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# A Roadmap for Measuring the Local Impact of Culture from a Legislative Perspective—Normative, Regulatory, and Technical Mechanisms

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## Article

# A Roadmap for Measuring the Local Impact of Culture from a Legislative Perspective—Normative, Regulatory, and Technical Mechanisms

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**Abstract:** The use of indicators to measure, evaluate, and assess cultural activities and policies represents a best practice (often unpractised) for local and national legislators and administrators, and nowadays this is more necessary than ever. The use of a tailored indicators framework is advisable for several different reasons, among which the provision of evidence regarding the role of cultural heritage, making it more visible and tangible; the development of the advocacy role of cultural heritage able to create an evidence-based narrative; its being an incentive for policymakers to reach measurable and targeted objectives. This contribution seeks to investigate, from a legal perspective, how to measure local cultural impact or, more correctly, how the measurement of this impact can take place and can be taken into account in the enactment of rules determining the creation and management of cultural projects and activities.

**Keywords:** cultural heritage; law; regulation



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## 1. Travelling towards a Terra Incognita? [1]

For as long as human beings have lived in groups, there have been occasions when it was necessary to persuade someone to do something or refrain from doing something. Unless it happened to be the case that the persuader was in a powerful enough position simply to command assent, they typically had to bring evidence to bear on the matter at hand and demonstrate that the evidence made a compelling case for their views [2].

In scientific–technical analyses, therefore, while it was not always easy to define what kind of evidence a particular study or assessment needed, the fact that some kind of evidence was needed was not in doubt.

If this can be affirmed with a certain amount of absoluteness as far as research fields belonging to the so-called hard or natural sciences are concerned, it has taken longer for this approach to become established in social sciences as well. And, finally, even when economics, sociology, political science, or law began to adopt a more empirical approach, this was evident at first in sector studies that tended to investigate and regulate issues characterized by a high degree of ‘technicality’ or, at any rate, having a scientific nature [3].

To this end, the use of indicators in social science analysis began to spread as early as the 1970s and this happened for the regulation of different sectors, from those based on scientific assumptions to human rights [4,5]. Increasingly, important decisions are taken by observing reality as it is summarized and quantitatively described by indicators.

The necessity to create ranking systems and lists of comparisons, as well as the need to regulate certain aspects of collective living, has meant that in specific areas, the legislation to be adopted and the rules to be implemented are, in a more or less compulsory manner, ‘dictated’ by simplified assessments of the reality as measured by indices and indicators. However, if this way of proceeding with the creation of rules and the functioning of certain institutional apparatuses has become established in certain sectors, the same cannot be said or can be perceived as a relatively recent activity, with regard to the domain of cultural policies or, more generally, for the regulation of cultural activities and heritage.

This contribution, therefore, seeks to investigate, from a legislative perspective, how to measure cultural impact or, more correctly, how the measurement of this impact can take place and can be considered in the enactment of rules determining the creation and management of cultural projects and activities.

More specifically, the question at the core of this analysis on the use of indicators to measure and evaluate cultural policies and actions (not only their impact, but also their very definition) revolves around the question of whether legislative measures can be defined as ‘subordinated’ to other humanistic disciplines, or not. In different terms, should norms serve to establish when and how to measure, as well as the tools to be used, or are they rather meant to determine what the effects will be when certain factors are realized?

In this regard, the reflection proposed in this article is divided into four parts, which collectively attempt to investigate to what extent and in what way the concept of ‘cultural measurement’ or ‘cultural impact measurement’ is familiar to legal science and, what effects it has when such a meeting takes place.

