

# Some Considerations on the Evolving Concepts of Cultural Heritage

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## Abstract

The history of the property as general heritage and access to the entire society is a phenomenon which took matter during the French Revolution, where the entire heritage, especially of museums, should be considered as a public possession of all, in order to disseminate knowledge to all. In the Albanian context, the history to this heritage and the awareness took place in other circumstances, given the history and various developments in Albania. Given such circumstances, our analysis will be focused on the historical development and attention to national heritage, which was propagated at the same time as raising and awareness of missing values. These values have been attempt in different ways and related and have also changed during years of totalitarian period and then with the change of the political system.

The paper tries to bring an overview of holistic term of culture heritage including museum law interpretation as part of cultural heritage legislation.

**Key Words:** Heritage, Law, Museum, Culture, Objects.

## 1. Introduction

The importance of cultural heritage and then of the heritage as a mean to make aware the mass population, was introduced in different not linear stages, partly as a result of historical flow, and by crossing the simultaneous phases that Europe knew and practiced for the development and protection, even in time of war, of the cultural assets in their countries. In this sense it is necessary to analyze the evolution undertaken by governments in Albania and efforts to draft regulations and laws on cultural and archaeological heritage and continual changing of the term museum as a place where the wealth and heritage of a nation is stored and displayed.

## 2. The Muse and Museum

Etymologically, the term Museum derives from the Muses, known in antiquity and Greek mythology as the land of Muses, and bonding with their mother Mnemosyne. For Mnemosyne and Muses speaks Hesiod to Teogonia, who opened the mind of their father Zeus in Olympus, saying things as they are, or how it will be and how they were, in other words, indicating the present, the future and the past, which constitute the time universe of the museum, so: things that we keep today for tomorrow in memory of the past.

In III-century BC the term *Mouseion* is found, which was the name of a cultural Institution of Alexandria, situated near a library and which served as gathering and meeting place of scholars, and contained artwork, manuscripts and natural curiosities, coinciding today with institutions of museums (Brizza 2006:25-26).

After embracing this etymology, the term began to be used to indicate a site, which contains objects relating to the history, arts, archeology, and ethnography and where the property it holds, collects and preserves, should serve for the education and knowledge of future generations. In the late 19<sup>th</sup> century, the term "royal museum" was used by the Ottoman Empire to imply the valuable objects, and a first paraphrase in the sense of interpretation is found by Sami Frashëri in 1899, who defines museum as "Musie"<sup>1</sup>, a place that in addition to collecting and preserving historical

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<sup>1</sup> Berat Municipality, Available from: <http://bashkiaberat.gov.al/?cat=32>, [Accessed: 11.10.2013].

materials or natural objects, would perform the spread of scientific knowledge to the public and would developed research work, study and publishing work (Adhami, 2001:15). According to Adhami (1971:179) Sami Frashëri was the first to throw the idea of building museum institution in a manifesto drafted this year, which among other, the museum received importance as useful means "A general Musie will be the capital for all those old things ..... that would be found in Albania and elsewhere"<sup>2</sup> During the end of the 19<sup>th</sup> century, museum was known by other etymology like "The Cabinet of the Physics' Museum", conducted under the care of the Friars Vasilicio and Alexander Fracchioni of the Jesuit school<sup>3</sup> as well as Collection, undertaken by Father Shtjefen Gjeçovi, who focused towards private collection of these institutions. Father Gjeçovi in the early twentieth century introduces the concept of establishing a museum named otherwise as "National Museum", as a place of gathering and observation of objects from all people<sup>4</sup>. Another idea of National Museum was expressed in 1925 by Karl Pasch. He noted that the National Museum would be the environment of collecting monuments and archaeological objects, that would include the preservation and documentation of the history for future generations (Pasch, 1925:36-37), and the museum would be the place to welcome anyone.

