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# Towards Greater Citizen Participation in Financing Public Cultural Institutions—Legal Barriers and Proposed Solutions

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**Abstract:** The paper contains a conceptual proposal that aims at indicating new models of participatory financing of cultural institutions as well as actions towards supporting culture. It presents results of a qualitative study in the form of action research, on identifying legal barriers of financing of cultural institutions in Poland. Additionally, it presents practical suggestions to the encountered problems that were worked out after discussions with cultural managers, taxpayers, and government administration decision-makers. The unique value of the study is a multidimensional and complex analysis of participatory financing of culture, citing varied sources and bearing a structured research procedure. We suggest a new discussion on establishing legal solutions for increasing of the funding or making the financing of cultural institutions more flexible, which appears to be particularly important in crisis times. All is presented as an original concept of participatory citizen-enterprise fiscal mechanism of supporting cultural institutions. We present a pragmatic solution to a problem of additional public support of culture, which can be put into practice parallel to state mechanisms, considering culture as a part of sustainable development.

**Keywords:** cultural sustainability; cultural participation; cultural management; culture financing

## 1. Introduction

The concepts of relationships between culture and sustainable development have been the subject of numerous research projects and papers [1–5]. Nevertheless, it still makes sense to conduct further research in a holistic and dynamic approach to these issues, as well as concept research on the new models of financing of cultural institutions. The experience of states at times of economic crises suggests limiting public outlays on supporting cultural institutions, which implies that more market-oriented practice is all the more reasonable, as is striking closer relations with the business sector in order to acquire additional resources [6], and permit grassroot citizen involvement. In consequence, we find it justified to undertake research of the impact of culture on sustainable development and on the existing models of financing culture, as well as to suggest our original forms of financing of cultural institutions and an indication of the existing legal barriers. We analyse the ways of financing culture from Polish-specific legal mechanisms but *de lege ferenda* conclusions can also be of some application value in other states. We have also contrasted our suggestions with the legal practices of other countries.

After conducting detailed qualitative research (action research method), we also suggest pragmatic solutions to the problem of additional social-economic support of culture, which can be implemented

parallel to the existing state financing mechanisms. In the article, we are looking for answers to research questions: What are the key legal barriers in the area of financing of public cultural institutions in the context of increasing citizen participation? This paper also poses a detailed research question: What are the currently active fiscal incentives for state support within participatory financing of culture? What fiscal incentives are set in place in other states? Does Poland need to create fiscal incentives which support citizen participation? De lege ferenda conclusions can be applied to political decisions in the area of amending state legislation within management of culture. Finding new financial sources for public cultural organisations will help them increase their financial stability, which may have greater impact on cultural stability, depending on how the money is used. Public institutions, especially such as museums and libraries, are important for maintaining and promoting culture as well as activities for the benefit of society [7]. It is worth emphasizing that financial constraints forced public institutions, such as museums, to pay attention to sustainable organisation and internal action [8]. We do not focus on the activities of individual cultural institutions, but propose systemic actions in the field of legal changes enabling cultural institutions to obtain additional funds, which, depending on the method of use, may contribute to the preservation and development of cultural heritage for future generations.

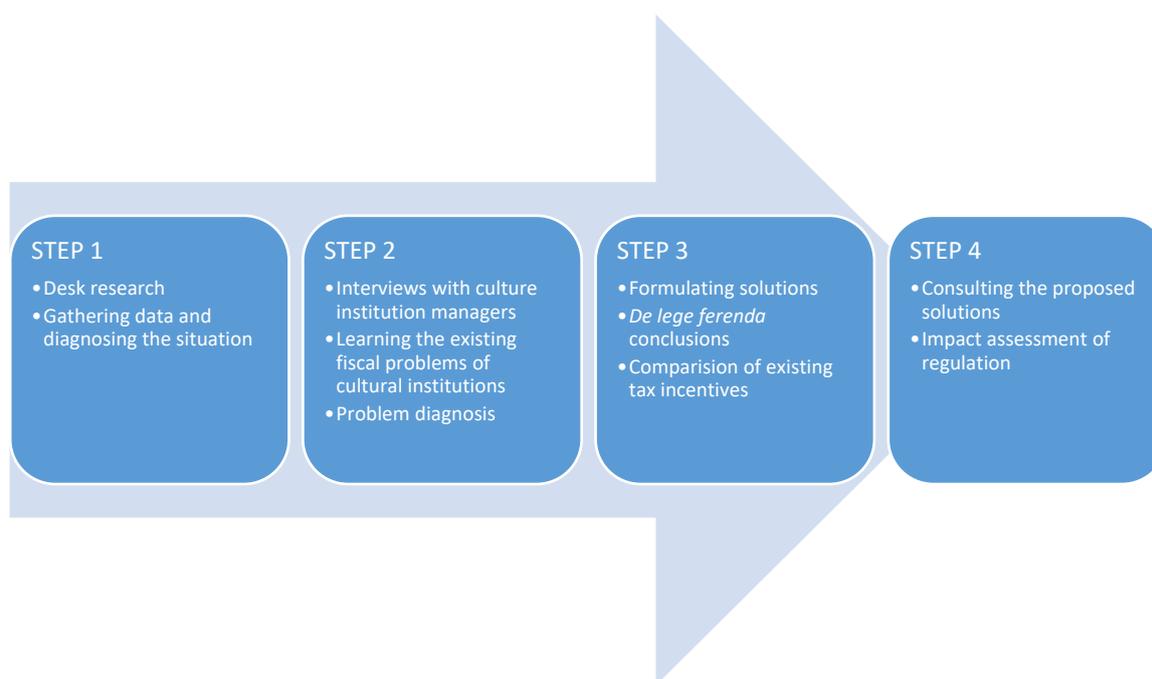
The function of culture within sustainable development can be perceived as a new study area in a wider context, which still needs solid concept, theoretical, and empirical work, as well as the implementation of solutions in the area of improving practical activity [9]. The problem at hand is really impactful because—as the prevailing research shows—widely understood culture is of high importance not only for communication at times of crises within organisations or within universal dimensions of culture by which national culture values are expressed [10,11]. Implementing sustainable development of an institutional dimension (the state and its structures) is of importance not only for the success of the individual actors [12], but it also serves to better cope with economic crises, ecological challenges, and social inequalities [13].

The research process encompassed five stages and the following activities (Figure 1):

- Stage 1 included desk research to identify the important problems in financing of culture;
- Stage 2 consisted of deep unstructured interviews with managers of cultural institutions and the policy decision-makers for the oversight and financing;
- Stage 3 de lege ferenda conclusions for legal changes allowing to mitigate the encountered problems were made;
- Stage 4 stated the assessment of the effects of implementing the regulations, based on interviews conducted at the Ministry of Culture and National Heritage and the Ministry of Finance and the original solutions were compared with fiscal allowances for the support of culture in other states.

Also, there was completed a pilot study with the use of a questionnaire to explore taxpayer preferences on our unique ideas for financing culture.

The structure of the paper consists of the introductory considerations of the impact of the culture on sustainable development, the possibility of activating the society. The flow of the research process can be found in Figure 1.



**Figure 1.** Scheme of the research process.

While analysing the impact of culture on sustainable development, through the activation of the society in culture, we consider the possibility of adopting a new financing model. It would secure—apart from the gains for the cultural institutions—increased citizen awareness and involvement. That concept is novelty in Polish fiscal system, especially when we consider cultural institutions. There are many qualitative studies based on stakeholder engagements for socio-economic, cultural, and financial dimensions of the sustainability [14–18]. However, as the research shows so far, stakeholder expectations are rarely considered in detail, and little attention has been paid to decision-makers’ expectations [18]. There is still a need for empirical analysis of expectations related to the various roles of stakeholders in the processes of measuring and assessing sustainable development. Our research is an attempt at a multidimensional analysis not only of legal barriers, but also of the expectations and needs of various stakeholder groups (decision makers, culture managers, taxpayers).

## 2. Theoretical Background

### 2.1. The Role of Culture in Sustainable Development

This is a section containing theoretical considerations—the first stage of the study. The theoretical framework of our considerations is the role of culture in sustainable development, because demonstrating their relationship shows why it is important to jointly engage citizens to support culture and preserve it for future generations, which will facilitate the creation of appropriate tax mechanisms. Culture and sustainable development are complex, multi-disciplinary, and normative notions that encompass three pillars—economic, environmental, and social—as well as provoking definitive controversies [2,19–22]. Adopting Raymond Williams’s [23] ideas, we see three main meanings of culture that give order to complex processes in the contemporary world:

1. The overall process of intellectual, spiritual, or aesthetic development;
2. A specific way of life, be it of a nation, period, group, or the humanity as a whole;
3. Artistic works and intellectual activity.

