

Transition of Cultural Policies in the Territory of the Former Yugoslavia: Between Nationalistic and Opportunistic Tendencies

The purpose of this text is to offer a comparative look at how the different cultural policies in the territory of the former Yugoslavia have developed, have been democratised and what has been done to bring them into line with all of the relevant standards and requirements for European integration. There is a large degree of internal divergence between different parts of the once united state, resulting mainly from armed conflict in the 1990s accompanied by different levels of material devastation, destruction of social structures, operational chaos or isolation from the rest of the world. This text could well be just one story, out of many possible stories, at a great distance and with brutal simplification.

This text is not going to deal with ‘cultural politics’ as practices that aim to challenge the mainstream and the cultural establishment, an approach that has been most attractive to researchers working in the disciplinary fields that are grouped under the umbrella term ‘cultural studies’. Cultural policy will be approached from the perspective of pragmatic ‘politics of culture’, i.e. as a sub-sector or one area of public policy, “no less than other aspects of policy, such as health or social policy where the political element might seem more obvious” (Belfiore, 2004a, 18). Having in mind “the steering mechanisms – the set of rules, measures and mechanisms that are directed to the achievement of goals in cultural development” (Council of Europe, 1998a, 13), there are three main governmental functions relevant for the cultural field as well – regulation, organisation of public services provisions and financial support via subsidies and grants.

The heart of this text will not be a discussion of cultural changes such as the “reformulation of cultural values, modernization of cultural practices and cultural identities, and growth of cultural productions, as well as increased cultural communication and exchange” (Milohnič and Švob-Đokić, 2011, 6), but will discuss changes in the relationship of the public authorities towards culture that have been brought on by the transition from a non-democratic totalitarian political system to a democratic pluralist one,¹ i.e. how much pluralism has been introduced in the governing, regulation, organising and funding of culture².

The description of transitional changes might compel even further reflection regarding how much has changed in the field of culture because of revised public interventions, since everywhere throughout this region can be found vivid, internationally appreciated contemporary arts produced by NGOs, as well as some admirable institutional achievements. It might be even more interesting to see what has been accomplished in spite of official cultural policies, since the main thesis of this text is that more profound democratic changes, ones that would go beyond the significant liberalisation that marked the 1980s, have not occurred at all. Be that as it may, we first need to test this hypothesis.

¹ The essence of pluralism is the legitimacy of different interests, even of conflicts, and not their denial, as was the case in self-management socialism, where only those interests that had been managed within the official channels were legitimate.

² There are some other important changes as well, such as the reorientation of cultural policy support for cultural cooperation from the region to the EU or the appearance of “new minorities”, which are the result of new borders. These refer to the new realities following the decomposition of the former Yugoslavia, while what we discuss here is the transition from old to new political orders. Yet it must be clearly stated that democracy is in close relation to the human rights, which requires the observance of cultural diversity, including a proactive cultural policy towards minorities of all kinds. But this kind of democratic test is beyond this text.

1. STATE OF AFFAIRS

Unlike totalitarianism and particularism, pluralism acknowledges *diversity* so as to avoid institutional dominance and to ensure competition. Pluralism, as the referential feature of democratisation, is therefore the main aspect from which the current situation is going to be evaluated. To put it simply: How open and transparent is decision-making, thus enabling competition/confrontation of different interests, and to what extent does the cultural system accommodate new initiatives and beneficiaries?

The process inspired by the democratic idea was, in the case of the former Yugoslavia, somewhat different from that in the rest of the transitional post-socialist countries; this is due to the fact that the former Yugoslavia was not a typical socialistic country.³ While still maintaining a one-party political system with totalitarian characteristics, some elements of political pluralism, market economy and civil society had been introduced, resulting in a kind of quasi democracy (the pluralism of so-called self-management interests and strong peer evaluation), quasi market (cultural organisations were allowed to generate their own earnings) and quasi-civil society (an independent cultural scene operated under the legal status of associations, in principle envisaged for amateur culture). The process behind these changes is known as socialisation/podružbljanje.⁴ The system proved to be too complicated to be effective. Rather, it gave to the political nomenclature a legitimate appearance while preserving its comprehensive authority.⁵ Nevertheless, the self-management system incorporated in its circle the majority of the cultural elite, which was allowed to manage the cultural sector so long as somebody from the top did not find some decision questionable or want to decide by himself.⁶ At least nominally, this system of repressive tolerance established many of those rights that seemed on the surface to echo participatory or deliberative democracy⁷ and artistic autonomy. Therefore, to free arts and culture from strict ideological

³ After the spectacular split from Stalinist influence, the socialist realism, a Marxist aesthetic doctrine that seeks to promote the development of socialism through didactic use of literature, art and music, lost its relevance and the breakthrough of Western Modernism (existentialism, phenomenology, reism, structuralism), together with “the counter-cultural styles of the young, ranging from beat and film noir to rock” (Council of Europe, 1999, 243), followed. Another factor of distinction is the development of the so-called self-management system, a unique social experiment that had already begun in the 1960s and reached its spring in the middle of the 1970s, causing Yugoslavia to develop its own version of socialism, i.e. self-management socialism.

⁴ The responsibility for cultural programming and the related allocation of public funds was delegated to the cultural communities, where it was debated and created by both producers and consumers of culture; theatres, museums, galleries, libraries, cultural centres, etc., were separate legal entities with full business and legal capacity and their own governing structures; cultural organisations were governed by employees.

⁵ The author of the system was himself aware of the increasing conviction of his contemporaries that “self-management is at best a formality, and at worst a fraud” (Pirjevec, 1995, 343). The system was considered utopian (Županov, 1989). Self-management developed terminological idioms with little connection to reality and whose purpose was to distort and replace reality with moralist fabrications (Kos, 1996, 91).

⁶ Even though the self-management system did not attain its ambitious goals, it brought some basic quality to the cultural sector, such as direct revenues for the financing of cultural activities, a strong cultural administration that was aware of cultural needs, cultural development planning based on the model where cultural providers met cultural users, an extensive peer review system that contributed to the professionalisation of cultural policy decision-making and the relative autonomy of cultural institutions as separate legal entities (Council of Europe, 1998b, chap. 2.3).