Following a brief illustration of the object of investigation (Section 1), a reconstruction is proposed of the ways and occasions in which, especially supranational bodies, have developed indices or indicators to measure cultural impact (Section 2). In this perspective, it will also highlight the needs inherent, and the obstacles encountered, in this measurement activity. The third section focuses more on the possibilities explored by legal doctrine that indicators have of becoming rules, through their authority, which may be scientific or regulatory in nature. In analyzing the existence of different types of indicators, the relations between national and supranational regulation will also be highlighted, attempting to understand whether and how the use of indicators, drawn up mainly by international organizations, can lead to a homogenization of cultural interventions in different national contexts. Finally, the fourth section brings some examples of projects and activities aimed, also and above all, at the creation of cultural activities with a view to urban and territorial regeneration that can be said to be virtuous in terms of the provision of mechanisms for assessing (ex-ante or ex-post) the impact generated. This is the EU European Capital of Culture (ECoC) project, which has also inspired similar initiatives in some member states, such as Italy, where a similar project has existed since 2014.

The use of indicators capable of capturing the multifaceted impact of cultural activities (including their social and economic impact) plays a role in building a coherent and strong narrative on the role that culture can have in social and economic development. This can be achieved not only if specific qualitative and quantitative indicators are available, but also if the correct legislative and administrative conditions are in place for their proper use at national and local levels.

While today there are indicators specifically designed to measure the contribution of cultural heritage, mainly developed by supranational and international organizations such as the United Nations Educational, Scientific and Cultural Organization (UNESCO); the Organization for Economic Cooperation and Development (OECD), or the European Union (EU), the modalities that could make them part of the necessary monitoring of policies by national or local institutions, at least in the considered scenario—i.e., at the Italian level—are still lacking. This is why sector studies aimed at investigating if and how an indicator tailored to assess cultural policies and activities from a ‘regulatory device’ can become a ‘legal device’, prove to be necessary.

Although aimed mainly at investigating legislative and regulatory aspects related to cultural impact measurement, such an analysis needs a multidisciplinary scope, being at the intersection between economic, political, and legal studies. The assessment to be undertaken, as well as the final recommendations and conclusions to be drawn, calls for a sound knowledge of the instruments and perspectives of each of these disciplines.

First, evidence reveals how the possibility to measure the impact of cultural heritage policies and activities has been primarily addressed and taken into consideration by economists [6–9], while such an approach cannot be found in legal analysis. The latter rather developed interesting and in-depth reflections on the role of indicators as regula-

tory instruments in different domains and jurisdictions, but we detect a lack of specific studies on the legal and regulatory legitimacy of indicators with respect to the field of cultural heritage.

## 2. Subjectivity Is Objective. . . Not in Any Rational Scheme of Perception

As mentioned above, the use of indicators to measure, evaluate, and assess cultural heritage policies would represent a best practice for local and national legislators and administrators, and nowadays, this is more necessary than ever to ensure the proper use of the resources that the cultural and cultural heritage sector will have available in the post-pandemic scenario<sup>1</sup>. The use of a tailored indicators framework is advisable for different reasons. For example, it can provide evidence of the contribution of cultural heritage to social and economic development, and it can inform evidence-based policy making [10–12].

In this perspective, it is, therefore, necessary to investigate whether and how the formulation and use of quantitative and qualitative indicators is an activity carried out at the domestic level by national institutions and, if not, whether the implementation of supranational or global standards brings with it a standardization of the policies adopted. This understanding seems to be even more relevant in an area, such as that of cultural activities and heritage, which is so important from an identity point of view and a matter in which states are historically reluctant to delegate part of their national sovereignty.

For what reason, then, do measurement tools (and thus regulatory and normative standardization) designed and created by supranational bodies end up prevailing? This phenomenon should be investigated, in that we might wonder whether this is due to the fact that national governments or administrations are not in a position to act as producer bodies of such measurement instruments or rather because there is a lack of tradition with regard to the measurement of law or the measurement of the impact of public policies.

To reply to those questions, it is above all necessary to analyze the causes underpinning the (apparent) difficulty of ‘measuring’ cultural heritage policies and regulations, trying to understand whether this is due to objective difficulties or rather to the presumption that this field cannot be subject to simplification (because its multidisciplinary and complex nature) or quantification.

Among legal scholars, the attention to indicators is because their use stimulates diverse regulatory processes, such as the harmonization of different normative and/or administrative interventions, and, above all, they are the protagonists of what has been recognized as the “technology of governance” [13–17].

