 23<sup>rd</sup> February 2001, n. 29<sup>586</sup>. Article 7, paragraph 8, of the d.l. 162/2019<sup>587</sup> concerning the *Piano per l'arte contemporanea*, foresaw an additional sum of 6 million for 2020 and 2 million for 2021 and 2022<sup>588</sup>.

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<sup>585</sup> Published in the *Gazzetta Ufficiale* n. 302 on the 31<sup>st</sup> December 2018.

<sup>586</sup> "Comma 610. Al fine di sostenere la realizzazione di interventi per la riqualificazione e il recupero delle periferie urbane, anche attraverso progetti di arte contemporanea, con particolare riguardo alle città metropolitane e ai comuni capoluogo di provincia, è autorizzata la spesa di 2 milioni di euro per l'anno 2019 da parte del Ministero per i beni e le attività culturali. (...) Comma 620. Per la promozione dell'arte contemporanea italiana all'estero è destinata quota parte delle risorse di cui all'articolo 3, comma 1, della legge 23 febbraio 2001, n. 29, pari a 3 milioni di euro per ciascuno degli anni 2019 e 2020 e a 1 milione di euro a decorrere dall'anno 2021".

<sup>587</sup> Disposizioni urgenti in materia di proroga di termini legislativi, di organizzazione delle pubbliche amministrazioni, nonché di innovazione tecnologica. Article 7, paragraph 8 "Al comma 310, dell'articolo 1, della legge 27 dicembre 2017, n. 205, le parole «e 2020» sono sostituite dalle seguenti: «2021 e 2022 e 6 milioni di euro per l'anno 2020». Agli oneri derivanti dal precedente periodo, pari a 4 milioni di euro per l'anno 2020 e a 2 milioni di euro per ciascuno degli anni 2021 e 2022, si provvede mediante corrispondente riduzione dell'autorizzazione di spesa di cui all'articolo 7, comma 1, del decreto-legge 31 maggio 2014, n. 83, convertito con modificazioni dalla legge 29 luglio 2014, n. 106, come rifinanziata dall'articolo 1, comma 337, della legge 28 dicembre 2015, n. 208".

<sup>588</sup> See also Dossier 18 febbraio 2020, *Proroga di termini legislative e altre disposizioni, Schede*



## 5. The results of the analysis

In conclusion, from the analysis of all these data, it has emerged that funding for contemporary art has been characterized by constant fluctuations between 1974 and 2019. The peaks in the ministerial investments usually correspond to exceptional projects, exhibitions and events related to the promotion of contemporary art.

Furthermore, it appears that between 1980 and 1983 the funds designated for contemporary art institutions decreased significantly. It also emerges that between 2006 and 2013 both overall ministerial expenses for contemporary art and those for contemporary art institutions progressively declined until 2014 when they started to increase again<sup>589</sup>.

If the data is aligned with the ministerial appointments of the Ministry of Cultural Heritage during those years, it should be noted that in the short space of time between 1980 and 1983 there were five different ministers. Up until the beginning of April 1980 Egidio Ariosto (PSDI) was in office. He was then followed by Oddo Biasini (PRI), between April 1980 and June 1981, Vincenzo Scotti (DC), between June 1981 and December 1982, Nicola Vernola (DC), between December 1982 and August 1983, and Antonio Gullotti (DC), who was inaugurated in August 1983. It is presumable that, besides the different party affiliation of all these ministers, the frequent changes of government did not guarantee continuous and consistent funding for the Ministry of Cultural Heritage.

Moreover, during the descendent period of the funding between 2006 and 2013 the ministers of the Ministry of Cultural Heritage were Rocco Buttiglione (UDC), from April 2005 to May 2006, followed by Francesco Rutelli (DL – PD), from May 2006 to May 2008, Sandro Bondi (PdL), from May 2008 to March 2011, Giancarlo Galan (PdL), from March 2011 to November 2011, Lorenzo Ornaghi (independent),

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*di lettura*, d.l. 162/2019, articolo 7, paragraph 8.

<sup>589</sup> Without taking into consideration the exceptional funds for the MAXXI in 2007.

from November 2011 to April 2013. However, it is necessary to remember that the 2008 financial crisis had disastrous effects on the global economy and disrupted politics everywhere. As a result, the availability of overall ministerial resources went into decline.

Nonetheless, it should be mentioned that the trend of investments in culture during and after the financial and economic crisis were not the same all over Europe. In fact, Table 7 shows how the expenditures for culture in Italy and Spain decreased significantly after 2008, while in France they remained stable. Meanwhile, Greece, after an initial decrease, increased the investments in culture in 2010, while Germany increased its investments in 2011, exactly when Italy's funding was at its lowest<sup>590</sup>.

It was only in 2014 that the funding for contemporary art started to progressively increase, under the ministry of Massimo Bray (PD), between April 2013 and February 2014, and of Dario Franceschini (PD) later, between February 2014 and June 2018.