⁷ However, there is a huge difference between the self-management system and participatory democracy. The first is based on mediators who are supposed to mediate the opinion of those who nominated them, which is not feasible because interests are always very different; and the second is based on representatives who have a mandate to act in favour of the voters. In order to avoid a situation where voters raise their voice only once every four years, participatory democracy developed a process emphasizing broad participation in the direction and operation of political systems. Participatory democracy strives to create opportunities for all constituents to make

slavery was not enough, and the cultural sector expected something more from the promise of democracy; only it had no idea of what that might mean or how it could be accomplished. It was not only in Macedonia (Teodorevski, 2010, 2) but in general that neither elected politicians nor the cultural elite had the vision or the pragmatic knowledge to conceptualise and achieve the development of a new, democratic and European-like cultural policy. Moreover, the cultural system, which had been privileged in the previous era by having the “task of ideological-legitimisation” of the socialistic social order (Dragičević-Šešić and Dragojević, 2005, 29), lost its ideological position and became “a sector like any other”. Therefore, its main concern became *how to protect its existence and not how to democratise it*.

In this situation, the cultural institutions, established under the socialist regime, have taken a conservative position over the past twenty years of transition and have been presenting their existence as a matter of national interest (Katunarić, 2004, 24). This reactionary standpoint has resulted in a professional, technological and infrastructural standstill (Švob-Đokić, 40), a kind of institutional fatigue (Klaić, 2012, 123). On the one hand, these institutions are overstaffed, and on the other, their staffs lack modern professional competencies and skills in PR, marketing, fundraising, human resources management, strategic planning, etc. (Dragičević Šešić, 2010, 59). The salaries of permanent staff members represent the major fixed expenses,⁸ their average age is high⁹ and there is very limited possibility of their being open to new talents and experts. The old, traditional meanings and functions of culture, mainly associated with national cohesion, identity and distinctiveness (Pavić, 2011), continue to “serve, as far as the cultural mainstream is concerned, as a symbolic reservoir for ethno-national mobilisation and other reactive tendencies” (Višnić, 2008, 47), especially in those parts of ex-Yugoslavia where the war changed the transitional focus towards the single goal of defending the homeland and national identity. The collectivistic idea “the rule of the working class” was replaced by another one, “the rule of the (ethnic) nation” (Blažević, 2008, 14). In Bosnia and Herzegovina, as a multinational state, this reduction has taken a radical position, where the seven national institutions established by the former Socialist Republic of Bosnia and Herzegovina, including the National Museum, the National Library, the Art Gallery of BiH, etc., have operated up to now in an artificially created legal vacuum, being deprived of any source of regular funding since Republika Srpska violates the legal continuity principle embodied in the Constitution of Bosnia and Herzegovina, given as Annex 4 to the Dayton/Paris Peace Agreement, by preventing state government to execute founder’s rights/responsibilities, in respect to these common state cultural institutions. Therefore, supporting the conservation of national cultural institutions in the nation-states, and refusing to take care of common institutions in the multinational state, are just two sides of the same face. Other examples of “national aggrandizement” being used to justify cultural policy as a display of state power (McGuigan, 2004, 62) are the spectacular cultural events that consume

meaningful contributions to decision-making and seeks to broaden the range of people who have access to such opportunities. It is not a devolution of mandate and responsibility to some of the constituents, as is the case in the self-management model, but a deliberation that is open and transparent.

⁸ The Slovenian example offers a clear picture of this problem: in 1994, the salaries in public institutions in the field of culture amounted to 55.15% of their budgets, whereas in 2004 they amounted to 68.25%. If one looks even further back to 1984, one sees that at that time the funding allocated to the so-called regular activity of public institutions, which comprised salaries and running costs, amounted to only 38% of the total funding (Council of Europe, 1998b, 120). In August 2008, this trend was reinforced even more: the latest reform of the salary system in the public sector increased the overall amount for the salaries in public cultural infrastructure by an additional 16% (Ministry of Culture of the Republic of Slovenia, 2008).

⁹ The average age of employees in cultural institutions in BiH is 44 (Čopić et al., 2009, Table 6).

a disproportionate amount of public funds simply to impress the population and megalomaniacal short-sighted capital investments in cultural infrastructure that have not envisaged funds for sustainable operation. The cultural system has found itself *caught between nationalistic and opportunistic tendencies*.

The various impacts of European historical avant-garde movements not only left their mark on the fields of literature, visual arts, music and theatre, they also inspired the creation of an alternative culture in opposition and resistance to the dominant art, culture and ideology embodied in cultural institutions established and subsidised by public authorities. The essence of alternative culture in the decades before the fall of Berlin Wall surfaced much more through values and contents than through the question of organisational form.

Demonopolisation as an important element of democratic transition is different, being much more concerned with the recognition of the legitimacy of different production models and with reducing the “categorical differentiation of privileged and underprivileged, regular and exceptional, traditional or newly arrived subsidy applicants” (Klaić, 2012). So *what was once the political alternative has become the organisational alternative* (Mišković, 2011, 66 and 67) of performing a cultural program of public interest outside of the government, developing a new production model that is much more flexible than the rigid public establishments, which are caught up in administrative rules and overregulation. In this regard, the question of demonopolisation exceeds the traditional role and position of NGOs in Western Europe not only in terms of different aesthetics, values and tastes, but also in the possibility of organising cultural activities outside of the governmental realm as an alternative provision of the public good. As Mark Schuster pointed out, the solution, “which is based on a binary choice between government and private individuals, is not sufficiently rich to capture all of the possibilities that such civil society would entail” (Schuster, 1997, 277). For the question as to which functions should be performed within government and which ones performed outside it is a broad and complex one, relating both to values and views concerning the relationship between the individual and the state as well as to a complex set of management issues.