Furthermore, it has been highlighted that the spread of indicators is strictly connected to the phenomenon of globalization. In their essay, “Public Regulation of Global Indicators”, the jurists Sabino Cassese and Lorenzo Casini pointed out how «indicators are spreading globally because globalization has triggered, among other legal effects, a need to compare economic performance of states and firms, and populations’ social conditions in order to rate and to rank legal systems based on, for example, their competitiveness or their degree of ‘freedom» [18].

Defining how, from a legislative and administrative perspective, such measurement tools can also be implemented for the enactment and evaluation of policies and regulations aimed at the creation and management of cultural projects and activities is crucial to benefit from the standardization of regulatory frameworks impacting on cultural property, cultural heritage sites, and cultural institutions.

Indicators have been interpreted by the legal scholarship in different ways, according to the specific context they were conceived for, such as elements «comparable to law» [19,20], «not legal instruments per se» [21,22] or «soft law tools»<sup>2</sup> [23,24]. Given this number of interpretations, each of which has different consequences in terms of application and impact, it is essential to frame what can be the role of indicators when referring to culture.

To do so, it is first necessary to clarify whether in this field is more appropriate to think about ‘measuring to govern’ rather than ‘to govern through the exercise of measurement’ [16]. This starting point, more than being a wordplay, reveals a concept that needs

to be reiterated especially when putting together a technical element such as the use of indicators and a sector, as the cultural one, pertaining to the historical–artistic sciences.

There is a need to emphasize that the adoption of measurement tools (such as indicators) as regulatory instruments is not an alternative to policy choice. Experts working with indicators have pointed out that «Empirical evidence is never a substitute for choice: it can support choice, help to explore alternative solutions for reaching planning goals and targets, anticipating side and unwanted effects, and building scenarios, but cannot dictate any preference. Preference belongs to the realm of responsibility, ethics, and values» [25].

From an historical perspective, the conceptualization and creation of indicators designed specifically for the cultural sector are due to the contribution of supranational bodies and, among them, first and foremost UNESCO. If, at first, the need to measure the impact of culture, and thus also to assess related policies and projects, was motivated almost exclusively by the need to measure the capacity of cultural actions to contribute to sustainable development, later, attention was directed (also) towards assessing the impact of cultural activities on the economy, welfare, and tourism development in the territory [26].

The first comprehensive assessment on how to measure cultural impact dates to 1997 and came in the form of an ‘occasional paper on culture and development’ jointly commissioned by the United Nations Educational, Scientific and Cultural Organization and the United Nations Research Institute for Social Development (UNRISD). This research, conducted by the economic scholar Prasanta K. Pattanaik (titled «Cultural Indicators of Well-being: Some Conceptual Issues»), has the merit of having addressed on a preliminary basis<sup>3</sup> key issues such as «what is to be measured by cultural indicators of development, the appropriate unit of observation, data availability and quality, criteria for selecting the indicators, the feasibility of creating a single, synthetic index, and so on» [26].

The topic of cultural measurement remains associated with (and usefulness for) sustainable development for several more years; it is still UNESCO that in 2014 released an ambitious project, in terms of both objectives and conceptual complexity, named Culture for Development Indicators (CDIS). As illustrated in the report of the project, this is a «comprehensive set of 22 quantitative and qualitative indicators grouped under 7 dimensions (. . .) which aims to provide an evidence-based and informed approach to the introduction of culture into national and international development strategies as well as to cultural policy formulation» [27]. This is the first tool that effectively collects facts and figures able to demonstrate the multidimensional contribution of culture to the creation of economic, social, and cultural value, especially highlighting the impact achieved at the national level. Looking at the specific objectives connected to the conception of this set of indicators, and, in particular, at the wishes aimed at strengthening national statistical and information systems on culture and development and informing cultural policies for development, it is possible to realize how much a correct institutional, administrative and regulatory framework at a national level is necessary to guarantee the possibility that these instruments developed at a supranational level actually fulfil their role.