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<sup>590</sup> Further references can be found in BONET L., DONATO F., *The Financial Crisis and its Impact on the Current Models of Governance and Management of the Cultural Sector in Europe*, *Encatc Journal of cultural management and policy*, vol. 1, issue 1, December 2011. TOBELEM J.-M., *The arts and culture: a financial burden or a way out of the crisis?*, *Encatc Journal of cultural management and policy*, vol. 3, issue 1, 2013. The Budapest Observatory, *Public Funding of Culture in Europe, 2004-2017*, March 2019. ČOPIČ V., INKEI P., KANGAS A., SRAKAR A., *Trends in Public Funding for Culture in the EU*, EENC Report, August 2013, Revised July 2014. MOLDOVEANU M., IOAN- FRANC V., *The impact of the economic crisis on culture*, in *Review of General Management*, Vol. 14, issue 2, 2011. ALMEDA P., SAGARRA A., TATARET M., *Public spending on culture in Europe 2007-2015*, Fundació Catalunya Europa, European Parliament.

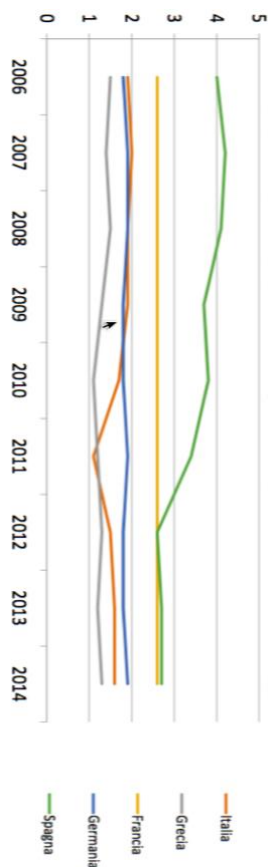


Table 7. Expenditure on culture as a percentage of total net public expenditure of interest on the public debt: Italy, Greece, France, Germany and Spain. Source: Catalano G., L'intervento pubblico nel settore dei beni culturali, Sapienza Università di Roma, PP, 2017; OECD Government expenditure by function<sup>591</sup>

<sup>591</sup> OECD (2016), *Public expenditure on culture, recreation and religion* (Government expenditure by function), [https://stats.oecd.org/Index.aspx?DataSetCode=SNA\\_TABLE11#](https://stats.oecd.org/Index.aspx?DataSetCode=SNA_TABLE11#), 20/12/2016.

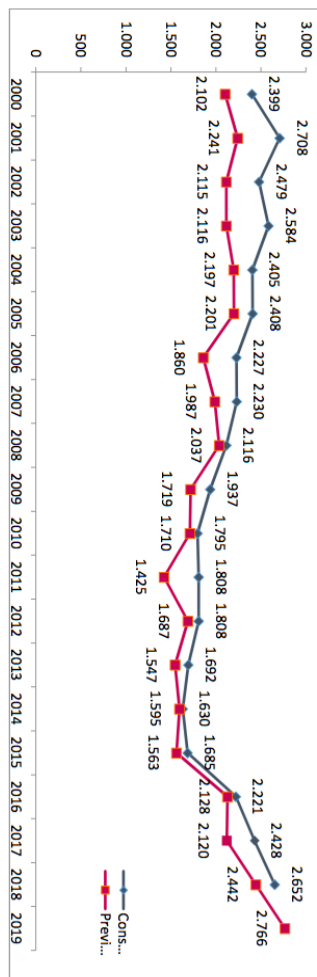


Table 8. Mibact Balance sheets 2000 - 2019  
Source: Federculture through Mibact data

Moreover, Table 8, published on the 15° *Rapporto Annuale Federculture 2019*, shows the fluctuations of the MiBACT balance sheets (in millions of euro) over the years starting from the year 2000. It compares the different amounts of the budget estimate (*Bilancio previsionale*), expected each year by the public administration, and those of the final balance (*Bilancio consuntivo*), that sum up the overall amount of the actual annual ministerial funding<sup>592</sup>.

From the table it appears that the trend of contemporary art funding and that of the general ministerial funding have similar fluctuations over the years. Between 2006 and 2014, there is a progressive decline in the overall amount of the ministerial funding that starts to increase again between 2014 and 2015, with a substantial growth between 2016 and 2019.

However, deep crises, like the ongoing pandemic, “offer a great opportunity for improvement when people and institutions are fully conscious of their potential for change. (...) An optimistic approach interprets the crisis as a great opportunity for a structural change of the cultural sector, both at the policy and at the organizational level. (...) In times of crisis, understanding present conditions and the ongoing trends are crucial points for positively facing the current and future challenges”<sup>593</sup>. This understanding was the ultimate goal of the research.

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<sup>592</sup> «Impresa cultura. Politiche, reti, competenze», 15° *Rapporto Annuale Federculture 2019*, Gangemi Editore, 8.

<sup>593</sup> BONET L., DONATO F., *The Financial Crisis and its Impact on the Current Models of Governance and Management of the Cultural Sector in Europe*, *Encatc Journal of cultural management and policy*, vol. 1, issue 1, December 2011, 10.