Since transition everywhere proclaimed the progressive “*three D*” approach – *decentralisation, demonopolisation and democratisation* (Zlatař-Vioić, 2010) – one would expect the cultural sector to become open to new organisational forms, funding models and governing patterns. However, the main concern here is with the disconnect between rhetoric and reality – between the bold language of cultural policy statements and the quotidian application of cultural policy programs. The programs and funding patterns of public authorities serve to illustrate this disconnect, bespeaking a kind of blind faith in the “institutional arts”, and often betraying little or no real involvement – or, indeed, cognizance – of the full range of cultural activities implied by the NGOs (Pražnik, 2011, 87). While cultural institutions are still considered a legal obligation of public authorities, public support to the independent cultural scene remains optional, which preserves the strict socialistic division between institutional and non-institutional culture, now expressed through the performing of functions directly in-house, under the centralised system of public servants, instead of indirectly through the use of any non-governmental organisations that are governed autonomously.¹⁰ This continued adherence to the institutional/statist approach suggests the

¹⁰ The term “independent” points out the difference with respect to public institutions, in which the governing structure (director and controlling council or board) is appointed by the public authorities, while NGOs are independent in this respect. The fact that “the term ‘independent’ was mocked on several occasions (in the media and at public meetings with the representatives of authority) on the grounds that autonomy could not exist as such since all activities were mostly being financed from public resources” (Krpán, 2011) only shows the public

need for a radical reassessment of the status quo in cultural policy. The fact that this has not happened in 20 years might be connected with the alternative funding of NGOs by foreign donations throughout this period, which, on the one hand, may have dissuaded NGOs from more progressively enforcing their democratic rights and, on the other hand, may have abetted the public authorities in ignoring the new reality. Instead of the democratisation of the cultural system, two parallel systems have emerged, one intensively modernised via internationalisation, capacity-building and professionalisation, and the other preserved within old operational patterns of traditional bureaucracy and state paternalism. Almost no synergy exists between them and there is a lot of distrust, even hostility, on the institutional level. On the other hand, on the individual level, actors and other professionals, as well as technical staff, regularly collaborate with the NGOs on a project-to-project basis.

The new stage of development in the post-conflict period is mainly determined by the external factor of accession to the EU. However, the assistance that might fill the transitional gap in the cultural field cannot come from the EU since Article 167 of the TFEU (formerly Article 151 of the TEC) stipulates in Clause 5 that every action concerning culture at the EU level is subjected to the threefold requirement of: the exclusion of harmonisation, the principle of subsidiarity and qualified majority voting. Although the article calls for the EU to support the cultures of its member states “*while respecting their national and regional diversity, and at the same time bringing their common cultural heritage to the fore*” (Clause 1), culture represents a very limited field of EU activity. “Preliminary assessment of the impact of the enlargement on cultural policies in countries in transition confirms that the EU did not have any specific enlargement policy referring to culture... Because there was no formulated policy, there was also no direct need for reforms of cultural systems or specific incentives for structural changes in the cultural field.” (Obuljen, 2005, 66)¹¹ Some claim that the European Agenda for Culture in a Globalising World, adopted in May 2007, “partially reduces the principle of subsidiarity” (Pavić, 2011,) with the ambition of cultural integration of EU countries but that it is mostly oriented towards three common sets of objectives – cultural diversity and intercultural dialogue; culture as a catalyst for creativity; and culture as a key component in international relations – all of which reflect the instrumental value of culture to be employed for wider political and economic motives. However, if the agenda contributes to the development of a supranational European cultural space (mobility of artists and artistic works) and a stronger cooperation between neighbouring countries, the related stronger ties might influence the national cultural policies to become more progressive themselves as well. Nevertheless, it needs to be clear that the EU actually evolved out of an idea of creating a bigger, unified market for countries on the European continent. The Four Freedoms – i.e. free movement of goods, services, capital and people in an internal market – are therefore the founding postulates of the EU. When designing or changing legislation, member countries must be conscious not to impose any measures that would breach any of these four freedoms. As a result, the cultural sector is included in the process of EU integration mainly through the carrying out of other policies that deal with these four freedoms, such as the tax policy with the harmonisation of VAT, labour policy with the abolishment of discriminatory legal provisions for employment of EU citizens, media policy with the concept of TV without Frontiers, and so on. In such a situation, the process of harmonisation with the EU legal system actually deprives cultural policy of the possibility of itself being transformed. *The modernisation of individual cultural systems is left entirely to their respective national*

indifference to property rights that has its roots in the previous system with its anonymous social property and muddled governance.

¹¹ Chapter 20 of the *Acquis Communautaire*.

states¹². The best evidence of EU cultural restraint is offered by Slovenia, which went through the accession project without any substantial structural changes to its cultural system at all. The result is ever more public institutions, an increasing number of public servants, a growing percentage of expenditures for their salaries and an expansion of cultural production, all without any serious evaluation of what it means in the long run and what the effects are of this cultural model that remains to an ever greater extent unevaluated, unchallenged and unchanged. Compounding this situation are the tensions and turbulences brought on by the processes of globalisation and European integration themselves, which have caused some less successful social groups to feel threatened. The need for belonging and protection in these new exposed circumstances even further reinforces a reactionary, self-protective attitude, one that is based more on ideology and tradition than on any actual evidence. The result has been a strong inclination to further *mystify* cultural policy in the absence of any solid and accessible cultural statistics, a relative infancy of conceptual and empirical work on cultural indicators, too few specialised cultural policy analysts, an absence of resources for systematic research and evaluation, weak linkages between the universities and the cultural sectors and, most importantly, a lack of political will to develop an informed cultural policy (Čopič, 2009). The arguments in favour of public spending for culture that derive mainly from ideology, traditions and beliefs taken for granted become – especially in a period when governments across Europe have to justify their expenditure of taxpayers’ money – a highly risky manoeuvre that could quite possibly lead to the devaluation and marginalisation of arts and culture in the near future.