The approval, in 2015, of the 2030 Agenda for Sustainable Development by all Member States of the United Nations was both a stopping and starting point for studies on how to measure cultural impact and, perhaps even more importantly, the role of culture in general with respect to economic, social and environmental impact. If on the one hand, in fact, the term ‘culture’ is only mentioned once among the 17 goals and 169 targets elaborated (it happens in target no. 11.4 ‘Strengthen efforts to protect and safeguard the world’s cultural and natural heritage’<sup>4</sup>); on the other hand, it is precisely this absence that has created the conditions for the most complete production of indicators specifically designed to monitor and evaluate the impact of cultural policies, actions and projects ever carried out, both at the international and national level. These are the UNESCO Thematic Indicators for Culture (Culture | 2030 Indicators): 22 indicators (both quantitative and qualitative) that provide a picture of where a country or a city stands with respect to its use of cultural resources in the context of sustainable development, while helping to identify policy gaps and directions. This framework of thematic indicators is meant to measure and monitor

the progress of culture's enabling contribution to the national and local implementation, to make the evidence of culture's transformative role more visible and tangible. Three are, more specifically, the capabilities that member states should achieve thanks to the measurement of cultural impact by means of the Culture | 2030 indicators: to strengthen advocacy for culture; to provide evidence-based results to inform policies and actions; and to facilitate cooperation across institutions.

With respect to these three objectives, the Culture | 2030 Indicators Report published by UNESCO in 2019 emphasizes that «by strengthening the transversal visibility of culture in the 2030 Agenda, the Culture | 2030 Indicators will help build a coherent and strong narrative on culture and development, that is evidence-based and supported by key messages. This narrative will directly support advocacy efforts at the global, national or local levels, with a view to convincing decision-makers and partners to include culture across their national and urban policies and programmes and to better direct public and private funding towards the culture sector. (...) The Culture | 2030 Indicators provide a conceptual framework and methodological instruments for countries and cities to assess the contribution of culture to the SDGs as part of the existing implementation mechanisms of the 2030 Agenda at the national or local level. Evidence gathered will inform policies and decisions as well as operational actions, both within the cultural sector and across other sectors transversally. Through repeated application of these measurement tools, the initiative will allow countries and cities to monitor their own progress regarding the outcomes of their policies and the effectiveness or robustness of the policies themselves (...). Culture-related data is fragmented and produced by different institutions across policy areas. It is therefore essential to foster cooperation amongst the institutions producing data. Implementing the Culture | 2030 Indicators initiative, therefore, requires the coordination of information emanating from a range of different national and local institutions across different sectors (such as culture, labour, trade, youth, environment, and education), and agencies (including the National and Local Statistics Offices, professional bodies, arts, and heritage foundations) ».

With respect to the possibility of implementing this kind of approach at the national and urban level, it would be necessary to consider whether the organizational and administrative conditions in selected countries allow for the use of such indicators in the regulation and management of culture and cultural activities. At the different levels of government, it would be important to develop the ability to ask questions about the availability of professionals capable of conducting the expected impact surveys; the existence of regulations that make it necessary to assess cultural impact *ex ante* and *ex post* the approval of a cultural project or activity; and the provision of responsible parties for qualitative and quantitative analysis of the data collected.

In this regard, one of the 22 thematic Culture | 2030 indicators are specifically referring to the 'Governance of culture' dimension. This indicator can be used by policymakers and administrators to «assess the degree of development of the governance framework at national/local level, for culture in general, and by cultural domains specifically». It identifies a checklist of different standard-setting and specific measures aimed at evaluating if and how the national or local policy and institutional framework is appropriate for supporting culture and cultural heritage by considering the regulatory framework; the management, technical, and financial assistance framework; and the mobilization of support. Taking into consideration this checklist as a starting point, it is then necessary to define the conditions under which these standard-setting measures can become a legal device for updating, monitoring, and assessing legislative and administrative interventions aimed at protecting and valuing cultural heritage and cultural property. More specifically, it is necessary to define what kind of organizational structure and legal requirements are needed to ensure the legitimacy of this indicator, and therefore its inclusion in the policy-making process at the national and local levels.

