

CULTURAL HERITAGE
AND IDENTITY
ACROSS EAST AND WEST

Italy, China, Japan, South Africa
between Law and History

Edited by

Emma A. Imperato

Editoriale Scientifica
NAPOLI

This book has been published with the financial support of Ministry of Foreign Affairs
and International Cooperation – MAECI.

Proprietà letteraria riservata

© Copyright 2021 Editoriale Scientifica s.r.l.
Via San Biagio dei Librai, 39
Palazzo Marigliano
80138 Napoli
ISBN 979-12-5976-028-9

INDEX

<i>Preface</i>	9
<i>Acknowledgments</i>	13
<i>Institutional Greetings</i>	15

SECTION 1 THEORETICAL PROFILES

LEGAL PROFILES	19
THE PROTECTION AND ENHANCEMENT OF CULTURAL HERITAGE BETWEEN WEST AND EAST	
<i>Emma A. Imperato</i>	21
1. Preamble: A quick comparison between systems	21
2. The protection of cultural heritage in Italian statutory laws: prin- ciples and protection measures	25
3. Comparing China and Japan: evolution of the heritage protec- tion systems	29
4. Chinese and Japanese laws for the protection of cultural properties	32
5. Challenges for conservation in the years of economic growth	33
6. Concluding remarks: the different conceptions	35
THE PROTECTION OF CULTURAL HERITAGE IN THE EUROPEAN AREA BETWEEN NATIONAL IDENTITIES AND COMMON PATHS	
<i>Anna Papa</i>	39
1. Some initial observations	39
2. The European perspective	41
3. Concluding remarks	45

THE LEGAL PROTECTION OF CULTURAL HERITAGE AND THE DEEP WEB
PHENOMENON

<i>Virgilia Fogliame</i>	47
1. The protection and enhancement of the historical-artistic heritage	47
2. The different conceptions of cultural heritage	50
3. Cultural heritage and deep web	55

ESTABLISHING IDENTITY THROUGH CULTURAL HERITAGE LEGISLATION:
THE SOUTH AFRICAN CASE

<i>Daniel Catino</i>	59
1. Introduction	59
2. History of the Acts	60
3. Cultural identity and the constitutional dimension	63
4. National Heritage Resources Act 25 of 1999	65
5. General principle for the management of heritage resources	68
6. Concluding remarks	71

HISTORICAL PROFILES 73

CULTURAL HERITAGE: PERCEPTION, CONSERVATION AND ENHANCEMENT
IN THE DIGITAL AGE

<i>Francesca Fariello</i>	73
1. Identity and intercultural context in the process of forming cultural identities	73
2. The discussions on interculturalism	76
3. Enhancement of cultural heritage in the context of a digital age	81
4. The protection and enhancement of the intangible cultural heritage in Naples	82
5. Conclusions	84

NAPLES AS A CASE STUDY

<i>Luigi Gallo</i>	87
--------------------	----

SECTION2
PRACTICAL PROFILES

SOME OBSERVATIONS DURING THE LECTURE	93
--------------------------------------	----

SOME CONSIDERATIONS ABOUT CULTURAL HERITAGE IN ITALY

<i>Luigi Gallo</i>	93
--------------------	----

Index 7

INTERVIEWS

SURVEY: CULTURAL HERITAGE IN CAPE TOWN
Daniel Catino 97

SURVEY: CULTURAL HERITAGE IN NAPLES
Anais Mattez/Heinz Hartzenberg 105

Information about the contributors 109

SOME OBSERVATIONS DURING THE LECTURES

SOME CONSIDERATIONS ABOUT CULTURAL HERITAGE IN ITALY

Luigi Gallo

After discussing cultural heritage in general, it is necessary to say something about cultural heritage in Italy. I always remember when, many years ago, I went to the United States for the first time and in Philadelphia I saw the famous Liberty Bell, and I was told it was very ancient: it seemed a funny thing to me, because in Italy we usually consider medieval finds as pretty much "recent" in comparison with Greco-Roman ones. It is well known that Italy is a country which has a very long history (about 3,000 years) and holds many significant signs of its past, much more than many other countries: it is sufficient to remember that Italy has over 3.400 museums, 2.100 archaeological sites, about 500.000 monumental buildings (France, another country with a long history, has about 45,000 monumental buildings), and that it is at the top of the ranking of UNESCO World Heritage Sites with 55 sites (a much larger country like China comes only second with 52). Thus, it is easily understood that in Italy landmarks are very important for the cultural identity of the country, because we cannot think of Italy without thinking about its rich cultural heritage. But it is easily understood as well that cultural heritage is also a very important resource with a strategic value for tourism, and that the protection and the conservation of cultural heritage is a matter of great importance for economic reasons too.

