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Launching Colloquy of

« Heritage and Beyond »

a publication on the contribution of the Council of Europe
Framework Convention on the value of cultural heritage for
society (Faro Convention)

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*The human right to the cultural heritage – the Faro
Convention's contribution to the recognition and safeguarding
of this human right*

Unconsciously perhaps, most people are inclined to follow a tradition. History and anthropology urge us to consider this as natural. The conscious cultivation of tradition also seems to have been the rule in most societies. However during the last hundred years Sigmund Freud has successfully built up the Oedipus Complex into an archetypal icon, pitting not only sons against fathers¹ but also all the present against the past and revealing underneath the general assumption of ancestor worship, and the “Elders knowing best”, an instinct of rebellion against what the past imposes. In fact the veneration of tradition, has never been completely smooth and undisturbed. It has encountered periodic spurts of iconoclastic fury. The Absalom –David confrontation has, however, remained exceptional. Morality, in the end, favours tradition.

Following tradition has also been influenced by the culture of History. In pre-history it might have been a natural inclination enforced by group consensus; when history started being written, it sometimes became an obsession, occasionally an incubus. History, as ascertained fact, influenced and sometimes determined events. Here again however, there have been periods in which the culture of the past was paramount, when all became *laudatores temporis acti*², followed by periods of revision when it became fashionable to repeat: *patres nostri peccaverunt et non sunt et nos iniquitates eorum portavimus*³. The dominion of the past as fact took over, as storicism, even philosophy; but the see-saw also saw the arts and culture craving after nihilism.

Of course people realize that the past made them; but not all the past, evidently, beyond that retained in personal memory, but the past that became culture. The unknown past has no relevance except when it is exhumed after excavation. The past which is known only to an elite, as enveloped into ideology, comes into play again when readmitted into common knowledge, or as Marcuse⁴ put it when ideology is absorbed into reality. The past which is part of the community’s memory is constituent of its identity and a contributor to its way of deciding and acting.

The past can become obsessive if manipulated for a political or commercial purpose. The Roman Imperial past became an instigation to wage aggressive wars in Fascist Italy. On the other hand, even without artful accentuation, it is difficult to throw away completely the culture of one’s upbringing. Witness how such a self convinced atheist as Freud should come back time and again to the figure of Moses, especially in the

¹ The Future of an Illusion 1927: *The child's attitude to its father is coloured by a peculiar ambivalence.*

² Horace Ars Poetica verse 173

³ Jeremiah Lamentations 5.8

⁴ One-dimensional Man (1964).

essay on Michelangelo's masterpiece in San Pietro in Vincoli, but also specifically concerning the doubt as to that leader's Jewish origins.

For sanity's sake, a personal memory of one's past is essential. For a people's normalcy a collective historical memory is needed. The cultural heritage, tangible and intangible, is in this regard, not only useful, but necessary. It is the instrument of recall. It is clearly indispensable in periods of change, providing stability for the management of change. The choices to be made in change rest on judgment, and judgment depends on memory and experience.

We readily accept the importance of succession in science and technology, repeating tritely that we should not be compelled to re-invent the wheel. Within decades, however, even if all wheels are catastrophically destroyed, man will surely rediscover the way to produce it. Perhaps the works of artistic or philosophical genius cannot be reproduced, if their memory is totally destroyed. Not in a thousand years will a Michelangelo *redivivus* produce the Pietà. Who can imagine the birth of Shakespeares, Dantes or Camoens in the coming centuries? What was left behind by the creativity of men and women it is difficult to imagine will reappear again. Destroy the Parthenon, remove the Colosseum, the medieval Cathedrals. You have destroyed the common memory of Europeans. These are not mere wheels. "The uniqueness of a work of art is inseparable from its being imbedded in the fabric of tradition. This tradition itself is thoroughly alive and extremely changeable⁵".

We have passed through periods of destruction: Dresden, Frankfurt, Coventry, Hiroshima, so many cities in Europe, in the Middle East, in the Far East. We have striven, with some success to reconstruct the architecture and urban texture, and in so doing have shown our craving to return to the memory. Caravaggio's St. Mathew in Berlin's Kaiser Friedrich Museum, however is irretrievably lost. The tangible heritage is not only under threat from war. Its major enemies, more cotidian, are to be found in negligence, speculation, misuse, lack of appreciation of the same threats as those menacing our physical habitat.

The Faro Convention is a framework Convention invoking measures of protection, conservation, restoration, appreciation of the Cultural Heritage. In many senses it is a call to arms: urging the use of law as well as administrative measures to safeguard the cultural heritage and environment. It has a pan-European view of things, with the implied premiss that European peoples have a Cultural memory in common. It is also based on the common legal heritage, in that we are all in some way, deriving from the *ius commune*, and for us Europeans law is an instrument of policy and governance.

⁵ Walter Benjamin "The work of Art in the age of mechanical reproduction" (1936)

Safeguarding the Cultural Heritage is a *sine qua non* ingredient of good governance.