It is well known that cultural policy is a descriptive and not a normative category, which again further disables standardisation of cultural policy transition according to certain democratic European standards. According to Bernard Gournay, the author of the French national report on cultural policy from 1988, cultural policy cannot be determined on the basis of who administers it, since it may be done through a ministry (like in France) or at “arm’s length” via quasi-independent organisations (such as the Arts Councils in Britain and Ireland); nor can it be determined on the basis of the cultural disciplines it comprises (no fixed national definition of culture as a subject of cultural policy); nor can it be done on the basis of how interventions are carried out (by direct public support in the form of subsidies or public institutions in the European discourse, or by using indirect governmental incentives such as tax concessions in the USA approach); nor can a determination be made on the basis of legal status since cultural activities can be performed by various types of organisations, from public institutions to associations, foundations or companies (Breznik, 2004, 13). Such diversity is linked to each country’s particular context: “...this variety reflects not only differing national traditions in the organization of public functions, but differing philosophies and objectives regarding the whole area of culture and the arts.” (Cumming and Katz, 1987, 4) And although all very different, all of these approaches could be considered democratic.

In the absence of any external pressure for transformation and, in the specific ex-Yugoslavian situation, with the expectations being much higher than in other post-socialistic countries where the end of totalitarianism was already an astonishing achievement in itself, it was the status quo that prevailed. In spite of the fundamental changes at the political and economic levels as well as in everyday life, the cultural system has not experienced *any significant structural transformation* (Višnić, 2008, 45; Švob-Đokić, 2010, 36; Dragičević-Šešić, 2010, Klaić, 2012). In the case of Slovenia, the international team of experts that evaluated the

¹² Even worse, when the utmost political priority lays with European integration, cultural policy as a field of national sovereignty consequently loses its central position and becomes politically marginalised.

Slovenian cultural policy in 1996 under the auspices of the Council of Europe stated the same, describing it with the term “frozen situation”¹³ (Council of Europe, 1998b, 358).

The most significant result of this stalemate is, in the absence of any willingness to make any substantial cultural policy decisions, the protection of cultural infrastructure. However, in the current economic crisis and related budgetary cuts for arts and culture, the lethargic situation could become a *boomerang*, a kind of shock therapy, if a decrease in public funds opens the door for the uncontrolled dismantling of the public sector or even worse – in a situation when the public sector is perceived as a legal obligation of public authorities, cultural projects and the independent cultural scene would be once again deprived of public funding, this time not for ideological reasons but as collateral damage of the budgetary situation.¹⁴

2. TRANSITIONAL CHANGES

In the absence of any internal cultural policy transition, the main changes happened through general reforms in the field of the organisation of the state administration, public finances, the tax system, public institutions, public servants and decentralisation. Therefore, the cultural sector has not changed according to its own potentials; rather, its transformation has been driven by *external* forces. What a paradox, especially in Slovenia, where the sector that in the 1980s inspired the historic Teutonic changes that went beyond Slovenian borders and transformed the entire regional situation has not found it within its intrinsic power to adjust its organisation and management to the democratic shift it evoked.

2.1. Governing

The abandoning of self-management institutions and methods of policy-making and allocating public funds and their replacement by the traditional public administration transferred all executive authority to the ministries as governmental bodies and to the ministers as political figures. In Serbia, as in the rest of ex-Yugoslavia, the governmental resumption of control over cultural institutions was greeted by only a few protests during the 1990s, since it was considered to be a step towards better social security of employees (Dragičević-Šešić, 2010, 5).

In a democratic regime, authority derives from elections, and the public bureaucracy is conceptualised as being responsible to its nominal political masters. However, there is a variety of political processes that can surround each policy area since the issues, the pattern of bargains and the structures of opportunities in each policy sector can vary greatly, thus creating a particular type of politics for each since the relative influence of politicians,

¹³ The indicated signs of the “frozen situation” were the following:

- The situation in the field of culture is at a standstill.
- The characteristic mentality of public institutions, bureaucrats and state artists has been preserved.
- The Ministry is a fire brigade/crisis headquarters, whereas its technical service operates the machinery for the distribution of funding.

¹⁴ An attempt of this kind was witnessed in Slovenia in July 2011: a budget cut was announced in the amount of EUR 38 million as part of a series of measures to lower the budgetary spending. The cut was oriented towards a significant cutting of funds for cultural programmes both in the public as well as the NGO sectors (except for in the salaries of public sector employees). The Association of Arts and Culture NGOs and Freelancers put out a call to sign a petition, which resulted in the decrease of the envisaged cuts by half. However, it became more clear than ever how fragile and insecure the situation of NGOs is in the crisis.

bureaucrats and interest group representatives differs (John, 1998, 6). The systems theory (Niklas Luhmann) points to the main characteristics of autonomous social sub-systems, such as education, science, culture, etc.: they are autopoietic (the sub-sector itself defines its own borders within society; and with its hermeticism, it tends to become exclusive and self-regulative), self-referential (it refers to itself directly, becoming understandable only in the context of its own space) and emergent (it reproduces itself from its own elements) (Luhmann, 1990, 153; Wilke, 1993, 44; Adam, 1996, 98). This holds even more true in the area of art, where the freedom of artistic creativity is a *conditio sine qua non*. As a consequence, where cultural policy becomes “a closed conversation among experts”, the cultural system itself could very easily suffer from a crisis of legitimacy (Holden, 2006). Schmitter introduced a distinction between state corporatism and social corporatism, which is very relevant for those countries with the self-management legacy of one party political system with omnipotent state. While a social corporatism is marked by a bottom-up direction, where groups that are included in decision-making have developed simultaneously, state corporatism entails corporate-style forms forced from above, asymmetrically dependent, with the conflicts downgraded and manipulated, scant mutual respect between groups, inefficient means of appeal against the state and aggressive state bureaucratic control. The corporate-style structures that were created in the self-management system under the monolithic political influence absorbed the majority of the intelligentsia in the powerful process of the institutionalisation of cultural life. The absence of the restructuring of the public sector from the previous era has resulted in *the perpetuation of all of its corporativistic weak points* – organisational sclerosis, rigidity of differences, perpetuation of inequalities, disregard of individualistic norms of citizen participation and a lack of responsibility (Schmitter, 1981, 323). What the status quo actually reveals is how the generation of intelligentsia and artists that were gradually absorbed into the corporate-style structures is defending its own ideologically-aesthetic or generational viewpoints. Therefore, Schmitter’s thesis that *state corporatism* first has to disintegrate into open, opposing, diverse, uncontrolled interest policies is essential in the case of the “frozen situation” of the former Yugoslavia; in order to have democratic *social corporatism*, pluralism must first occur (Schmitter, 1974, 41). Therefore, the main question is how open the cultural policy process is regarding the access of diverse and competing interests and how new transparency requirements to achieve a greater fairness and accountability are met. While in the center of the cultural policy debate in the West lies the concern of how to avoid a “cultural system” as a “closed and ill-tempered conversation between professionals and politicians” (Holden, 2006), the question of democratisation in the ex-Yugoslavian territory has been focused on the requirement of the “hands-off” approach in which the role of the government is to create the conditions that favour cultural production while relying on peer evaluations of cultural practitioners. As cultural institutions swallow up the majority of the cultural budget almost automatically, there is little opportunity anyway for strategic thinking or acting. In such a situation, the main anomaly is nepotism aimed at getting a high position within the cultural administration or an appointment as a director in a cultural institution (Cvetičanin, 2010, 8). It seems that the main problem is not the politicisation of cultural policy-making – any real political process, where different interests and approaches meet, is in fact absent – but *deprofessionalisation* behind a democratic curtain of political nomination and clientelism behind a democratic image of peer evaluations. In 1997, the Slovenian Minister of Culture Minister Jožef Školč said: “Instead of democratising the engine, its passengers were activated.” (Školč, 1998, 14).