Also, we see sustainable development as “Our Common Future”, following the title of the 1987 report by the World Commission on Environment and Development; also, as “development that meets

the needs of the present without compromising the ability of future generations to meet their own needs" [24]. At the same time, sustainable development can be seen as the need for integrated action in economy, society, and environment, as well as inter-generation solidarity, based on finding solutions that guarantee further development. These actions ought to enable active involvement of all social groups in the development processes, at the same time allowing those groups to benefit from economic development [25,26].

Economic growth is a process that encompasses, among others, cultural values, human skills, and super-national policies that aim to drive and support the efforts of individual states towards social security [1]. Cultural balance is especially important for maintaining links to the past, as well as preserving the cultural heritage for future generations, which is one of the concepts of sustainable development [27]. These rules serve not only to protect and preserve cultural heritage but also to develop immaterial and material heritage, such as folklore, cultural practices and attitudes, events, traditions, architecture, and artifacts [2]. Sławomir Magala [28] denotes two key areas of sustainable development, also including cultural activities:

- Fair redistribution of creatively multiplied wealth (socio-cultural responsibility);
- Ecologically sensible and socially solid preservation and management of inhabited environment (responsible management of material heritage).

At the same time, sustainable development forms a vital part of the human activity system, as well as the ecology. Within the mainstream of sustainable development, culture is sometimes an undervalued element. Sustainable development is often portrayed as a three-legged stool, with one leg representing ecosystem, another economy, and the third—society [29,30]. According to the above metaphor, removing any of the three legs/pillars from the “stool” of sustainable development will cause instability, as society, economy, and the ecosystem are closely interconnected. The inclusion of sustainable culture into management and the focus on the role of culture in this area primarily encompasses art, understood as the issues of cultural heritage, symbolic explanation of cultural values, conveying knowledge of emotions and quality of life, and cooperation [31].

Based on previously available research, we adopt, following Joost Dessein, Katriina Soini, Graham Fairclough, and Lummina Horlings [2], three models including culture and sustainable development. According to the first model, “culture in sustainable development”, culture is meant as a general intellectual, spiritual, or aesthetic development process, as well as the result of intellectual and artistic work. The second model, “culture for sustainable development”, shows culture as a specific way of life of an e.g., group, nation, or the humanity as a whole. According to this model, culture regulates all areas of life, as well as reflects the environment and adds meaning to it. The third model, “culture as sustainable development”, presents the view on human and social life as a whole, including intended and involuntary human activities. Ricard Zapata-Barrero provides an argument for justifying the need to economically promote culture, which may be seen as a public outlay, after years of economic crisis. In such a view, culture may be seen as public investment into increasing citizen participation, especially when the social circumstances increase the risk of the loss of social rights and favour social exclusion [9].

## 2.2. Models and Methods of Financing Culture—Overview of Functioning Solutions

Financing cultural activity is a tool for delivering social policies. Models of financing culture ought to reflect the prevailing cultural policies, and in consequence the decisions on the scope of state intervention into culture. They are also a consequence of political and historic circumstances in individual countries. Dorota Ilczuk [32] (p. 46) enumerates the following models among the most important:

- Nordic, based on socio-cultural traditions;
- Anglo-Saxon, with the dominant global market;
- Mediterranean, accentuating cultural heritage;



- French, with the dominant role of the state;
- German, showing evolution from a welfare state towards an information society.

These models make use of varying shades of indirect and direct distribution of funds for culture. In turn, Poland developed a specific model of financing culture, focusing on direct transfers of funds to individual cultural institutions as subject subsidies. It is supplemented by project donations, serving the delivery of specific projects “of special character”, commonly referred to as “grants”. The areas of intervention of Operational Programmes of the Minister of Culture and National Heritage reflect the goals of the state’s cultural policy.

In Poland, the 2017 public expenditure on culture per capita amounted to 86.72 PLN [33] (p. 25), while the average annual individual spending for the purchase of cultural goods and services amounted to 351.26 PLN and increased by a nominal 3.96 PLN (1.1%) from the previous year [33] (p. 26). In turn, the share of cultural spending in the whole state budget was ca. 1%, while for households it was 2.5%. The spectrum in individual socio-economic groups is between 1.9% (farming families) and 2.9% (self-employed). This translates to an important, yet limited, role of the state in financing culture.

### 2.2.1. Public Finance

At the same time, in order to be able to suggest specific solutions, an overview of the available methods of public financing of culture in Poland was made. These can be divided into direct, such as:

- Donations: Project, subject,
- Vouchers [34], and indirect, including,
- State lotteries,
- 1% tax donations to public benefit organisations,
- VAT (Value-Added Tax) rates lowered/VAT exemptions,
- Increased allowable expenses for copyrighted works,
- Other tax exemptions.

The mechanism of financing culture from part of the income from state lotteries is popular in other states. Apart from Poland, this model may be found in Belgium, Bulgaria, Denmark, Estonia, Finland, Greece, the Netherlands, Ireland, Norway, Slovakia, Switzerland, the UK, Italy, the USA, or Canada.

The income from gambling, according to the Act of 19 November 2009 on Culture Promotion Fund, goes into the said Fund—whose income is composed of 20% of the income from state-monopolised games. This fund serves to, for example, provide social assistance to artists and authors.

There are also mechanisms that support extra-institutional culture development, based on non-governmental organisations. Such indirect support mechanism can be found in 1% personal income tax deductions to organisations of public benefit, in accordance with the 15 April 2003 Act of Public Benefit Organisations and Volunteers. The deduction and subsequent donation can be made by:

- Personal income taxpayers, including those who generate income from sales of securities;
- Lump-sum taxpayers;
- Self-employed taxpayers, both those who use linear tax rates as well as those who pay tax based on general principles;
- Taxpayers whose income comes from the sales of real estate and property rights;
- PIT-CFC (Personal Income Tax-Controlled Foreign Company) taxpayers whose income comes from a foreign controlled entity.

We also need to take into account that among the institutions that receive the largest amounts from 1% tax deductions we will find health- and life-supporting organisations. This mechanism is accessible to those organisations that promote/conduct cultural activity and that are found in the ministerial registry of public benefit organisations—not the institutions of culture, though. We need to realise, however, that according to the Polish model key institutions of culture are not NGOs (non-government



organizations) but rather state institutions. We also need to stress the fact that public funds cannot be used to form foundations, according to the public finances law.

Another important tax solution that allows to promote culture participation and that equalises the high costs of purchasing goods and services is tax exemption or lower VAT rate. For buyers, it allows for access to culture with lower VAT rates for e.g., tickets, recordings, or books. At the same time, organisations participating in cultural activity who are active VAT payers may deduct additional costs from their income tax and get a tax refund from the Tax Office.

Yet another fiscal form of strengthening of the sector of culture and an indirect way of financing the creators is the 50% allowable expense rate for authors of copyrighted works, with hire contracts. Signing a hire contract with an author allows for 50% limit of allowable expenses, which results in lower taxes and higher net pay to the author. The expenses for this purpose have been limited to 85,528 PLN per year. This means that when the threshold is exceeded, the author needs to apply regular 20% allowable expense limit to amounts over this threshold.

### 2.2.2. Private Financing

Extra-budget resources are an important element of financing culture. These come from either individuals or legal entities (private and social). They are a supplement to public financing and constitute a considerable extra-budget sources of financing culture.

From the viewpoint of individuals, there are numerous ways of supporting culture. The first, direct, one is the purchase of an event ticket or a service. Other possibilities are will bequeaths, donations, and crowdfunding campaigns. The current initiative of the Ministry of Culture and National Heritage was set up in liaison with the ZIPSEE “Digital Poland” and is based on patronite.pl [35] digital crowdfunding platform under the #kulturawsieci (#CultureOnline) hashtag.

Patrons of culture are also recruited from among enterprises, especially those working through corporate foundations. They are also involved in social and cultural activity, encouraging their staff and customers to participate in payrolling or matching funding. Through this, they deliver their corporate social responsibility programmes, e.g., by setting up cause-related marketing (CRM) or introducing staff volunteer activity. They also often purchase services directly, securing participation in culture for their staff and thus providing an important non-salary fringe benefit.