As we can notice by looking at the work developed by UNESCO in the establishment of these first thematic indicators on culture, there has been an evolution of the *binomium* connecting culture and development. If at first, in fact, political and institutional actors

previously highlighted the more immaterial character of cultural impact, seen as a factor supporting mainly the well-being of communities and able to strengthen local or national identities, in time the more material impact of culture has been recognized. As summarized by the Culture | 2030 Indicators, the impact of cultural policies and activities can be observed on four different dimensions, such as environment and resilience (evaluatable through the measurement of the expenditure on heritage; sustainable management of heritage; climate adaptation and resilience; cultural facilities; and open space for culture); prosperity and livelihoods (quantifiable by the amount of culture in GDP; cultural employment; cultural business; household expenditure; trade in cultural goods and services; public finance for culture; and governance of culture); knowledge and skills (evident in the education for sustainable development; cultural knowledge; multilingual education; cultural and artistic education; and cultural training); and inclusion and participation (to be detected in the role guaranteed to culture for social cohesion; artistic freedom; access to culture; cultural participation; and participatory processes).

### 3. Numera et Impera

Once mentioned the reasons underpinning the need for having specific indicators to detect the impact of cultural policies and activities, and thus be able to have a database of information and data on which to base political and institutional action and having recalled the historical and conceptual evolution of the different dimensions of cultural impact itself, it is then possible to touch upon the more technical aspects concerning these indicators. This means looking at their nature, understanding the different types that exist, their use, and, finally, the possible effects that can be derived from them.

First of all, the term *indicator* can be understood as a «named, rank-ordered representation of past or projected performance by different units that uses numerical data to simplify a more complex social phenomenon, drawing on scientific expertise and methodology. The representation is capable of being used to compare particular units of analysis, and to evaluate their performance by reference to one or more standards» [19].

As reconstructed in the attempt to elaborate a taxonomy of indicators, these can be either mandatory or voluntary in nature. «Binding indicators are those imposed on or applied to 'regulatees' by States, international governmental organizations, or other global institutions. They help regulators evaluate, assess, and make decisions. Regulatees do not choose these indicators, they are obliged to adapt their behavior to them to demonstrate good performance with the standards disseminated through the indicators. They can be produced by regulators (governments but also any other body deploying indicators) or by third parties (not the producer or promulgator) to evaluate the regulates. Voluntary indicators, instead, are chosen and can be used by the regulates in a process of voluntary compliance as a means of self-coordination. Or they can be used by third parties to influence other third parties» [18].

Currently, indicators are used in different ways and for several purposes in social sciences, but mainly for simplifying and reducing into numbers the performance of specific institutions; translating complex assessments into quantitative and comparable terms; measuring performance in a concrete manner; verifying the adherence to the parameters taken as a reference; stimulating processes of internationalization and appropriation of measured values [28].

Considering the above, what is, or what can be, the main role of legal studies within social sciences and among these different functions that indicators can fulfill? It seems possible to glimpse two main functions in this domain, as indicators could be used as a normative or a regulatory mechanism.

While the former look to the use of indicators and measurement to establish the very content of norms, so that policies issued can be based on evidence; the latter use impact assessment tools to assess and direct administrative behavior, and thus that which pertains to the moment of implementation of the norm.

With respect to the first aspect, and thus to the normative sphere, it appears necessary to refer once again to the different gradients of authority that indicators can have and, at the same time, to the gradient of the bindingness of norms. In this regard, it has been noted that «The possibility of estimating *ex-ante* the effects of legal rules is connected to the binding nature of the norms, and to the degree of chaoticness of the system of the legal system» [15].

The second case, on the other hand, concerning the use of measurement in the framework of rules and guidelines needed for the administrative set-up, is the most developed so far and is meant to both measure and evaluate administrative behavior in an attempt to improve public performance and to monitor the conformity of bureaucratic behavior with the legislative mandate and political direction [29].

