Paolo Liverani

Right to culture

The role of cultural heritage is an important theme in Italy with a long history. The laws of Italy's Pre-Unification states had already tackled the problem and the current Italian legislation is based on these experiences. More in detail, the definition of the fundamental principles is already in the legislation of the papal government of the early 19th century. Pope Pius VII had to intervene following the dramatic shock caused by the requisition by the French army of the major works of art in painting and sculpture and of the manuscript codices after the Tolentino Treatise (1797). Consequently, Cardinal Pacca's edict established a series of important points: the pre-eminence of the public interest over the private one, the need of an appointed technical committee responsible for the evaluation of artistic and archaeological works and for granting licenses of archaeological excavations, the right of pre-emption by the government in case of export of works of archaeological or artistic interest. All these principles are now in the current Italian legislation.

This brief historical *excursus* helps to understand that cultural heritage has a pre-eminent civic function that must prevail even over legitimate economic considerations. This pre-eminence is sanctioned by the Italian Constitution, which in this field is very advanced and original and in art. 9 states that «The Republic promotes the development of culture and of scientific and technical research. It safeguards the natural landscape and the historical and artistic heritage of the Nation», as we have heard earlier. The jurisprudence of the Constitutional Court has further clarified that – thanks to this article of the Constitution – cultural heritage enjoys a stronger protection than economic rights, even if – to be honest – this primacy is not always respected in practice.

The Constitution brings together humanistic and scientific culture, natural and historical heritage in an organic and integrated way. These elements are not separable, and we are increasingly aware that they must be safeguarded and promoted as a whole. Ecology and culture are constitutive elements of a balanced and democratic society.

In a country with such an ancient tradition, culture is strongly rooted in the territory. In Italy, cultural heritage is diffusely widespread and there are no encyclopedic museums such as the Louvre, the British Museum, or the Metropolitan Museum of New York. Years ago, British colleague Tim Potter proudly told me that the British Museum happened to be in London by accident: it was an institution of humanity that would hold its significance anywhere in the world. Obviously, this statement was not entirely true: no institution can be separated from the history and society that generated it. At the same time, however, it contained elements of truth. The British Museum's link with London and the United Kingdom is different from that existing between Italian museums and the cities where they are located. All these museums are 'local' museums, in the best sense of the word: even the most famous and visited ones, such as the Uffizi or the Vatican Museum, which, despite being in a different state (the Vatican City), is in effect Italian from a cultural and territorial point of view. These museums are local, in the sense that they cannot be understood except in relation to the history of Florence and the Grand Duchy of Tuscany in the case of the Uffizi, to the history of Rome and the territory of the Papal State in the case of the Vatican Museum.

If we keep these premises in mind, it is clear why the meaning of Italian cultural heritage is above all civil: I do not want to use the rhetoric of roots and identities, which is quite dangerous in our days, but cultural heritage and history remind us of ties, values, and reasons giving a foundation to the national community in the highest civic and political sense of the term. In this regard, I recall the many contributions by Salvatore Settis, who expressed these concepts in an articulated and profound way.

In recent years there has been an evolution in the concept of cultural property or cultural heritage and its relationship with citizens. In the past – let us say, during my childhood – the term 'culture' in Italy had a high and elitist meaning. Subsequently this meaning underwent a – so to say – 'democratic' evolution, acquiring a more anthropological nuance, sometimes even with the risk of being trivialized. I mean that when a term acquires too broad a meaning, it becomes a *passe-partout* opening all the doors but, for this same reason, losing its meaningfulness.

At the same time, it became clear that an elitist conception of cultural heritage that did not sufficiently involve citizens was doomed to failure: significant resources cannot be invested to maintain something that does not interest the Nation.

In this sense, therefore, we can speak of a right to culture: it is a civic and political right because it allows us to articulate a language and a common ground valid for the whole

national community, and because – as Paul Ricoeur says – history is a reserve of unexpressed possibilities, valid for the future. However, there is also a symmetrical 'duty' of culture: in the sense that citizens must take an interest and participate as much as possible in protecting and further elaborating the culture of their own community, to avoid that it remains something of the past, a relic in the worst sense of the term.