## 3. Research Methods

The paper follows an action research path, due to the formulated suggestions for change. Action research constitutes a set of research methods that at the same time meet rigorous research criteria and promote democratic social changes [36], offering solutions to actual practical problems [37–39], which we also suggest through a democratic, empowering, and humanising approach to the functioning of cultural institutions. According to the adopted methodology, we have defined problems as well as gathered and analysed data needed to comprehend the reasons behind the diagnosed problems, in liaison with managerial personnel of various level within cultural institutions [40]. During the research, we have also consulted the solutions and possible effects of the implementation of legal changes with the stakeholders. We have tried to maintain the key values of action research based on increasing the democratic participation of social actors in the possibility of introducing favourable systemic changes [40].

Based on the action research, we sought the answer to the research question: What are the key legal barriers in the area of financing of public cultural institutions in the context of increasing citizen participation? This paper also poses a detailed research question: What are the currently active fiscal incentives for state support within participatory financing of culture? What fiscal incentives are set in place in other states? Does Poland need to create fiscal incentives that support citizen participation? As this qualitative action research chooses an inductive method based on empirical reasoning, we have not set hypotheses but instead opted for research questions (cf. [41]). The work has several methodological implications except apart from it being action research and its nature

being interdisciplinary. The research is embedded in the stream of law and economics, i.e., a scientific discipline using economic and legal sciences, indicating the possible directions of state action in the area of creating national legislation. We used normative law and economics in our work, consisting of providing recommendations for ongoing legislative activities, making a proposal for legal changes to create legal regulations that are more favourable to economic entities [42–44]. According to action research method's requirements, our proposal may lead to changes in the schemes of thinking and acting, possibility of re-education, and enriching general knowledge [45]. As the result of the analysis, we present pragmatic solutions to the problem of additional public economic support of culture, which can be implemented parallel to the existing state financing.

According to David Whetten [46] (pp. 45–71), research should provide answers to three key questions—What it takes into consideration, how its parts are connected, how the research was done, what methods were used, and why those links are so important and interesting. The structure of the paper is constructed around these three questions.

At the first phase, we did desk research in the role of culture in sustainable development and the existing models of financing of cultural institutions, as well as the existing legal status in the area. In accordance with this research vision, we presented the theoretical background for considerations in which we try show the importance of culture as one of the pillars of sustainable development, and which stresses the value of the suggested legal solutions in the area of the valid problems of the functioning of cultural institutions. In this part, we also present the existing models of financing of cultural institutions.

The second stage contained the in-depth unstructured interviews aiming at diagnosing the problems and legal barriers of financing cultural institutions in Poland. The research was conducted with representatives of cultural institutions from Poland that belonged to two groups:

1. Public artistic institutions, i.e., those that perform artistic activity in the areas of theatre, music, dance, with the participation of creators and artists, performed in artistic season which in Poland lasts from 1 September to 31 August—theatres, philharmonics, operas, light operas, symphonic orchestras, chamber orchestras, sing and dance ensembles, choirs.
2. Other, non-artistic public institutions i.e., institutions whose activity is not if seasonal character but lasts all year round: Cinemas, film institutions, museums, libraries, community centres, art galleries, research and development centres.

In addition, the proposed solutions can have a wider *de lege ferenda* applicability, as we have included the possibility of using original legal solutions in protecting the cultural heritage i.e., monuments, an important carrier of national identity and history, capable of being transmitted to future generations. Within this part of our action research, we did nine interviews with experienced and highly skilled managers of institutions such as national museums, community centres, local cultural centres, and a hybrid cultural centre. All these interviews were conducted between May and August 2020. Following qualitative research ethics, the names of the interviewees, the staff of institutions of culture, were anonymised; the only information contained in the data that was not anonymised was the position of the interviewees and the type of cultural institution where they were employed. Other, more detailed information would make it clear to the cultural environment who the interviewees are, and this way make the anonymity disappear. The representatives of state administration agreed for their names to be revealed, as well as their functions. The list of interviewees at stages 2 and 4 is shown in Table 1.

**Table 1.** List of interviewees in the study.

Order of Interviews	Function
Paweł Lewandowski	Undersecretary of State at the Ministry of Culture and National Heritage manages the department responsible for media, copyright law, legislation and managing the supervision over Treasury-controlled entities. Polish political scientist and sociologist, academic teacher
Piotr Patkowski	Undersecretary of State at the Ministry of Finance, main Steward of Public Finance Discipline, responsible for macroeconomic policies. Polish lawyer, state official and politician.
Interviewee 1	Head of one of Poland's largest national museums
Interviewee 2	Manager of the content department for a community centre.
Interviewee 3	Management specialist in a local cultural centre.
Interviewee 4	Manager of the content department of a hybrid cultural organisation in the area of culture, literature, theatre, and visual arts
Interviewee 5	Manager of a voivodeship cultural centre, director of a voivodeship film committee
Interviewee 6	Organiser and curator of exhibitions in a public art gallery.
Interviewee 7	Subject manager of a city library
Interviewee 8	Vice-head of a local museum
Interviewee 9	Vice-head of a museum in a place of remembrance

When conducting the study, we made use of the so-called snowball effect, where our interviewees pointed out potential future interlocutors that we went on to establish contact with. The interviews were transcribed and afterwards coded and categorised thematically according to the guidelines for our research. At stage 2, we focused on defining key problems, important from the viewpoint of managers of cultural institutions.

At stage 3, we showed *de lege ferenda* conclusions that serve to mitigate the diagnosed barriers so that citizen participation is increased. The suggested solutions were coupled with the functioning mechanisms of tax exemptions for cultural support in other countries.

Stage 4 is the discussion and assessment of our original concept of introducing legal solutions, composed with the help of the managers of cultural institutions and decision-makers in systemic changes to the financing of cultural institutions in Poland (Ministry of Finance, Ministry of Culture and National Heritage). At this stage, we presented the solutions to the decision-makers of central administration, discussing them with Paweł Lewandowski, Undersecretary of State in the Ministry of Culture and National Heritage, and Piotr Patkowski, Undersecretary of State in the Ministry of Finance. The consultations took place in August 2020 and were conducted as in-depth unstructured interviews according to a predefined scenario. At this stage, we present the assessment of the effects of the proposed legal changes as well as a pilot study with the use of a questionnaire that we distributed among taxpayers to let them assess the solutions. The sample choice for the questionnaire was targeted at personal income taxpayers. The questionnaire was anonymous and contained eight open and closed questions. One hundred and sixty-two responses were collected.

As part of action research, we used qualitative research, selecting research tools and techniques to achieve cognitive goals. We are aware that due to the choice of the qualitative methodology, our results are not representative in a statistical sense. In line with the adopted research optics, we tried to identify a selected fragment of social reality in order to better understand and find opportunities to solve real problems of public cultural institutions. Using the interview in our research, we selected interviewees who we considered important social actors in the context of the problem under study. Similarly, the survey questionnaire is not representative, as its purpose is to explore the opinions of taxpayers, which takes the form of examining the interest and legitimacy of the legal solutions we suggest. We collected the data until the theoretical saturation was obtained, which consisted in the fact that the information from subsequent interviews coincided with the information already obtained, which enables the completion of the research process.

#### 4. Key Problems in the Financing of Public Cultural Institutions

During stage 2 of the research, managers of cultural institutions were interviewed on the financial situation of the organisations where they worked. They showed main sources of income and the type of organising unit that oversees their institutions, also mentioning the needs of the institutions. In most cases, interviewees indicated problems of insufficient means to conduct valuable substantial activity, at the same time stressing the importance of a new debate on the potential to diversify income streams. In this context, they indicated the sensibility of introducing new financial models and fiscal incentives for citizens to support public cultural institutions. Some of the interviewees noticed financial problems of their institutions also in administrative areas, i.e., in non-substantial activity.

The interviewees remarked that subject donations from the organising entity for conducting the ongoing activity often do not cover the essential needs. In the case of the researched national museum, the subject donation was sufficient to cover the basic costs (staff, ongoing building maintenance for the property owned by the institution) but makes it impossible to cover the necessary renovations and repairs, thus introducing danger to the objects at the custody of the museum of major importance to national heritage. In case of the other researched institutions, the organiser donation often does not cover even the fundamental costs, such as building lease or media, as verbalised by interviewees 2, 4, and 8.