Decentralisation

Another general reform in the realm of governing with a fundamental effect for culture concerns local self-government. Decentralisation in the post-socialist countries was motivated by political reasons (e.g. dealing with democratisation) rather than economic rationale (e.g. efficiency gains, increase in employment, economic stabilisation, equity). In relation to the idea of democratisation, decentralisation is to be understood as a *devolution*, i.e. the transfer of power from the central government to the independent subnational governments.¹⁵ As such, decentralisation differs from the two other categories: *delegation*, as a transfer of responsibilities from the central government to semi-autonomous organisations (for example, para-governmental bodies or even NGOs) not wholly controlled by the central government but ultimately accountable to it; and *de-concentration*, as a dispersal of public establishments around the country, away from the centre, while the central government retains full administrative control. The credo of decentralisation was *the principle of subsidiarity* – to bring services closer to the people. However, from everywhere it has been reported that the process was launched without the adequate institutional and financial provisions.¹⁶ In this case, decentralisation hardly improves the welfare or quality of cultural services nor increases the efficiency of the public sector. If the so-called *principle of connectivity* between the devolved tasks and the correspondent funds is not observed, the process turns into a shock therapy resulting in the closure of provincial libraries, cinemas, museums and cultural centres.¹⁷ The complete autonomy of local authorities could very easily put the provision of cultural services behind all the other more concrete local needs and democratisation is vitiated into provincialism and deprofessionalisation. It has been often left to the cultural institutions and NGOs to identify local needs and involve citizens themselves in cultural activities rather than waiting for local cultural policies to re-affirm their cultural mission in the new democratic circumstances.

2.2. Regulation

There is an enormous difference between the contemporary rhetoric in the cultural policy field and the practice itself. We have witnessed over the last 20 years a proliferation of strategic documents and legislative fever in the field of culture, both of which have turned out to be paper tigers. Klaić speaks in relation to transitional theatre legislation about a “*legislative fallacy*”, where theater professionals widely came to believe that “if politicians would come up with a comprehensive theater law, the entire performing arts system would be automatically revitalized and, as with a magic wand, transformed into a condition of prosperity and artistic excellence. In reality, drafting theater laws is used to secure existing privileges for the future and exclude or weaken possible competitors” (Klaić, 2012). Or as a Croatian Minister of Culture once pointed out: Croatia has good policy-thinkers, but not

¹⁵ The difference between communities in the previous system and now is that, previously, they were the first governmental level executing state functions, while now they are original units with their own tasks and responsibilities. It is entirely up to them to allocate the cultural budget as well as to define its ratio in the local budget.

¹⁶ Without decentralisation of power and funds, the ministries of culture are “assuming the role of the main arbiter and financier” (Geshoska, 2011, 76).

¹⁷ Being aware of this threat, the Slovenian Ministry of Culture has already postponed for more than two decades the decentralisation of all of the bigger municipal cultural institutions from all over Slovenia (around 40). The result is a discrepancy between state funding and local governing. While the Ministry of Culture still holds almost the entire financial responsibility, communities execute all founders’ rights, such as nomination of the directors and members of councils.

policy-doers (Vujić, 2001) – an observation that was initially stated in the report of European experts evaluating the Croatian cultural policy in 1998. In Slovenia, the national programmes for culture from both 2004 to 2007 and 2008 to 2011 entailed so many objectives (around 50 each) that the absence of priorities made them lose their credibility. The result is the enormous gap between policy regulation and policy implementation. While official documents declare pluralism, preferences and priorities linked to artistic excellence and international achievements, the reality favours old structures, and the old self-management socialist spirit, only now in a new colourful wrapper, continues to rule – a spirit that is most clearly seen in the ever-growing number of public institutions, and their employees, who seem to serve only to preserve the protective and egalitarian status of public servants. In this regard, the organic law essentially serves the legal protection of the ruling ideology and the established structures (Bučar, 1998). When Douglass C. North analyzes the inefficiency, he says that “the rulers do not want to oppose strong groups with the introduction of efficient rules” (North 1998: 59). Around the year 2000, it was generally acknowledged that in many countries “legislation is used far too frequently as an end in its own right, rather than as a tool, or instrument to implement and facilitate aspects of a well-defined cultural policy” (ECF, 2000, 12). The same thing happened later through the inflation of different strategy papers. Both regulation and strategies can help to legitimise cultural policy decisions and actions, but they are bad substitutes for effective and well-regulated funding or active policy measures and programmes.