By looking at both functions and broadening the field of observation from the national to the supranational, it is also possible to notice also another aspect related to the measurement of law and institutional set-up, which is very relevant from a legal point of view, namely that of the globalization and homologation of norms. As has been pointed out by the legal doctrine, from this perspective, indicators play a dual function: as an efficiency incentive and a control technique. «On the one hand, international institutions have gradually pushed governments to improve their performance, putting them in competition and challenging them on a reputational level. On the other hand, especially in the European legal space, when it comes to implementing common policies at the decentralized level, the construction of performance indicators has served to verify the ‘loyalty’ of the national agent to the Community principal, beyond cases of formal infringement of European law» [29].

This last perspective on the tension that is created between domestic and international law through the use of indicators (often created and made available by supranational institutions, whether governmental or not) is particularly interesting when looking at the sector we are referring to: the cultural one. The question we raised above in this regard is whether the use of indicators created and studied by international bodies necessarily brings with it a standardization of institutional models and national regulations.

The study of indicators from a legal perspective, and therefore the understanding and determination of how measurements index (in this case a measurement aimed at exemplifying the reality of cultural institutions, sites, and activities) can in itself determine one type of regulatory intervention rather than another, proves to be more necessary than ever today.

This need is justified by a reason that is twofold: the investment of significant economic resources accompanied by the dawning of a season of structural interventions in the cultural and cultural heritage sector (to build the recovery after the COVID-19 pandemic), and by an imbalance between the (very recent) availability of specific qualitative and quantitative indicators for the cultural sector and the institutional awareness of how to use them. We could easily understand, in fact, that a lack of knowledge about the possibilities of using these tools can lead to their limited implementation and even to an underestimation of their potential effectiveness. Lastly, it is relevant to highlight this gap and this potential risk, as well as to compensate for the lack of *ad hoc* legal analyses that could allow the implementation of culture indicators developed at national and international levels.

#### **4. Measuring the Local Impact of Cultural Activities**

As a final note in this analysis on the use of indicators to measure the effects of cultural policies and activities, to understand what kind of relationship there may be between different levels of government in their formulation and use, and to refer to the focus of interest of this special issue, we can refer to the European Capital for Culture project. This was conceived in 1983, by Melina Mercouri, then serving as minister of culture in Greece, to overcome the fact that cultural needs were not given the same attention as politics and economics.



The European Capitals of Culture (ECoC) initiative is specifically designed to highlight the richness and diversity of cultures in Europe, celebrate the cultural features Europeans share, increase European citizens' sense of belonging to a common cultural area, and foster the contribution of culture to the development of cities. In addition to this, experience has shown that the ECoC nomination is an excellent opportunity for regenerating cities, raising their international profile, enhancing the image of cities in the eyes of their own inhabitants, breathing new life into a city's culture, and boosting tourism.

This is not the place to delve further into the history of this initiative, now perceived as one of the most prestigious at a European level, or to analyze its operation and the selection procedure, but this example is interesting in terms of the attention paid by the community legislator to the evaluation of the impact that the various activities developed in the city designated as the European Capital of Culture have and leave on the territory.

In particular, two aspects stand out: on the one hand, there is a solicitation by the European Parliament to the institutions and local actors to take the lead in the data collection phase, and thus in the evaluation of the process in which they are personally involved; on the other hand, the creation of the evaluation process, including the phase of devising the indicators and criteria to which the evaluation should aspire, is a supranational competence.

This dichotomy is expressed by the combined provisions of certain regulations that govern the existence of the European Capital of Culture project, as well as its operation. The references are in fact contained in Decision No. 445/2014/EU of the European Parliament and of the Council of 16 April 2014 establishing a Union action for the European Capitals of Culture for the years 2020 to 2033. Article 16 of the latter makes direct reference to the evaluation methodology, specifying that «(1) Each city concerned shall be responsible for the evaluation of the results of its year as a European Capital of Culture. (2) The Commission shall establish common guidelines and indicators for the cities concerned based on the objectives referred to in Article 2 and on the criteria in order to ensure a coherent approach to the evaluation procedure. (3) The cities concerned shall draw up their evaluation reports and transmit them to the Commission by 31 December of the year following the year of the title».