Interviewee 2: With us, it is like that: most of the income is organiser donations, this is about 90%. The total budget is 5 million, 4.5 of which is organiser donation. 0.5 million is money that we earn on, for example, renting out rooms and from external grants. What we get from the organiser is fixed, independent income, a donation which covers costs of staff [ . . . ] and some of the costs of building maintenance. [ . . . ] We need to earn additional money to keep our heads above water and do subject-matter activity.

Interviewee 6: The city-donated budget is sufficient for fundamental activity.

Interviewee 4: With us, it is the donation from the organiser, the city. Our statute says we need to earn 20% of our budget on our own. We do not hold paid events, all is free for the participants. We have an international grant, we are participants of some networks. For individual projects, we apply for ministerial grants. Sometimes we can count on the support of city companies, if the event happens to be in the city, but these are small sums. The donation is enough for fundamental payments—We do not hold an office, we rent a room at the city hall, so the costs are low. We have a small team 70% of our activity is substantial. If we get to have our office, costs will rise. We have been waiting to get our own place for three years, but there are some issues with the investor.

Interviewee 5: We receive a subject donation from the voivodeship's council. [ . . . ] We also reach out for funds from the Ministry of Culture, National Center for Culture, but they are meant for specific projects. You can never have too much money, so we would be happy to get more. However, the committee (working for the voivodeship's community centre) have their own designated budget which allows for efficient activity within each budget year. If we wanted to do more, the budget would also need to be bigger.

Interviewee 7: With larger finances, our offer for the visitors would also be wider.

The interviewees answered the question of whether the funds they receive are—in their opinion—sufficient to act on a high, expected, level. They indicated these primary groups of problems: (1) The need to renovate the buildings and properly secure the resources at the institutions' disposal; (2) insufficient funds for substantial activity; (3) no seat of the institution which causes the need to rent out space and/or no possibility to invite visitors; and (4) unexpected crises, such as the COVID-19 pandemic, which severely limit the capabilities of standard functioning of an institution, e.g., via lack of visitors.



Interviewee 1: With us the situation is as follows: the organiser's subject donation, the Ministry of Culture and National Heritage. Relatively low share of our own income—It is a paradox of sorts that we gain more money from educational activity than from ticket sales. [ . . . ] I do not want to be a director who says: we have insufficient funds. The donation covers the personnel costs, i.e., salaries, and media—Electricity, water, heating, etc. There have been negligence in building maintenance for years. We do not have funds to properly secure the stock rooms, which host priceless works of art.

Interviewee 4: The money we get is sufficient for the fundamental statutory activity and fixed expenses. If we want to do something new, some large-scale projects, such as a festival in the city, we need to get funding for that. The funds that we get are sufficient for minimum-scale activity. Most of the activity is based on our own work.

Interviewee 8: Before COVID—It was rather enough. Of course, we also get extra funding from donations, projects.

As part of this study stage, we have also asked the managers of cultural institution whether they consider the increase of citizen participation in the co-financing of cultural institutions reasonable. Most interviewees agreed that creating new sources of income, based on citizen participation, is a good concept and that their institutions would be willing to take up such opportunities. They stressed that such funds would primarily go to support projects and initiatives that are important from the perspective of the visitors of institutions of culture, often at a local level, as well as to build the recognisability and brand awareness of the institution. At the same time, they remarked these ought not to be crowdfunded amounts, as these are better suited for charity projects, and at the same time are harder to conclude in a local context.

Interviewee 1: The increase of citizen participation would be sensible. It is all about building a community around the museum as well as bolstering the emergence of civil society.

Interviewee 2: Generally, I consider the idea for increased citizen participation in financing cultural institutions a good one but a lot depends on the specific institution. Social scholarships and fundraisers are not necessarily a good idea, but write-offs could serve well.

Interviewee 4: It seems to me that increased citizen participation makes sense. I am wondering what our institution could get out of it. We do project activity, which is irregular. Maybe the organisations that would support cultural institutions' activities or projects could think of long-term support, patronage, such as the Baltic Opera and branding—exclusive long-term cooperation. The question is what size chances entrepreneurs see for image gain and financial gains.

Interviewee 9: We have recently introduced a new system of supporting our institution: according to the law, admission to the Place of Remembrance is free and the museum is not compensated in any way. Currently, when someone wants to get an admission card, they are asked whether they would like to donate any amount to support the museum. People who visit us from all around the world feel more needed and responsible for this place.

Interviewee 3: Participation, I think, is a good idea. However, it is not an easy direction to take. [ . . . ] People often tell us—You get your money anyway [ . . . ] people look at ticket prices and ask: how come you do not have money? These crowds—It's not like they cover the costs of maintaining and upkeep of the museum. Even at good times they don't. Upkeep costs are higher than the income. We have a few sites, and some get very few visitors. Start-up costs are one thing—A small team is three people, a larger one—Several. These days we also need to pay for safety measures: masks, disinfectant. A multi-site museum means a large amount. The costs that we did not have before the pandemic combine with lower visitor frequency and new costs, because we need to secure these things for each site.

Some interviewees indicated an area which seems neglected in their opinion the salaries of staff.

Interviewee 6: It is also worth to think about the salaries of culture institution staff. Each salary increase is good. There is lots of work in the culture sector, and salaries are low. People say that we get our salaries out of their money. It's just that they do not know the actual amounts and what people would like to get for this money. [ ... ] I know of institutions which were left with 6 thousand zlotys for their subjective work after they have paid the fixed costs.

Interviewee 5 was more sceptical, and voiced fears that Poland still has not developed a civil society of a sufficiently high level and in turn, in many places culture is not seen as a priority of social life. Undoubtedly, the above excerpts prove that public cultural institutions do not receive adequate funds for running subjective activity on an expected level, and also face difficulties in maintaining their buildings and keeping their exhibits safe. The interviewees look positively at the possibility of establishing an additional possibility of participatory co-financing of cultural institutions. The assessment of our original solutions and legal changes by the managers is shown in Section 7.

## 5. Author's Concept of Participatory Citizen-Business Fiscal Mechanism for Supporting Cultural Institutions

In the above parts, leading to Stage 3, based on interviews as well as a review of the subject literature, with the analysis of culture financing models and legal solutions functioning in the Polish legal system, we described the current mechanisms of private and public support for cultural institutions. According to law and economics and the action research methodology, we point to a gap in the systematic financing of cultural institutions, i.e., the lack of mechanisms in the area of state tax policy that would stimulate greater civic participation and strengthen ties with cultural institutions. Below, we indicate two proposals of participatory citizen-business tax mechanism for supporting cultural institutions. We present two proposed changes in the form of *de lege ferenda* conclusions, in accordance with the methodological assumptions of the work [42–44]. In addition, we emphasise that an important role of science is not only its theory-forming and descriptive aspect, but also indicating practical solutions for decision-makers in the scope of the possibility of changes and eliminating existing barriers.

### 5.1. Idea 1: Allowing for 1% Personal Income Tax Donations for Cultural Institutions, Regardless of their Status of a Public Benefit Organisation

Public benefit organisations are non-governmental organisations (associations, foundations), which, pursuant to the Polish Act on Public Benefit and Volunteer Work, obtained the status of a court-approved public benefit. Public benefit organisation status gives the following privileges:

- The possibility of receiving 1% of personal income tax from individuals who choose the organisation to which they want to transfer these funds by means of an appropriate entry in the PIT declaration;
- Tax exemption: Corporate income tax from legal persons, real estate, civil law transactions, and exemption from court fees;
- The right to advertise information on their activities by public radio and television for free.

The organisation's status of a public benefit organisation imposes reporting obligations on it, so that all interested parties can obtain information on what the money transferred by donors has been spent on. In our opinion, it is worth to consider equalling, in the tax sense, cultural institutions, monuments with their custodians, and public benefit organisations. The functions these institutions serve in the society as well as the abovementioned vital impact of culture on sustainable development seem sufficient argumentation to consider applying the 1% PIT—personal income tax—deductible amount to institutions of culture.

To summarise this point, this would allow individual taxpayers to support a chosen cultural institution, causing increased awareness and building of cultural identity, as well as would give the ability to support a named institution of special interest to the taxpayer. As we have already indicated, some cultural activity can be supported this way, similarly to foundations and associations. In our opinion, the current possibilities are not sufficient, hence the idea.