2.3. Funding

The budgetary process, management of resources and exercising of controls are defined by general legislation on public finances without any special attention regarding the cultural implications. The common feature is an intensive bureaucratisation of funding procedures that produces a mass of documents and data but lacks the capacity to interpret the collected figures and analyse their meaning; when there are many examples of reports in which interpretation is nearly nonexistent or which nobody studies after their submission, the audit requirements have been vitiated to the point becoming a ritual, even a tyranny, without at all raising scientifically the transparency of budgetary allocation. As bureaucracy creates more rules and procedures, their complexity rises and coordination diminishes. Rules and procedures give public administration a feeling of security and create an appearance of democratic treatment. A significant element of this democratic “make-up” is the controversial situation where public institutions, with their guaranteed salaries, compete with NGOs for project funding. A step towards some special funds for independent culture has been made in July 2011 in Croatia, where the foundation Kultura Nova is going to allocate funds to NGOs, funds collected mainly through the lottery.¹⁸ Another problem concerns the selection process. In spite of complicated procedures, the criteria are vague and the decisions that are made are left without clear explanation or any consequential monitoring or evaluation after the funds are spent (Cvetičanin, 8). The allocation process can easily prevail over the output. If there is an absence of evaluation activities and research focused on results, then organisations are left free to nurture the myth regarding their own untouchability and superiority. The rigidity and inertia of procedures are slowing down decision-making, or even blocking it when faced with some unusual case or new initiatives. Even when an allocation is backed up by expert commissions, the responsibility and transparency of decision-making are the key difficulty with peer review (Klaić, 2012). Max Weber sees collective judgement as a means to lessen

¹⁸ However, the funding provided by this new foundation is not going to solve the problem of earmarked funds for art production of NGOs since it is dedicated to some specific targets, such as better collaboration and networking in order to strengthen civil society (Zakon o zakladi Kultura Nova, št.9/2011).

authority (Pusić, 1993, 107). Since these commissions make collective judgements, responsibility is not vested with any single individual, which provides grounds for opportunistic behaviour. Equally unproductive is the “atomisation” of scarce funds, distributed equally thin so as to satisfy, or at least comfort, everyone.¹⁹ Moreover, a system of expert commissions or peer evaluation can all too easily become an alibi for a minister to pass his or her responsibilities on to others.

Culture is in economic theory a luxury goods/service with an income elasticity above 1. Engel’s law defines the relation between the different types of household/public expenditure and income. Poor families/countries devote proportionally a much smaller share of their income to luxury goods and services than rich families/countries (like the EU member states) do. In a period of financial crisis, the pressure to decrease spending for culture would be even higher.

2.4. Organisation

Providing public services is one of the fundamental governmental functions and is therefore regulated through general legislation. It mostly deals with legal status (the determinative factor for organisation, managing, funding and controlling) and the central system of public servants. The main difference in comparison to Western countries is the introduction of the typology of legal entities of public law. Nowhere else are public institutions, public agencies or public foundations recognised as special types since all of them are considered as governmental units performing a public service. If some of them attain the status of legal person within the public sector, it is a legal person *sui generis* established by special law or decree. Therefore, in traditional democracies, the process of the incorporation of public units into separate legal entities has been managed through a shift from state ownership to private ownership following the paradigm known under the label of new public management.²⁰ The ex-Yugoslavian particularity is definitely the legacy of self-management. However, the question is whether it really offers the better organisational model or if it is just a pragmatic attempt to provide for a fictive autonomy while preserving control over public spending and governing. Fictive because of the fixed salaries, the centrally regulated system of grading, the political nomination of the governing structure and the funding of the confirmed annual programme. In those societies where transitional privatisation has created hundreds of thousands of unemployed people, this kind of compromise, along with the silent consent that public servants are free to work several jobs simultaneously, was acceptable. This practise has also created many “stowaways”, that is, those who enjoy “rents” – secure income from simply being in their position – and has rendered human resource management almost impossible. The syndicalist mentality of levelling of wages is overwhelming and leads society up a blind alley, resulting in mediocrity and lethargy. Even when some governments tried to introduce special solutions for artistic institutions (in Slovenia, for example), these attempts failed due

¹⁹ Exemplary of disoriented policy is when the same procedure is applied for grants regardless of the sum (for example, 500 euros and one million euros), or when there are no minimum thresholds for the amount of grant money that can be requested, even at the national level, where one would expect big projects with broad impact to be the main undertaking.

²⁰ In the Netherlands, for example, this restructuring was motivated by the necessity to make the traditional bureaucratic system more results-oriented, autonomous in governing, responsible for results, flexible regarding employment, open to involvement of the private sector, etc. Public establishments were transformed into private foundations (*stichting*).

to the inconsistency with the general legal order²¹ or because of a lack of the appropriate funds needed for such a restructuring. Despite the fact that the NGO sector/independent scene has been advocating for changes in the cultural system, it, along with everybody else, has not recognised the need of the public sector reform but rather strives to get to the same privileges for themselves. The thesis that the normalisation of NGOs is possible only if the public sector is reformed has only lately been accepted by the NGOs in Slovenia.

The main problems – the still far from satisfactory general level of management, the lack of organisational structure reforms that might make the operation of cultural organisations more efficient, the fact that the majority of them operate as traditional, hierarchic organisations, the rare, if ever, systematic evaluation of the efficiency of public cultural organisations or assessment of employee tasks, etc. – are significant not only for countries of the former Yugoslavia but for the entire post-socialist transition (Inkei, 2009, 26). Conformist politics have resulted in a highly protected public sector, public servants included, with the rest of the cultural intelligentsia being abandoned in NGOs, along with the precariat, without any social rights. Third sector cultural organisations are all too often perceived as being rivals to the public sector, or as troublemakers, instead of as partners to the government able to complement the work of traditional institutions, explore new territories and even act as public policy agencies (Ibid., 17).

There are many factors which affect or ultimately limit the democratisation of cultural policies. In the transition of the ex-Yugoslavian countries, the main impact could be subscribed to the self-management legacy and its utopian expectations on the part of the cultural intelligentsia, the deprofessionalisation due to the nepotism and clientelism driven by political nomination within the cultural administration and cultural institutions, the self-protective attitude of the public sector in culture resulting in over-institutionalisation and a weak, colonised civil society, a weak independent cultural scene, a marginalised cultural policy in domestic politics, the principle of national cultural sovereignty in European integration and the ever more serious economic situation that is reflected in the pauperisation of the public sector in regards to professional, infrastructural and technological conditions. Therefore, it is difficult to speak about the accomplished transition.