This change found its official and normative expression in the Faro Convention, which Italy recently joined[1]. The Council of Europe Framework Convention on the Value of Cultural Heritage for Society – this is the official and complete definition – sets out several important principles. Its preamble claims that «every person has a right to engage with the cultural heritage of their choice, while respecting the rights and freedoms of others, as an aspect of the right freely to participate in cultural life». Furthermore, it recalls «the need to involve everyone in society in the ongoing process of defining and managing cultural heritage».

Article 2 has an important definition: «cultural heritage is a group of resources inherited from the past which people identify, independently of ownership, as a reflection and expression of their constantly evolving values, beliefs, knowledge, and traditions. It includes all aspects of the environment resulting from the interaction between people and places through time».

We have so far examined the problem from a theoretical point of view. Let us now go down to the concrete Italian reality, which shows a panorama of lights and shadows.

Let us see the shadows first. The cultural sector, despite the constitutional protection it should enjoy, is the first to suffer economic cuts in the event of a crisis, as it is considered to be scarcely productive from a purely economic point of view. This theme is present in the public discussion but no convincing solutions to support in a more significant way the sector have been proposed until now. Indeed, the recent political decisions went in the opposite direction. In 2014 the reform of the Ministry of Cultural Heritage, beyond the declared intentions, greatly weakened the capacity of the territorial offices for the protection of the cultural heritage. The *Soprintendenze* have fewer staff and with a very high average age, few funds, especially to pay for the travels needed to control the territory, which is now without direct surveillance. The museums have been separated from the territory, with the intention of creating small British Museums, if I may say so. In some cases, the link between the museum and the territory was no longer essential (for example in the case of the Uffizi Gallery) and the autonomy was appropriate, but in most cases this measure has greatly weakened the complex of the structure by dispersing the forces and chasing the scoop on the front pages of the newspapers, instead of making the system more efficient.

The technical capabilities of some offices have decreased, as managers and officials more and more frequently were appointed without public competition, through extraordinary procedures and based more or less on political decisions. At the same time, there is a scarce dialogue between the central offices of the Ministry of Cultural Heritage and the universities. While on a personal level the relationships between colleagues of the *Soprintendenze* and the universities are generally good, at an institutional level the dialogue is lacking, and new rules and a self-referential position on the part of the Ministry severely limits the possibility of carrying out archaeological research by the universities. A clear indicator of this fact is in the very name of the ministry: Ministry of Culture. Apart from the unhappy historical echoes that such a name evokes, it sounds like it means that schools and universities are not part of culture.

Now let us see the lights: today we are talking about culture much more than before, it is a subject of great political importance, even if easily manipulated. Evaluating the quality of the cultural offer and its impact on society is a difficult topic for the front pages of newspapers. It is easier to boast of the number of tickets sold by large museums, possibly silencing the crisis of the smaller ones.

Italian society has numerous cultural associations and a strong sensibility on issues concerning cultural heritage. On the other hand, it is necessary to evaluate the results of this opinion movement in the medium term, and to understand its real structural impact. The target is a heritage community (according to the definition of the Faro Convention) forming an active and proactive interlocutor of the institutions, giving a tangible meaning to the 'right to culture'. Further concerns arise from recent school reforms, which have weakened the educational offer for history, geography, and art history, with the risk of diminishing society's sensitivity to cultural heritage issues.

Summing up, we live in a time of great change with some potential and many risks, where it is difficult to make predictions, where theoretical progress in focusing on the importance of cultural heritage does not go hand in hand with its practical implementation. In other words, before we can declare the 'right to culture' is truly realized, a maturation and strong involvement of society will be necessary, trying to avoid economic shortcuts, on the one hand – favouring market laws also in the field of cultural heritage – and an ideological and instrumental use of culture, on the other.

1. All quotations taken from the text available online at https://www.coe.int/en/web/venice/faro-convention