The current legal system excludes the possibility of direct financing of public cultural institutions such as theatre, museum, opera, as well as monuments. These institutions cannot have the status of public benefit organisations, and their founders/supervisors are broadly understood state structures. Polish financial law prohibits the creation of foundations from public funds. The public cultural institution sector, considering the possibility of transferring 1% of PIT, is in a worse situation than private institutions. In the private cultural institutions sector, there is the possibility of their establishment/funding by foundations or associations with the status of public benefit organisation. This solution does not cause additional budgetary consequences for the state, because it proposes to extend the potential catalogue of beneficiaries while maintaining the current upper limit of allocation of 1% PIT.

### *5.2. Idea 2: Deducting Donations to Cultural Institutions from Corporate and Personal Income Tax (CIT/PIT)*

An idea that is a somewhat extended version of the above is the concept of personal and corporate taxpayers being able to send donations to cultural institutions, analogous to the mechanism of donating to religious organisations. This would entail the possibility of deducting such donations from the annual tax form.

To summarise, such a solution would encourage financial involvement of taxpayers, including companies, in supporting cultural institutions. We suggest only that the list of organisations that can accept tax-deductible donations is expanded, while keeping the threshold of such donations unchanged; currently it is 6% for corporate taxpayers and 10% for individuals.

The proposal seems to be more favourable to entrepreneurial applications than sponsorship. The tax incentive in the area of deducting donations from both PIT and CIT would, however, contribute, apart from the positive financial effect for the taxpayer, to strengthening their ties with cultural institutions. Also, in this proposal, we suggest to set maximum deduction thresholds at the current level, expanding only the potential catalogue of beneficiaries of donations.

The above two proposed solutions and *de lege ferenda* conclusions are part of the law and economics in normative terms. As already mentioned, their goal is to indicate the direction of legal changes aimed at increasing prosperity and improving the functioning of entities in the culture and economy sector. In order to assess the impact of the proposed solutions on cultural institutions, separate in-depth qualitative and quantitative research on the nature of behavioural attitudes seems to be necessary. It is worth emphasising that the proposed solution is primarily aimed at eliminating the legal barrier, and they have been suggested in accordance with the methodology of law and economics and action research.

### *5.3. Original de Lege Ferenda Conclusions in the Light of Foreign Solutions*

Research shows important legal barriers in the lack of visible fiscal incentives in co-financing of cultural institutions by the citizens. We have suggested legal solutions that could mitigate the described problems. Table 2 shows selected foreign solutions for fiscal mechanisms for increased citizen participation in financing cultural institutions and preserving national heritage. The below legal solutions can also be applied to protection of monuments and material heritage but, in our opinion, they can be additionally applied to public cultural institutions.

**Table 2.** Selected foreign mechanisms for supporting cultural institutions and national heritage.

State	Tax	Beneficiary	Preference Description
<b>Austria</b>	Income tax	Taxpayer (personal and corporate)	When renting or leasing a monument, the allowable expenses resulting from the law on monument protection can be spread over 15 years. Corporations: costs of purchase or production related to buildings form a ministry-approved list for monuments may be evenly depreciated in ten years, regardless of what the annual records look like. The outlays need to be included in an investment portfolio. The Federal Monument Office needs to certify that the outlays serve to protect the monuments. The purchase of a building is not considered an act of protecting a monument.
<b>Bulgaria</b>	Property Tax	Taxpayer	National monuments of cultural value are exempt from property taxes if they are not used for business.
<b>Croatia</b>	PIT	Owner of historic buildings who generates income from them, and who has made outlays for their renovation and maintenance	Lowering of the tax base by the outlay amount
<b>Cyprus</b>	PIT	Person who has made outlays for maintenance of a building subject to monument protection	Lowering of the tax base by the outlay amount for the maintenance, renovation, and upkeep of a monument under the law on monument protection, after certification from the Director of Monument Department. The outlays need to fit the categories above and must be between 700 and 1200 EUR per square meter of the property, depending on its size.
<b>Finland</b>	Income tax	Owner of a historical building	Owners may deduct profits from a monument building, such as rent, from their tax.
<b>France</b>	Income tax	According to the Malraux law, every taxpayer may apply for an allowance if they agree to renovate a whole building to create accommodation. The building must become the basic lodging for at least 9 years, 12 months after the renovation work has been completed.	The 2020 Malraux law expenses are limited to 400,000 EUR for the 4 successive years—if within one year there is not a sufficient amount to deduct, parts may be carried over to the next 4 years. The lowered tax rate depends on the location of the building and is 22% for buildings located at an extraordinary place of national heritage and approved with a PVAL (improvement of architecture and heritage plan) or whose renovation programme was submitted in public interest; or 30% for buildings located at an extraordinary place with districts approved by the PSVM, QAD, and NPNRU.
<b>Greece</b>	Income tax	Personal or corporate sponsor	Up to 30% income from historic buildings may be deducted from income tax as costs of renovation and conservation—this is double the amount allowed for other building types.
<b>Spain</b>	Local taxes, depreciation tax	Taxpayer	The monument law says that local authorities may offer fiscal incentives and administrative conveniences for owners who aim at renovating buildings. According to Article 502 of the 2005 Financial Code of the federal district, projects of building, reconstructing, and renovation of property are exempt of up to 100% from taxation in the following areas: property taxes, property purchase and income taxes, right to place buildings, certification for media access, division and transfer, zoning certificates for property use, registration in a public registry of property and trade, right to connect and develop water and sewer systems. Also, A and B areas receive fiscal incentives in the form of up to 100% exemption from accelerated depreciation in a fiscal year from investing in purchasing property and an up to 90% exemption from the 2% asset tax.

Table 2. Cont.

State	Tax	Beneficiary	Preference Description
The Netherlands	Income tax	Person undertaking the renovation of a monument at their own expense	If a building, e.g., a house is considered a monument by law, 80% of maintenance costs are tax-free.
Republic of Ireland	Income tax	Building owner or tenant, garden owner	Owners of houses that are at least 100 years old may apply for a tax allowance for renovation to the amount of 10% of their income for 10 years. The programme will be available for owners of historic commercial buildings who will be able to apply for investment allowance for 7 years in order to renovate or rebuild the property. The amount of allowance available as part of the commercial incentive is limited to 200,000 EUR for each project.
Latvia	Property tax	Owner of a cultural monument protected by the state	The need to pay property taxes does not apply to cultural property protected by the state, together with the adjacent land. The requirement is that such a building cannot be used for accommodation or business. Also, the privilege can be cancelled if the owner does not follow monument protection rules.
Germany	Property tax	Taxpayer	For property or parts of property whose protection is public interest because of the importance of the said building to art, history, science or protecting nature, if the income and other gains (gross profit) are generally lower than annual costs—the tax is cancelled. In case the property is used for scientific work or general education, taxes can be lowered if the profit was lowered in the course of the activity.
Germany	PIT	Taxpayer	Tax allowance for monuments and buildings used for own accommodation in the areas of reconstruction and within city limits. A taxpayer may deduct expenses for their own house in a calendar year (maintenance costs) and for the next nine calendar years—up to 9%, similarly to special expenses, if the other legal requirements are met. The costs cannot be classified as operational or promotion costs. Tax allowances for goods of culture which are worthy of protection, not used to generate income or for own accommodation. A taxpayer may deduct the expenses for means of production and maintenance of own means of culture worthy of protection in Germany, if they exceed private or public donations/income from these culture resources—in a calendar year and in the subsequent nine years, if all other conditions are met.
Germany	PIT	Taxpayer who uses a monument to generate income	Tax allowance offers a raised depreciation rate for the construction work in monument maintenance. Unlike with the general building depreciation rules, a taxpayer may deduct up to 9% in the year when the effect of the renovation work is reached and up to 7% in the next four years.
Portugal	Municipal property tax	Taxpayer	Buildings classified as national monuments and individually classified as subject of public/province interest are exempt from the municipal property tax.
Romania	Local taxes, PIT	Person undertaking the renovation of a monument at their own expense	For the purpose of supporting protection of monuments, people doing renovation, restoration, and revitalisation work pay at least 50% less local taxes and charges. Also, for the next five years they lower their tax base by 20% of all the costs. Owners of monuments which are not buildings do not pay property tax, unless they do business or trade in the area. Also, they are exempt from authorisation charges defined by the law, of they use the monument only for non-commercial purposes.

Table 2. Cont.