Prior to the enactment of this provision, the process of assessing the impacts of project activities on the territory was evidently left to the free initiative of the winning cities. Recital (21) of Decision No. 445/2014/EU states: «The Commission's evaluations of the past European Capitals of Culture, which are based on data collected at a local level, have not been able to provide primary data on the impact of the title. Therefore, the cities themselves should be the key players in the evaluation process».

But the incidence of the supranational level on the national level is fully revealed in the definition of the selection criteria that must serve as a guide for the candidate cities in drawing up their candidature and which, at the same time, will constitute the benchmark against which to carry out the ex-post evaluation. Indeed, the experience of a city with the title of European Capital of Culture will be successful and positive if the results achieved are similar and comparable to the criteria established ex-ante. Referring again to Decision no. 445/2014/EU, we can recall Recital (16), which emphasizes how «The selection criteria should be made more explicit in order to provide candidate cities with better guidance regarding the objectives and requirements with which they need to comply in order to be awarded the title. Those criteria should also be easier to measure to help the panel in the selection and monitoring of cities». The list of criteria that will serve as the basis for the creation of the candidature is set out in Article 5, which distinguishes them into the following categories: contribution to the long-term strategy; European dimension; cultural and artistic content; capacity to deliver; outreach; and management.

While the evaluation of these criteria must be carried out by the individual title-winning cities, it must follow common standards, applying a set of indicators and tools also developed at the EU level. These are criteria developed by the European Capitals of Culture Policy Group, funded by the European Commission's Culture Programme in 2009<sup>5</sup>. The mission of this Policy Group is that of sharing good practices in relation to

the delivery process of the European Capital of Culture title and developing a common research framework to assess the impact of a title year. The result of this work allowed for, among other things, the development of six thematic clusters that aim to encompass the broad range of potential impacts, and a small core set of priority indicators supporting each theme [30]. The themes and the corresponding indicators are the following:

1. Cultural Vibrancy and Sustainability
  - No. of original artworks commissioned by ECoC;
  - Establishment of new artistic collaborations that arise from ECoC activity.
2. Cultural Access and Participation
  - Total number of ECoC events;
  - Attendance at ECoC events;
  - Demographics of event participation.
3. Identity, Image, and Place
  - Number of national and local press articles with reference to ECoC;
  - National perception of the ECoC.
4. The Philosophy and Management of the Process
  - Total income of ECoC delivery agency;
  - Expenditure of ECoC organizing committee.
5. European Dimension
  - Number of European cross-border cooperations in ECoC events/activities;
  - Perceptions of European-ness amongst citizens and how ECoC changes this.
6. Economic Impacts
  - Percentage change in visitors to the city;
  - Percentage change in visitor spending;
  - Percentage change in international visitors to the city
  - Total room nights sold in the city and city region.

As mentioned above, the European Capital of Culture can be counted among the most successful projects at the community level, capable of increasing competitiveness between cities in the various European member states in the cultural sphere, prompting them to refine their cultural planning and improve the forecasting of the impact assessment of activities, projects, and programs with cultural content. It is therefore interesting to highlight how this important initiative, which includes urban regeneration through culture as one of its main objectives, can be the bearer of an approach aimed at recognizing the multidimensionality of the multidimensional contribution in its various meanings. At the same time, it is praiseworthy to observe how, in the very conception of this European project, the measurement of cultural impact is not only emphasized to a remarkable degree, but also facilitated through the provision of specific indicators that enable the various member states to take up this attitude, also providing the necessary legal instruments to this end.

## 5. Some Final Coordinates

This contribution, rather than providing specific answers or systematizations, was intended to raise questions and reflections on the convenience, modalities, and purposes related to the use of indicators within the regulation of cultural heritage and activities.

A correct comprehension of how to use qualitative and quantitative indicators shall require not only a legal understanding of the regulatory context at stake, but also implies a direct involvement of the cultural institutions and actors that both contribute to their identification and that are affected by their use.