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I am particularly grateful for the availability in sharing their experiences and opinions to Giorgio Andreotta Calò, Lorenzo Balbi, Sarah Cosulich, Sveva D'Antonio, Fabrizio Del Signore, Anna Franceschini, Massimiliano Gioni, Carolina Italiano, Corrado Gugliotta, Luca Lo Pinto, Maria Vittoria Marini Clarelli, Anna Mattiolo, Cristiana Perrella, Francesco Prosperetti, Marinella Senatore, Giulio Squillacciotti, Angela Tecce, Gian Maria Tosatti, Brunella Velardi. I also thank the participants to the Table 2 of the *Forum dell'arte contemporanea 2020* for sharing their advice and opinions regarding the reform of the Italian Council.

Finally, I thank Martina Cavalli and Jamie MacDermot for their patient help in the revision process. I am grateful to all the companions on the doctoral road that stand by my side every day. Without their support and advice I would have never completed this research path. I thank the lifelong friends spread all around the world, my family and Virgil that always stand and support me. They are my roots and compass.

## Chronology

### Ministers of the Ministry of Cultural Heritage 1974 - 2020

**Giovanni Spadolini** (PRI) 19<sup>th</sup> December 1974 - 12<sup>th</sup> February 1976

**Mario Pedini** (DC) 12<sup>th</sup> February 1976 - 15<sup>th</sup> March 1978

**Dario Antoniozzi** (DC) 15<sup>th</sup> March 1978 - 5<sup>th</sup> August 1979 (*ad interim*)

**Egidio Ariosto** (PSDI) 5<sup>th</sup> August 1979 - 5<sup>th</sup> April 1980

**Oddo Biasini** (PRI) 5<sup>th</sup> April 1980 - 28<sup>th</sup> June 1981

**Vincenzo Scotti** (DC) 28<sup>th</sup> June 1981 - 1<sup>st</sup> December 1982

**Nicola Vernola** (DC) 1<sup>st</sup> December 1982 - 4<sup>th</sup> August 1983

**Antonio Gullotti** (DC) 4<sup>th</sup> August 1983 - 18<sup>th</sup> July 1987

**Carlo Vizzini** (PSDI) 18<sup>th</sup> July 1987 - 13<sup>th</sup> April 1988

**Vincenza Bono Parrino** (PSDI) 13<sup>th</sup> April 1988 - 24<sup>th</sup> July 1989

**Ferdinando Facchiano** (PSDI) 24<sup>th</sup> July 1989 - 12<sup>th</sup> April 1991

**Giulio Andreotti** (DC) 13<sup>th</sup> April 1991 - 18<sup>th</sup> June 1992 (*ad interim*)

**Alberto Ronchey** (Independent) 28<sup>th</sup> June 1992 - 11<sup>th</sup> May 1994

**Domenico Fisichella** (AN) 11<sup>th</sup> May 1994 - 17<sup>th</sup> January 1995

**Antonio Paolucci** (Independent) 17<sup>th</sup> January 1995 - 18<sup>th</sup> May 1996

**Walter Veltroni** (PDS) 18<sup>th</sup> May 1996 - 21<sup>st</sup> October 1998

**Giovanna Melandri** (DS) 21<sup>st</sup> October 1998 - 11<sup>th</sup> June 2001

**Giuliano Urbani** (FI) 11<sup>th</sup> June 2001 - 22<sup>nd</sup> April 2005

**Rocco Buttiglione** (UDC) 23<sup>rd</sup> April 2005 - 2<sup>nd</sup> May 2006

**Francesco Rutelli** (DL - PD) 17<sup>th</sup> May 2006 - 8<sup>th</sup> May 2008

**Sandro Bondi** (PdL) 8<sup>th</sup> May 2008 - 23<sup>rd</sup> March 2011

**Giancarlo Galan** (PdL) 23<sup>rd</sup> March 2011 - 16<sup>th</sup> November 2011

**Lorenzo Ornaghi** (Independent) 16<sup>th</sup> November 2011 - 28<sup>th</sup> April 2013

**Massimo Bray** (PD) 28<sup>th</sup> April 2013 - 22<sup>nd</sup> February 2014

**Dario Franceschini** (PD) 22<sup>nd</sup> February 2014 - 1<sup>st</sup> June 2018

**Alberto Bonisoli** (M5S) 1<sup>st</sup> June 2018 - 5<sup>th</sup> September 2019

**Dario Franceschini** (PD) 5<sup>th</sup> September 2019 – present



**Soprintendenti of the *Galleria Nazionale d'Arte Moderna e Contemporanea*  
1975 - 2020<sup>594</sup>**

Palma Bucarelli (1940-1975)

Italo Faldi (1975-1978)

Giorgio De Marchis (1978-1982)

Dario Durbé (1982-1984)

Eraldo Gaudioso (1984-1987)

Augusta Monferini (1988-1994)

Bianca Alessandra Pinto (1995-2004)

Maria Vittoria Marini Clarelli (2004-2014)

Cristiana Collu (2014-present)

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