State	Tax	Beneficiary	Preference Description
Slovenia	PIT	Taxpayer	Tax base is lowered by the costs for revitalising cultural monuments from a national registry of monuments.
Hungary	CIT	Any corporation owning or purchasing historical property under protection of the law	A taxpayer purchasing a historic property or investing in its renovation, on the basis of the protection of cultural heritage law, may lower their tax base by double the costs. This can be effective up to five years after the purchase has been sealed or the renovation completed.
United Kingdom	Inheritance and other capital taxes		The 1984 inheritance law states that transferring any qualified goods and heritage is potentially exempt from inheritance and capital gains taxes. The qualification depends on the tax office and is based on the opinion of state advisory agencies in the area of heritage. For the exemption to be applied, the owners need to agree to take care of the property and allow a degree of public accessibility to it. Capital tax exemption is also available when the qualifiable heritage assets are transferred to the government, university, charity (such as the National trust) or a trust set up to secure funds for maintaining other properties. Similarly, transfer taxes can be cancelled or lowered when non-profits purchase, lease or purchase share in property. The value of the allowance is quite large, as rates for inheritance taxes in the UK can reach as high as 40% and amounts/property donated to non-profits reach impressive amounts. In 2001/2002, donations to the English Heritage amounted to 654 million GBP, while in the next year the National Trust donations exceeded 3.3 billion GBP.
Italy	PIT	<p>1. PIT taxpayer committed to maintaining, protecting or renovating of goods, where the object may be a private property of 70+ years, apart from special cases, where the author is no longer alive and the goods are of historical, artistic or social value.</p> <p>2. Works which derive directly from the legal obligations or from supplementary declaration that informs about the outlays. The Ministry of the Goods and Cultural Activity controls such declarations.</p>	<p>Tax allowance of 19% of outlays from taxpayers on work towards their subject buildings (cumulation of allowances with the regular renovation allowance that entails 50% renovation outlay deduction. In this case, a half of the monument renovation allowance applies. The allowance is to be factored in the PIT declaration for the year in which expenses were made, if the supplementary declaration related to the expenses was submitted to the Ministry of Goods and Cultural Activity. If the declaration was submitted later, the same year is eligible for the allowance.</p> <p>Loss of the allowance right can occur following an administrative procedure in which the culture protection administration declares an illegal change of the purpose of the property, violation of the first-buy rights in favour of the state, or illegal export of goods of culture.</p>
USA	All IRS (federal) taxes	Owner of a building meeting specific criteria. A building needs to be subject to depreciation. This means it needs to be used for trade or business or maintained to generate income. It may be used as office space, trade, manufacture or farming, as well as for the rental of lodging. It may not serve completely as the private lodging of the owner.	<p>A 20% tax allowance is available for renovation of historic buildings that generate income, from a list of the Secretary of Internal Affairs, working through National Park Service as "certified historical objects".</p> <p>Federal monument protection and national park authorities make overviews of renovation work to certify it compliant with the maintenance standards of the Secretary. IRS defines qualified expenses for renovation that can be included in the allowance. Each year, technical maintenance services approve ca. 1200 projects which allows to gain ca. 6 billion USD per annum for private investments in the renovation of historic buildings around the country.</p>

Source: Ministry of Finance [47].

The above table shows that fiscal exemptions are a common occurrence in the legal systems of various states, thus encouraging the citizens to support the cultural institutions and protection of monuments. In this context, establishing fiscal initiatives in Poland to bolster citizen participation seems justified.

## 6. Assessment of Possible Results of Implementing the Solutions

The following is stage 4 of our research, presenting the opinions and assessment of results of implementing the proposed regulations. It is based on interviews with the decision-makers in the shaping of cultural and financial policy of the State—Ministry of Culture and National Heritage and Ministry of Finance—culture managers from nine public cultural institutions, and a taxpayer questionnaire.

### 6.1. Decision-Makers

According to the action research methodology, we asked for the opinions and assessment of the possible effects of regulations the Ministry of Culture and National Heritage and Ministry of Finance. These are the decision-makers in the shaping of cultural and financial policies of the Republic of Poland. In his interview, the Vice-Minister of Culture and National Heritage said that the proposed solutions offer actual value from the viewpoint of raising expenses for cultural institutions.

Paweł Lewandowski, Undersecretary of State in the Ministry, commented on the solutions as follows:

The possibility of donating one's 1% personal income tax to public cultural institutions would cause the funds to actually return to the state's budget. Such an approach is contrary to the intentions of the lawmakers, which is strengthening civil society by assuring means to act, regardless of the availability of state financing. Such changes would bring conflicts. [ . . . ] We may, however, consider a law which would allow these funds to be redirected, similarly to citizen budgets, to specific projects. [ . . . ] In case of 1% tax donations which were not allocated by the taxpayers to public benefit organisations, we may consider redirecting them to culture through the National Institute of Freedom, where public benefit organisations could apply for funding. Thus, the whole 1% tax deductible donations could be directed at the development of citizen initiatives, as per the intention of the legal solution. [ . . . ]. In case of deducting donations from a taxpayer's tax base, I think this is a justifiable idea and I see a chance to gain such donors, especially banks or companies co-owned by the State.

Piotr Patkowski, Undersecretary of State in the Ministry of Finance, concluded that broadening the catalogue of eligible entities for taxpayers to donate their 1% PIT to by cultural institutions, could be controversial and could raise conflicts with public benefit organisations. In turn, he spoke positively of the tax allowances, deducted from tax base to benefit public culture institutions.

From a purely financial viewpoint, introducing the possibility to donate 1% personal income tax to public culture institutions ought to be neutral, as the current legal solutions should be calculated with the maximum monetary value donated in mind. More detailed analysis should be applied to researching those taxpayers that do not donate their 1% income tax, so that their preferences can be learned and whether after the change proposed by the authors has been introduced they would be willing to donate to public culture institutions. [ . . . ]. However, I think that the solutions presented by the authors could be a potential source of conflict with public benefit organisations. Public cultural institutions are financed from public sources, and public benefit organisations gain resources by their own means. Many taxpayers donate their 1% personal income tax to charitable causes and organisations, so the solution presented by the authors could be seen as the State turning their back on those that need these resources the most. [ . . . ] I still consider it worthy of consideration to introduce a law allowing 1% tax donations to be donated not to salaries but to project activity. [ . . . ]. In case of these 1% tax donations that are currently not donated to public benefit organisations, I take a conservative stance towards creating new possibilities of utilising these resources. [ . . . ]. However, the idea of writing off donations from the tax base is not controversial, it is also worth considering, as it



would actually make it easier for public institutions to reach for new resources. Right now, it is too early to speak of potential budget consequences of such solutions, that would need further assessment and analytical work of our fiscal departments.

In light of the above, it is worth noting that broadening the catalogue of organisations that can benefit from the 1% tax donations would not cause any effects to the state budget. According to the 2020 data from the Ministry of Finance, taxpayers donated 899.4 million PLN to the public benefit organisations [48]. Around 300 million was not donated to any public benefit organisation, which caused this amount to return to the state budget. During our study, we therefore asked the decision makers whether there is a chance of systemic transfer of the said unallocated funds to cultural institutions. In the case of deducting the donations from the tax base, the effects of the regulation are possible to assess with a detailed questionnaire study by composing a research group out of those taxpayers who currently do not donate any amount to any institution from the state catalogue (religious cult, vocational training, and public benefit organisations) in order to check whether, after a change has been introduced, they would be willing to support any of these organisations.

## 6.2. Managers of Cultural Institutions

The interviewed managers of public culture institutions spoke favourably about the proposed legal changes. During the interviews, they spoke about the financial gains but also about building bonds and relations with the cultural organisations, which would help create the citizen society. The interviewees claimed that allowing 1% tax donations to go to public cultural organisations would promote those institutions who are active and able to grow a community around them. In the area of tax allowances resulting from donations, the researched institutions see a chance by striking relations with local businesses that could support vital local initiatives.

Interviewee 1: It's high time to add cultural institutions to the catalogue of public benefit organisations. It is a shame that public cultural institutions cannot be found there. There are NGOs that take care of culture, with a lot of them conducting doubtful activities, they mostly cover their own costs. [ . . . ] When it comes to tax allowances, I am totally for, the American system is a good example here. It's a win-win situation for the taxpayer/entrepreneur and the cultural institution. In the USA, tax write-offs can exceed 100%. Especially that we have situations now when someone wants to donate but there is no easy legal way to do it. Sometimes a potential donor gave up their support.

Interviewee 6: I think, yes. A lot of foundations works like that, working with culture. This is no large money. For us, these amounts are minimal. We could for example run an educational project for kids. Cultural institutions face gigantic expectations—Teaching kids to be tolerant, citizen education, in a wider scope. And it is also work with no financial gratification. A friend of mine who works in a corporation told me that in the private sector there are three FTE's doing this work.