3. MANAGERIAL REFORM IN OLD DEMOCRACIES

It is not true that in the last twenty years only post-socialist countries went through fundamental changes; transition has also occurred in the developed Western countries. It is strange that the cultural elites in post-socialist countries either knowingly or inadvertently overlooked this in their discussions about the transition from a socialistic to a democratic cultural policy. We are, of course, speaking about two completely different processes; one is led by the idea of democratisation defined by political pluralism, and the other is driven by liberalisation, which has been technically established through the paradigm of the new public management.²² The first could be characterised as a political reform and the second as a managerial one. The values underlying the political transition are a parliamentary multi-party

²¹ The constitutional court in Slovenia is inclined to annul on behalf of the principle of equality before the law all those solutions that put public employees in the cultural sector in a less privileged position in comparison with the others.

²² Maja Breznik is critical towards the liberal paradigm in stating: “European cultural policies foster two goals that produce conflicting effects: through state interventions in the name of ‘democratisation’ they want to broaden the access to cultural goods, once again in the name of ‘democratisation’ they destroy the effects of their own measures and impose the limits on the access to culture” (Breznik, 2004).

system, the free market and the observance of human rights, while the managerial transition is motivated by principles of efficiency and effectiveness in carrying out the public functions of the state. The focus of the post-socialist transition is on the restoration of the democratic *Rechtsstaat* tradition based on legality, legitimacy, legal security, equality, administrative rules, etc. The focus of the managerial transition is on the application of the business model in the public sphere. In the post-socialistic countries, the fundamental reforms of the economy, society and state were much more important and urgent than the managerial efficiency reforms. This begs the question: Can transition really be considered completed once democratisation is finished, or must these countries take on board as well the processes that have since taken place over the last two decades in the developed Western countries?

The program for Western governmental transformation initiated in 1990s and captured by the concept of Osborne and Gaebler known under the label of “reinventing government” suggests that governments: should not necessarily have to deliver services, but be responsible for their delivery; should empower communities and citizens to exercise self-governance and democratic participation – decentralise authority; should encourage competition instead of public monopolies; and should be driven by: missions, goals and objectives rather than legitimated by rules; by output, results-oriented budgeting rather than by input, funding; and by client orientation; and should be promoting market forces rather than creating public programs (Osborne and Gaebler, 1992). “Hierarchical, centralized bureaucracies designed in the 1930s or 1940s simply do not function well in the rapidly changing, information-rich, knowledge-intensive society and economy of the 1990s.” (Ibid., 12). This result-oriented approach is the main characteristic of the overall tendency to instrumentalise cultural policies as well. In the context of instrumentalised cultural policies, the arts are subsidised insofar as they represent a means to an end rather than an end in itself. Eleonore Belfiore has established a direct link between the new emphasis on the measurement of the arts’ impacts in clear and quantifiable ways, which characterises today’s “audit society”, and the spread of the new management program that has affected the processes of policy-making for the cultural sector, underlining the damaging effects that such developments may ultimately have on the arts themselves (Belfiore, 2004b).

The Post-ManAGERIAL Paradigm and The Neo-Weberian State.

According to Politt and Bauckeart, there are important distinctions to be found between different groups of countries, with the Anglo-American New Public Management (NPM) paradigm on the one side and the continental European Neo-Weberian State paradigm, derived from the critique of NPM, on the other (Politt and Bauckeart, 2004, 102). Although they discuss three different groups, namely the maintainers, the modernisers and the marketisers, the most important for reform are the last two. One is founded in management techniques in order to make the public sector function more like the private sector (the “marketisers”), another paradigm is concerned with “the inadequacies of NPM and other managerial reforms imported from the USA” – the foremost being a weak state that is unable to cope with the internal and external challenges of the modern age. Following this line of understanding, the Neo-Weberian State paradigm calls for the modernisation of the state-centered organisation of society and not its abolishment (the “modernisers”).

4. POST-TRANSITIONAL TRANSITION

A text of this kind needs to conclude with some proposals for changes that will offer some ideas for further consideration and dialogue. They are all driven by the same motive, i.e. to “activate the cultural system and not its passengers.” Pluralism, as the central feature of

democratisation, cannot be strengthened without “resetting the stage” (Klaić), which encompasses the revision of the inherited monopolies of the public sector as well.

Governing

Reaffirmation of the arts as a public good: Democratic society needs a space for a pluralism of views and expressions, and the arts, with their potential reflective power, can provide it. Finally, it is not the use value of the arts but their non-use value that makes the arts a public good.

Re-evaluation of the arm's-length principle: Tight state budgets have created circumstances where the need to attract and retain political support becomes an imperative. The arm's-length principle is being challenged by the question of how to attain a “place at the table” of state governments (Lowell and Ondaatje, 2006, 2). Public value of arts and culture requires the re-politicisation of cultural policy, which should not be isolated as an internal affair of the established part of the sector itself but converted into “arm-in-arm” relationship open to plural stakeholders.

Replacement of the representative model with the competence model: The artists and other professionals should be included in decision-making because they have expertise in the field. Their current position as representatives in different commissions, councils and boards implies the wrong rationale. Instead of being representatives of their own interests, they must be put into the position where they can serve the public interest in culture. It is about the shift from delegation to the professionalisation of the decision-making process. Professionalisation compensates the dispersal effects of pluralism and its particularism.

Enforcement of the rule of law in political nomination: Public tenders for all leading professional positions, transparent selection procedures, clear professional references and controlling mechanisms are legal categories or need to become so. If so, the rules must be observed, even if the decision is made by a political body. Politics can be a force in nomination, but within the rules.

Informed cultural policy as a means of its demystification: Cultural administration must be able to produce solid arguments to prove the public benefits of cultural activities. For this, they need to be equipped with facts and figures (reliable and accurate cultural statistics), publicly accessible and longitudinally comparable administrative data on all relevant aspects (funding, employment, participation...), competence for the interpretation of data and capacity to integrate external expertise. Informed cultural policy is a precondition for “arm-in-arm” policy-making.