### 3. Antiquities and etymological evolution

In the field of museums, in the late 19<sup>th</sup> century, the first normative act was encountered, which was related to the protection of cultural property, and that was sanctioned by law in this period of the Ottoman Empire. The act that had power in our country, was the internal regulation dated 05.01.1889 "Për rregullimin e muzeumit mbretëror" (Meksi, 2004:32-38). According to Article 1 of this Regulation, the importance and museum activity were established. This regulation characterized "the royal museum as important to its aim to detect and protect all the old buildings and monuments that will come to light by excavations, that after establishing the museum they should be published". On the eve of the declaration of independence of the country, (the law dated 08.07.1912), in Article 5, designated with the term "antiquities" the old fortresses, prisons, the walls

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<sup>2</sup> Ibidem.

<sup>3</sup> Kolegja Saverjane ndër 50-vjetët e para 1877-78, 1927-28, (1928), Zonja e papërlyeme, Shkodër, 22-23.

<sup>4</sup> Albanian State Archive, Fund Nr. 152, Year 1922. File 452.

of each building (monuments)", giving this designation a geographic and monumental expansion.

The word *antiquities* entered for the first time in the vocabulary of important objects by attributes and importance, which required special attention, because this term does not only identify an object. The term "Antiquities" summarized and meant different categorizations and representations as: architectural, cultural, historical and archaeological ones. The first document that expressed attention to the importance of the monuments of Albania was the *Circular of the Ministry of Education* (dated 19.06.1922), in which the tracing and preservation of cultural properties, movable and immovable,<sup>5</sup> started, and the municipalities were responsible to reserve a special place in their buildings for the preservation of antiquities, enriched by a special inventory for them<sup>6</sup>. In setting the values of the *antiquities* another legislative initiative was added, where *antiquities* obtained their particular importance, the decree law that protected the *National Monuments* (dated 28.05.1929)<sup>7</sup> By sanctioning this law the Ministry of Education was defined as the highest body to exercise the storage function, the decision-making, as well as the distribution of defined responsibilities by creating the first National Monuments Commissions in different cities.

After setting this law, classification and distinction for the most important monuments of the Nation began, as well as the belonging boundaries of national monuments. With this law importance was given to all objects named as "National Monuments", which did not have the right to sell abroad Albania, even if they were private property, without the permission and approval of the Ministry of Education *Article 5*. This law was a provocation to anyone who possessed everything defined as "*antiques*". Through this law, the classification in the "National Monuments" was done on the basis of the value of seniority or skill "*All buildings, edges and parts of them, clothes or weapons worth going for historical memories, going for beauty of art skill, which are or will be found in Albania, are the property of the*

<sup>5</sup> Historiku i legjislacionit të shpalljes dhe ruajtjes së monumenteve në Shqipëri, Online <http://www.slideshare.net/hoteleritourismalbانيا/historiku-i-legjislacionit-te-shpalljes-dhe-ruajtjes-se-monumenteve-ne-shqiperi> {last accessed 9.12.2014}.

<sup>6</sup> Albanian State Archive, Fund Nr. 152, Year 1922, File 452.

<sup>7</sup> *Ligji për Monumentet Kombëtarë, dt 28 Maj 1929*. Botuar në Fletoren Zyrtare, 17 Qershor 1929, Nr. 34, p. 725-729.

*Nation*<sup>8</sup>. After this decision, it was categorically forbidden by law to dig with the aim of searching old things *Article 10*. The state took over to recognize to the land owners the form of compensation from archeological diggings of foreign missions, as in the case of the Italian Archaeological Mission<sup>9</sup>, as well as applied a new form of remuneration to objects found *Article 14*<sup>10</sup>. All provisions of the agreements made between Albania and archaeological missions (1927 Italian and French 1923), remained in force even after the promulgation of the decree-law on national monuments ", *article 17*,<sup>11</sup>

The year 1939 brought new developments in the historical sphere of Albanian state, which after the invasion of Italy changed the normal course of development. This year is known in the Italian cultural heritage legislation as Bottai-law or reform (Molfinò & Govi, 2004:65).