During the interviews, the managers pointed at the possibly emerging conflict of interest between public cultural institutions and public benefit organisations. Some said that some people who have been deciding on 1% support for years most often donate to charities or individuals known to them. Thus, they could get a feeling that when donating to cultural institutions, they would be taking away their support from someone else. However, the interviewees said that it should be the absolute rule for citizens to be able to decide which organisation they want to support.

Interviewee 4: This will raise conflicts between NGOs and cultural organisations. On a variety of levels, we have equal chances to apply, they feel inferior in e.g., organisational capacity to deliver projects. [ . . . ] We do not have a citizen society, there is no thinking about culture as a common good. There is not much left to NGOs, you cannot get water from a stone. Sometimes after paying the fixed costs they do not have much else to run their projects.

During the interview, an issue was also raised that the possibility of direct 1% tax donations will limit the emergence of useless associations or foundations that are established just to use preferential financial conditions and in turn will support local institutions, known to the taxpayers:

Interviewee 2: The possibility to donate one's 1% income tax is one of the best possible solutions. This is not a direct expense, this does not cost extra. This is not money for a specific cause, so it would be possible to support niche projects from these funds, important but not enjoying much popularity on a national or international level. Our local activities have a dedicated fanbase who would be willing to make a write-off because they know our institution and they know this money would be put to good use. In case of our community centre, there is a constant group of visitors who are involved in the life of the centre, so chances are they would also support us financially. We live and breathe the problems of the community. Some of our activities are of participatory character, we listen to people, so the activities serve to realise the ideas of the local community. [...] It makes sense. Sometimes the donations are small sums. The fiscal incentive makes sense.

Interviewee 6: I would gladly donate 1% of my tax to a cultural institution. Like, it would be a good idea to have a card of a museum's friend, in exchange for the 1% tax donation the taxpayer would get one entry for free or they could get a guided tour. A friends' club could organise breakfasts with artists, visits to their workshops.

Interviewee 3: if I look from the perspective of a staff member—new potential source is a chance. This kind of fiscal financing makes sense. From the viewpoint of third sector staff, this should not be competition-based. This should be a separate mechanism. You can donate here and there. I think sports institutions will raise their voices that they also want to be beneficiaries. [...] Such financing can be of extra character. I think community centres and museums could stand a chance. [...] I think, yes. There is a paradox in a lot of NGOs doing cultural work. This would go towards equalisation. It is an interesting mechanism, if someone was to lay out the funds, the state would support them. This would give public institutions a possibility to reach out to potential partners on their own.

Interviewee 5: I think such a model could work out but that it would also require years to implement and to convince the society that it is worth co-financing culture and that it brings profits and effects. Because in the last years, the community got used to the idea that 1% tax donations go to NGOs and as we can see in the statistics these NGOs are mainly those that support people in need, mainly children. It is common knowledge that this 1% goes to non-governmental support. I think this would require years of work and convincing, to get the taxpayers used to the idea of culture being worth supporting. [...] Donating 1% would strengthen the bonds and stronger sense of community, of we had a citizen society of a higher level, if the feeling of belonging to the community and being responsible for common actions was higher, of being able to use the goods of culture and more. Right now, as I look at the state of the society, I think there is not much interest in culture and a feeling that we actually have impact on culture, so again this would require longer educational work.

The interviewees also claimed their organisations would be interested in attempts to reach for additional funding within the proposed solutions.

Interviewee 1: Sure, to balance sources of income. Associations do not always make sense, a foundation would. We constantly work to gain new sources of income. We want to establish a foundation with the museum so that donating 1% to the museum would make more sense.

Interviewee 4: It is a very good idea. This is something that could start the transition towards supporting culture. These are often individual decisions.

Interviewee 6: Such a system should be put in place a tax allowance when investing in culture. A lot of insurance companies invest in works of art. Many companies would be willing to support art, it's just that there are no legal solutions. Companies would want to give, consider Hestia, the competition for young artists—The foundation needed to have US-based cooperation to transfer funds.

Interviewee 3: I think we would be interested. Right now, during the crisis, we have teams that analyse how we may improve our financial standing. Collecting donations for our activity, wider promotion of what we have always been doing, making our space available. If a new mechanism came to life, we would start trying to put it to good use. The difficult COVID situation, institutions cut down costs wherever they can, and there is common understanding for it. New procedures in place—reaching out to the people. It is a form of support which is like—We, the state, will help you so that you, public culture institutions, could gain finances on your own.

Interviewee 4: This is a very good idea. This is something that could start the whole movement of supporting culture. This is very often an individual's decision.

The interviewees also spoke about the positive aspects of the proposed solutions, not only in the financial aspect, but also in the area of tightening relations and bonds between the institution and its visitors, building a sense of co-responsibility for the place of culture.

Interviewee 1: In the 1990's, Wajda said that railways and theatres could not be reformed. There is a massive change from the viewpoint of a national museum of culture and the management style. I need to say that from my experience the ministry is a better organiser than i.e., voivodship office. There is still some backwards thinking about social responsibility of museums. Such a system would necessitate larger openness to the social environment, and that environment would be better encouraged to speak about their needs. This is something of an added value, apart from gaining finances we could build a community around our museum.

Interviewee 4: I think, yes. At the first stage the interest would be probably high, but this could be a disillusion at some point. We need to remember that the workload could exceed the profits from the new resources. From the viewpoint of the institution staff, this is additional work. There are institutions like the Museum of Emigration, where a community is built around the institution, and this would make gaining funds easier. In the case of a hybrid cultural institution, people recognise our projects but not the institution. Image-building work is needed. Because we do not have an office of our own, we care about the projects and their quality but not about the visibility of the organisation. In this situation, we would need to take care of recognisability and the building of the image of our organisation.

Interviewee 2: I think the discussed ideas would increase the involvement of cultural institutions in tightening of the relations with their visitors. Organisations would work harder to make contact. If we know someone, we are all that more willing to donate 1% tax to them, which could translate to the activity of the institution. Would this be the ideal dimension—I don't know, but surely institutions would take up such activities. New ways of outreach, of showing the activity, similarly to the activities of the NGOs. Surely, there would be advertising, promoting of the activity, also the activity would become more transparent.

Interviewee 5: When you donate 1%, you can donate to a specific cause, specific activity, event, the institution comes to play here than can bind events and participants, thus creating a participating community—Not only in the financial aspect but also in the areas of programme and creativity. This model works well in Western Europe and it is right and I would like it to



be implemented in Poland. An average visitor does not have a feeling they can shape an institution, influence its programme and strategy, and feel responsible for the building of the institution's space.

Interviewee 6: It seems to me that a lot depends on the institution, what kind it is. Like the historical museum: looks good on paper but there is no relation with the community. It depends on the people, I know that Krikoteka cooperates with their neighbours. Some organisations work well with their surroundings. All depends on the people who work there.

Interviewee 3: A lot of organisations do not research their relations with the environment. Institutions do not make such research at all. I consider it a look—We do not need to check what the environment thinks about the organisation because the organisation knows what to do. [...] I am aware that striking relations may lead to an additional source of income and may mean a turn for the better for a lot of organisations.

Based on our interviews, we may conclude that the suggestions from this paper were approved by the researched cultural institution managers who see a chance in establishing mechanisms of citizen participation in co-financing of cultural institutions. This applies not only to finances, but also to the emergence of citizen society as well as added support offered to the institutions at times of crisis.

### 6.3. Taxpayers

The questionnaire gathered 162 responses. The sampling recruited people earning money subject to personal income tax. The study was a pilot and its main goal was to explore opinions of taxpayers on the proposed legal solutions. In fact, 91.2% out of 159 answers declared that their last annual tax return form specified a 1% tax donation to an organisation of public benefit. Out of the 147 responses, the largest share donated to charities (34.7%), organisations helping the disabled (19.7%), social assistance (7.5%), ecology and protection of animals and protection of natural heritage (7.5%), promoting and protecting health (6.8%), education, academic education, and science (3.4%), supporting and popularising sports (2%), activities towards children and the youth, including relaxation (2%), supporting families and auxiliary care (1.4%), maintaining and popularising national tradition (1.4%), and individual fundraisers, initiatives, projects, minority activities that were subject to 1% tax donations. Also, 84.9% out of the 159 answers stated that public cultural institutions, analogous to public benefit organisations, ought to be eligible for 1% tax donations. Furthermore, 7.5% respondents were of a contrary opinion, 7.5% were neutral. In the next question, 64.6% answers from the total of 158 claimed that they were willing to support a public cultural organisation with their 1% tax donation if such a possibility arose, while 18.4% would not offer such support, and 17.1% did not have an opinion. The respondents (total of 102) indicated their preferences when choosing the institution to donate; the main reasons were: Being acquainted with the activity of the institution, type and quality of activities (main themes, represented values, mission, force of message, target groups, e.g., kids, excluded people), and location (proximity and frequency of using the services of an institution). The specific examples given mostly covered community centres, national museums (in Warsaw and Krakow), and the National Theatre. The financial condition of individual institutions was also a factor—the researched people wanted to support those institutions whose financial difficulties were larger.