The oft-repeated assertion that Italy's cultural heritage is its version of oil may certainly be banal, as it is sometimes said, but it is fundamentally true (this is, in fact, one of the main reasons that bring tourists to our country), and we can add that cultural heritage is a not polluting and invasive resource the way oil is. Some figures may be useful: we might recall, for example, that the yearly income from the

Uffizi Galleries in Florence is about 34 million euros, the Pompeii excavations around 24 million euros per year, or that the income from the Archaeological Museum of Naples is about 3.4 million, while the one from the Royal Palace of Caserta is about 3 million euros per year. The examples could obviously continue at length. It is also significant in this respect to remember that this year the closure of museums during the spring lockdown resulted in a loss of about 78 million euros, and we will now see how much the autumn lockdown will cost, where museums, which are certainly not the most contagious places, could have been spared.

As Salvatore Settis rightly observed, the closure of museums consolidates the dangerous view that museums are something non-essential compared to other realities.

We hope that a new model of smart-visiting will not spread just as the alienating system of smart-working is spreading now.

What can we briefly say about the protection of cultural heritage in Italy? As regards public organisation and laws, we can affirm that the situation is reasonably satisfactory. There is a well-structured and ramified organisation which takes care of the protection and conservation of cultural heritage: namely the Ministry of Cultural Heritage and Activities (MIBAC), which was established in 1974 as the Ministry of Cultural Assets and Environments and has undergone many (perhaps too many) transformations over time (from 2013 to 2018 it also had tourism among its competences, and it is not clear why a different choice was then made). It is now divided into a series of offices, including the regional Museum Poles, the autonomous museums and the 39 supervisory offices for archaeology, fine arts and landscape.

Regarding the protection of cultural heritage in Italy, it is obvious that enhancement is part of the tasks of the Regions, whose competences in this area have recently been extended compared to the past, and this has created a certain conflict of jurisdiction with the state (the case of archaeological parks is an example in this sense). As regards laws, it is sufficient to remember that the protection of cultural heritage is explicitly provided for in the Italian Constitution (Art. 9), and that subsequent measures have further specified the tasks of the state in this sector.

Obviously, public organisation and laws are not sufficient, and problems are not lacking. The biggest one is undoubtedly the shortage of funds, because the money reserved for this great task by the state is

not enough in comparison to the extent of the heritage to be protected: the budget of the Ministry of Cultural Heritage, in fact, is one of the lowest among those of the Italian Government. So, while, on the one hand, many museums and archaeological parks have beautiful internet websites that praise their beauties and try to attract visitors, on the other hand, the offices are often understaffed, museums and archaeological parks are sometimes closed due to lack of personnel and the funds to be used for the necessary interventions are not sufficient.

In the universities we train various experts in the sector, but we see that only a few manage to find a place in the public administration (which is the main objective to which our graduates aspire) because of the very limited number of posts available. The slimming down of the state administration imposed by the austerity policies of previous years (the consequences of which are now particularly visible in the health sector because of the pandemic emergency) makes its perverse effects felt in the field of cultural heritage as well. Is an increasing involvement of private funding in the protection and conservation of cultural heritage one possible solution? This pattern, developed in other countries for some time, in Italy still arouses not a little distrust in some sectors of public opinion, for the fear that the involvement of private funding may lead to a limitation of free access to cultural heritage (the title of a recent book by T. Montanari, *Privati del patrimonio*, is significant in this regard)¹. Without joining in the lively debate on this issue (that is considerably conditioned by ideological positions), I will simply recall a recent innovation that demonstrates that the involvement of private funding can usefully complement the protection exercised by the state without limiting free access to cultural heritage: this is the so-called “art bonus” introduced in 2014, a law that guarantees a fiscal reduction to those who contribute to the maintenance of architectural monuments or give money to cultural institutions, such as museums, libraries, archives, archaeological parks, but also opera houses. The law, which has been publicized by MIBAC with the slogan “we are all patrons for the protection of cultural heritage”, made it possible to raise about 435 million euros from 2014 to 2020, even if, as it has been observed, we have to consider that more than a half of the declared patrons are entities, such as foundations and institutes

¹ T. Montanari, (2015), *Privati del patrimonio*, Einaudi: Turin.

of credit, which already contributed with grants to safeguard cultural heritage.

In any case, its effectiveness seems undeniable, and many important initiatives have been implemented or are about to be implemented with these funds. If the Campania region is taken as an example, it is sufficient to recall the interventions that are underway in the Archaeological Park of Paestum, where, among other things, the restoration of the temple of Athena is planned (and an innovative project for monitoring this temple through the application of sensors has already been implemented), or the interventions that will be implemented in the Capodimonte Museum, a true jewel of Naples for its rich collection of works of art.

As a historian, I would also like to point out the restoration and exhibition of the more than 4,000 coins of Naples that were recovered in Piazza Municipio, during the works for the construction of the underground, and that provide a valuable testimony to the history of the city from the Greek age to the viceroyalty period².

But in order to safeguard cultural heritage it is also necessary to make possible a widespread awareness among ordinary citizens, who need to realise its importance for their cultural identity and for the development of the territory, and contribute in some way to its protection (not only by granting funds). The role of universities can be particularly significant in this field.

² <<https://artbonus.gov.it/lista-interventi.html?regione=15>>.