Responsive culture: Without a dialogic exchange of views, the notification of political intentions (drafts of laws and strategies), even if giving the constituents the possibility to react, is just an alibi and not a dialogue. The attitude must be reversed: it is not the right of stakeholders to have a voice but the obligation of decision makers to gather a plurality of views that are relevant for the decision.

Education and training for cultural management and cultural policy analysis: Professionalisation of cultural administration and cultural leadership requires new competences. The fact that a “common body of competence” in this field has not been standardised so far hinders the launching of an effective study program and leaves a lot of space for amateurism in this field. Management is generally regarded as a competence related to economy, policy analysis is a field within political studies, while culture is its own realm

(Şuteu, 2006, 11–12). The transversal and interdisciplinary approach is a challenge, but it needs to be clear that it is all about the technical skills and methods that must remain subordinated to the cultural mission and not vice versa. This thesis makes the need to provide for such course even more urgent.

Regulation

In 1995, all OECD member states agreed to use regulatory impact analysis (RIA). Typical questions to which legislators ought to find answers in order to improve legal efficiency and the rule of law include, at the least:

- Is the regulation necessary?
- Are there alternative solutions?
- What are the goals of the regulation, or which issues does it aim to regulate?
- What are the principles and key solutions to these issues?
- What financial consequences will it have?
- What organisational measures and activities will be necessary to implement it?

Regulation is not feasible if there are no:

- Organisational structures to transfer the adopted solutions to practice;
- Envisaged budget for the implementation; and
- Information systems to monitor and evaluate outputs and outcomes.

If regulation, being laws or strategies, is defined in this way, it cannot be done without clear priorities, since resources are always scarce. In that case, regulation cannot function any longer as camouflage with its massive amount of pathless paper tigers. When different interests become visible and mechanisms to bring them into the process exist, politicisation as pluralism in practise will cause opportunities to occur.

Organisation

1. Public sector

Organisational heterogeneity: Instead of the universal model of public institution that now exists, the model of organisation ought to adjust to the character of cultural activities. If they are highly standardised (like libraries and archives), the public status with permanent employees and a centralised system could be the most appropriate option. If the creative process defines their character, then organisational solutions ought to be driven by flexibility and subordination to the artistic vision. In this case, some other legal forms, such as association, foundation, cooperative or even company, become relevant. There is no one-size-fits-all solution but a case-by-case transformation. Therefore, the decomposition of current public sectors into the different modes of production are inevitable.

Deregulation to bring a new dynamism to cultural services provisions: Instead of highly regulated bureaucratic cultural organisations, the space for interaction and a negotiation process that defines objectives, deliverables and incentives should be created. However, this re-booting would be risky if it is not accompanied with adequate sources and political commitments.

The subordination of the workforce to the working process: Instead of giving organisations' workers the uniform status of public servants, a combination of public servants, privately-

contracted employees and part-time jobs could bring a flexibility that would produce an inclusive cultural system. It is not about expanding the precariat, but the opposite, bridging the current gap between life-long employments, on the one hand, and subcontracted personnel without any social rights, on the other. To this aim, the replacement of the precarious working conditions that are based on civil law with working relationships that are based on labour law is essential.

2. NGOs

Recognition of NGOS as an alternative production model protected with a fixed budgetary percentage: Deinstitutionalisation and development of civil society requires positive action that would consolidate the current position of the non-governmental sector and include it into the cultural system as a regular component. Pluralism without a relevant independent scene is unimaginable.

From structure to infrastructure: During the past decades, all sources have been concentrated in the public cultural institutions. By providing different public venues, workshops, photo studios, music and recording studios, technical equipment and staff to support the realisation of outside artistic projects could transform at least certain cultural institutions from closed structures to cultural infrastructure. This is not just about not commercially renting free capacities to NGOs, but also about the possible inclusion of NGOs into the programming of these institutions.

Existence of independent cultural policy research: The independent scene needs a dialogue with public authorities and infrastructure in order to be capable of producing its own opinions and accentuations. The quality of arguments decreases the potential for opportunistic behaviour. It is well known that a ruling coalition needs for its legitimacy a healthy amount of strong opposition. Similarly, the state administration needs competent counterbalance from the civic sphere.

Funding

Diversification of funding models: Different funding models, such as institutional funding for public establishments, structural funding for the major NGOs with a permanent structure, project funding for occasional structures, grants for newcomers, etc., could be elaborated within the concept of funding by objectives, since different models entail different objectives. Funding by objectives could be a tool for policy analysis, could provide a means for improving government performance, and could secure a framework enabling the government to plan ahead and set spending options.

More ex post evaluation instead of hyper-bureaucratisation of application processes.

Diversification of selection modes: Not only commissions of selected peers, but some other models, based on some different principles, also need to be explored. One option is the intendant concept,²³ based on individual responsibility and professional exposure; another is the concept of direct democracy,²⁴ based on the collective evaluation by the applicants themselves. Whenever criteria are not evident enough to yield the same results when applied

²³ Selectors would have a specific mandate to dispose of a certain amount of public money for specific purposes, acting as “intendants” for shorter periods of 1 to 2 years. Personification would create intensive discussions and raise internal dynamics.

²⁴ Instead of the representatives, i.e. the nominated peers, all applicants get a chance to evaluate colleagues and their projects competing for the same funds.

by other commissions, some alternative options must be explored, ones that are based on larger responsibility, transparency or competition.

All of this and more is crucial to make the mantra of democratisation of cultural policies more than just another political ideological catchphrase. It requires a shift on all levels. The common ground for serious and deep conceptual changes is striving for pluralism in governing, regulation, organisation and funding.

Modernisation Formula

This culturally sustainable modernisation formula is based on three elements: (1) the duality of a strong state and a strong civil society (Makarovič, 2001), (2) the reaffirmation of the public value of arts and culture, and (3) a post-managerial paradigm that subordinates managers to the cultural mission instead of raising them above other professions. Its result should produce a *hybrid of the cultural institution and the cultural NGO* and consequently should incorporate NGOs into the regular cultural policy system. Empowerment of the civil society and preservation of a strong public sector are simply a contradiction in terms.

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