Also, 85.5% respondents considered it necessary to establish a mechanism for making donations to cultural institutions, with 8.2% respondents voicing no opinion on the subject and 6.3% opposing such solutions. Also, 71.5% declared that they would be willing to make a donation if a tax allowance was offered; 15.2% would not offer support and 13.3% did not have an opinion. Most of the responses contained declarations of willingness to support museums, theatres, community centres, local cinemas, and libraries. The respondents focused on knowing the activity of an institution as the deciding factor.

## 7. Conclusions

In this part of the work, we start a discussion in order to show why the *de lege ferenda* conclusions we developed and the solutions we proposed are important from the point of view of sustainable development based on civic participation. Table 3 below illustrates main plot and the whole process of gaining the results.

**Table 3.** The summary.

1. Research objective	To investigate if Polish system of financing the cultural institutions can be improved by new, participatory solutions that would ensure long-term sustainability for those institutions.
2. Research questions	<ul style="list-style-type: none"> <li>• What are the key legal barriers in the area of financing of public cultural institutions in the context of increasing citizen participation?</li> <li>• What are the currently active fiscal incentives for state support within participatory financing of culture?</li> <li>• What fiscal incentives are set in place in other states?</li> <li>• Does Poland need to create fiscal incentives which support citizen participation?</li> </ul>
3. Research perspective	- Interpretivism—social phenomena and problems are described from social actors' perspective.
4. Methodological investigations and inspirations	- Qualitative research, inspired by action research methodology.
5. Research techniques and tools	<ul style="list-style-type: none"> <li>- Desk research,</li> <li>- Two in-depth interviews with decision makers (from The Ministry of Culture and National Heritage and The Ministry of Finance),</li> <li>- Nine in-depth interviews with public culture managers,</li> <li>- Survey—162 respondents,</li> </ul>
6. De lege ferenda proposals	<ul style="list-style-type: none"> <li>- Transferring 1% of PIT tax</li> <li>- The possibility of deducting tax donations from cultural institutions</li> </ul>
7. Implications	<ul style="list-style-type: none"> <li>- For decision makers: Proposed solutions show how to abolish the existing legal barriers and finance the cultural institutions with new, socially engaging ways that do not burden the state budget;</li> <li>- For taxpayers: The new solutions can increase their participation and the feeling of being responsible for chosen cultural institutions;</li> <li>- For culture organisations: Described financial proposals would strengthen their social bonds with the community and give them more stability, especially in turbulent times.</li> </ul>

Source: Own concept.

Power and Laughlin [49] remark that *various domains in society, also cultural institutions, undergo "accountingization"*. The assessment of the activity of each cultural institution needs to be complex, as it ought to reflect their specific context of functioning. The mission of such an organisation is often specific, reflecting the expectation of their different stakeholders [50]. In managing cultural institutions, we often see the clash of financial logic on one extreme and the quality of the cultural offer on the other, the latter selected mainly based on the opinions of experts in culture, assessed through the lens of aesthetic value, not the financial one. Public cultural institutions are a specific type of organization that should not be profit-oriented, but the implementation of a social mission consisting in disseminating culture and preserving it for future generations. However, their effective functioning requires financial

outlays for substantive activities. In the context of the limited financial outlays of the state on culture, we believe that other additional financing opportunities for public cultural institutions should be sought. The research showed the problem of insufficient public funds for conducting cultural activities of the expected quality. The legal barriers we have identified hinder the participatory co-financing of culture by citizens.

The notion of “common good” is based on relations between an individual and the community [50]. From such a viewpoint, common good ought to be of interest to all the stakeholders, as they are all directly influenced [51]. Guy Standing [52], however, sees a totally reverse phenomenon here—an increasing number of common areas, values, and spaces lose their “owned by all” character, becoming the property of individuals. It is worth realising that culture, as an element of sustainable development, supports, within its limits, the citizens at the time of crisis. Any relations between individuals and cultural institution need to be constantly constructed with a longer perspective. One of the helpful elements is participatory financial support.

There are numerous dangers to cultural heritage and the functioning of cultural institutions—military conflicts and natural disasters (such as earthquakes, fires, floods or epidemics). During times of crisis, it is especially important to involve communities and encourage their support of cultural heritage [45]. We showed that culture is one of key elements of sustainable development, therefore it is important to involve the citizens in the management of culture, by creating possibilities of providing financial support for selected organisations. Sustainable development requires involvement, the feeling of common responsibility, and bonds provided by common identity and culture-generated social capital. We suggest undertaking a discussion on the creation of legal frameworks for increased the financial outlays or offering extra flexibility to financing of cultural institutions, so that in a crisis situation of the pandemic, institutions can serve citizens better. Culture also has a strong presence in the building of citizen solidarity, as history experience shows. The topic of social capital is elaborate and can be perceived from different social perspectives. The well-recognised concept of Esping-Andersen [53] must be mentioned here. Ferragina and Seeleib-Kaiser [54] confirm in their literature investigations the existence of three worlds of welfare capitalism, but they all are presented in the light of Weberian ideal types and could serve as initial steps for further deeper research.

We have conducted a multi-dimensional analysis of the potential to finance public cultural institutions in Poland. We have proposed systemic solutions that increase citizen participation, based on literature review, legal state, and interviews with managers of cultural institutions and decision-makers in shaping the state’s fiscal and cultural policies. We pointed to a gap in the current legal system in Poland in the area of financing public cultural institutions in the form of transferring 1% of PIT tax and the possibility of deducting tax donations from cultural institutions. We proposed two de lege ferenda conclusions that could overcome the problem in accordance with the adopted assumptions of law and economics and action research. After the adoption of the proposed changes, public cultural institutions would have a chance to obtain additional financial resources enabling the maintenance of an appropriate level of provided public goods with a greater focus on the needs expressed by citizens. These changes would be pro-quality, as they would imply the need to build and strengthen relations between cultural institutions and citizens in order to encourage them to cooperate. Cultural managers, if they do not pursue an action strategy in this area, would have to implement changes, assessing the opportunities and possibilities of activating stakeholders. Elimination of legal barriers would enable taxpayers to decide on the possibility of financial support for selected cultural organizations, which would be associated with a tax relief. The proposed changes guide decision-makers on what changes can be made to provide additional mechanisms to support culture and to strengthen the ties between cultural institutions and their stakeholders. Before making a final decision as to the introduction of solutions, it would be necessary to assess the effects of regulations in the area of deduction of donations to cultural institutions. The proposal to extend the catalog of public benefit organizations and the 1% tax deduction are neutral for the state budget.

As part of action research, we used qualitative methods, the scope of which is limited, because the results obtained in this way are not representative. Our study can be treated as a diagnosis and a proposal to solve practical problems. We are aware that there may be more legal solutions to increase civic participation. In the future, it is worth undertaking a discussion and research on other financial mechanisms, e.g., the possibility of issuing bonds by cultural institutions. These bonds could contain an element of green order forcing organizations to implement pro-ecological activities in cultural institutions. It is worth emphasising that we focused on fiscal law mechanisms, proposing practical solutions to problems. These changes would increase civic participation and, above all, give citizens the opportunity to decide which entities they intend to support, and give cultural institutions equal opportunities to access funds from tax deductions. The implementation of the legal changes we propose would increase civic participation, and thus will be of significant importance for building social and cultural capital. The consequence of the changes we propose is encouraging cultural institutions to build and strengthen social relations as well as social trust. The value of social capital is based on social relations and the trust of individuals, thanks to which benefits can be obtained from both an economic and social point of view [55–57]. Increasing participation would have a beneficial effect on the support of cultural institutions and preservation of cultural heritage for future generations, which is part of the sustainable development concept.

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