All this highlights the interdisciplinary nature of cultural heritage legislation. The latter, in fact, while being mostly regulated by administrative law principles, must necessarily take into consideration also other priorities and considerations derived from economic,

managerial, and cultural studies. The multidisciplinary methodology that is needed to address and investigate a complex and multifaceted issue such as the one under consideration (the possibility of ‘measuring’ and assessing normative and regulatory interventions affecting cultural heritage and activities) can be reflected also in the kind of “implementation” of the results achieved. The latter, in fact, could generate positive effects and improvements not only in the administrative and regulatory domain, but also in the performances of the cultural institutions and activities taken into consideration.

Lastly, in this hypothetical roadmap for considering culture measurements from a legislative perspective, it is therefore essential to envisage some fundamental steps, namely:

- The conception and conceptualization of indicators. This activity must necessarily have a multidisciplinary nature, involving several pieces of knowledge, among which certainly cultural, statistical, economic, and institutional, and it can take place both at a national and supranational level. This means that we could have both global and local indicators.
- The provision at a legislative and regulatory level on how to use (and who should oversee their use) specific indicators. As already noted above, this provision may include different types of voluntary or mandatory indicators, with different degrees of authority and, consequently, different degrees of mandatory nature of the consequent legislative or administrative action.
- The actual implementation and use by the different actors involved, pertaining to both the public and private spheres. This means that the data collection phase needs the collaboration of multiple stakeholders.
- The systematization and archiving of the data collected by agents and institutions could coincide with the same institutions producing the data or differ from them.

All these stages would request specific attention and in-depth study, each of which would deserve specific knowledge and expertise. Although not analyzed one by one in all their complexity, an attempt has been made to highlight how, for those more and for those less, an adequate set of rules and an institutional framework is necessary.

The role of the legal scholar in this context, finally, is to have an overview of this roadmap, to understand its complexity, and to foresee at what point it is necessary to provide adequate support, be it of a legislative or regulatory nature.

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## Notes

- <sup>1</sup> At the EU institutional level, it has been formally recognized how culture and the creative industries have been one of the sectors most affected by the crisis generated by COVID-19 and, as a result of this acknowledgement, for the first-time with the European and national recovery and resilience plans, ‘culture’ expressly came into play in the cohesion and financing policy, with it being included as a sub-goal in its own right.
- <sup>2</sup> In Murthy S. [23], the author foreshadows how the use of indicators can be associated with forms of regulation similar to ‘soft law’ mechanisms. « The MDGs, SDGs, and other global commitments to expanding access to water, sanitation, and hygiene are best described as “soft law,” a term that generally refers to declarations, statements, standards, and guidelines that are not enforceable and binding in the same manner as formal international law but that nevertheless exert influence over the behaviour of countries and other key actors. Soft law instruments can help to articulate an emerging consensus towards a new norm. The definition of soft law that I adopt here reflects a positivist view of international law, i.e., that the international rules derive from legitimately constituted political processes instead of natural law».
- <sup>3</sup> As reported at the beginning of the 1997 UNESCO-UNRISD, up to that moment «Culture is both the context for development as well as the missing factor in policies for development. Although such interactions have long been recognized as essential, there has been no worldwide analysis in this field on which new policies could be based».
- <sup>4</sup> The specific indicator -no. 11.4.1- created to monitor this target is aimed at evaluating the: «Total per capita expenditure on the preservation, protection and conservation of all cultural and natural heritage, by source of funding (public, private), type of heritage (cultural, natural) and level of government (national, regional, and local/municipal) ».

- 5 The creation of this working group at the initiative of the European Parliament follows the extensive monitoring work carried out by the University of Liverpool and Liverpool John Moores University, after that the Liverpool City Council commissioned them an initiative, Impacts 08, to evaluate the social, cultural, economic and environmental effects of Liverpool's hosting of the European Capital of Culture title in 2008. Liverpool Impacts08 has indeed produced a vast amount of research, data, analysis and publications and the group was subsequently involved as leading partners in the European Capitals of Culture Policy Group. To know more about the Impact 08 Programme visit <https://www.liverpool.ac.uk/impacts08/about/> (accessed on 17 July 2023).

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