In the historiography of the Italian cultural heritage law, this law is known as *Protection Act nr.1089* (year 1939). The law set out the reorganization of territorial responsibilities based on the disciplines of archeology, architecture and art history, reinforcing the authority of the central administration. The Bottai-reform returned the historical, artistic, cultural and environmental heritage to the core around which was built and included the identity and integrity of a nation<sup>12</sup>. Bottai considered as *state property* the immovable objects known for their historical, artistic and archaeological interest, as well as the collections of museums, art galleries, archives and libraries. The law coming from the Bottai reform sketched the importance of the concept of cultural heritage and public use from all (Marani & Pavoni, 2006: 66). The application of Bottai-reform was among the goals that were discussed in the first Albanian Parliament in April 1940. The Assembly would be oriented to organizing the cultural property, since the start of immediate recording of existing monuments classifying them under the art and historical significance, as well as the study of

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<sup>8</sup> Ibidem.

<sup>9</sup> Ma i pari Kuvend i Studimeve Shqiptare , Instituti i Studimeve Shqiptare, Tiranë 9-13 Prill 1940, p. 21-42.

<sup>10</sup> *Mbi mbrojtjen e monumenteve të kulturës dhe të sendeve natyrore të rralla*, Dekret Nr. 586 dt. 17.3.1948, Gazeta. Zyrtare. Nr. 39/1948, aprovuar me Ligjin Nr. 609 dt. 24.5.1948, G. Z. Nr. 72/1948.

<sup>11</sup> *Mbi ruajtjen e monumenteve të kulturës*, Rregullore e aprovuar me Vendimin e Këshillit të Ministrave Nr. 130 dt. 9.4.1955, Gazeta. Zyrtare Nr. 5/1955.

<sup>12</sup> Origine ed evoluzione della legislazione dei beni culturali in Italia, Online, [http://www.patrimonioculturale.net/evoluzione\\_legislazione.htm](http://www.patrimonioculturale.net/evoluzione_legislazione.htm), [Accessed: 11.10.2013].

archaeological diggings coming from few documentary and archival data".... *as archival resources are scarce, so what the documents don't give, can give us the monuments*"<sup>13</sup>

#### 4. Setting new laws

After wars ended, the archaeological and cultural property of Albania suffered great losses. The reasons were different. In these circumstances, after the establishment of the new power was essential the setting of laws that protected the cultural heritage. To this end, in 1948 was made the first legal step in the protection of cultural property Nr. 609, (dated 25.04.1948), *On the protection of cultural monuments and natural rare items*<sup>14</sup>.

With the term - *Cultural property* - the law included all movable and immovable objects that had historical, cultural, historical, environmental and rare natural values. The preservation and restoration of historical monuments were adopted by basic principles of the Athens Charter decided in 1931, requiring application of modern techniques and materials in restoring activity (Rodwell, 2007:12, Meksi, 2004:32-38).

With the promulgation of cultural assets in 1955, it was taken another decision No. 130, (dated 05.04.1955) which approved the *Regulation of The preservation of monuments of culture*, where first principles about the study, restoration and protection of cultural property were added. In this regulation the Rectorate of the State University was appointed to divide and classify the cultural property in a special list, while the Council of Ministers declared the cultural property of a particular importance. For the first time, the cultural monuments collected in museums and other places of storage, took an important place regarding the registration form which should be subjected<sup>15</sup>.

By the creation of ICOM in 1946, and the first Conference held from 28<sup>th</sup> June to 2<sup>nd</sup> July 1948, emphasize and the term "museum" was clearly defined, which meant: "museum includes all collections opened to the

<sup>13</sup> Ma i pari Kuvend i Studimevet Shqiptare, 1940, Instituti i Studimevet Shqiptare, Tiranë 9-13 Prill, p. 21-42.

<sup>14</sup> *Mbi mbrojtjen e monumenteve të kulturës dhe të sendeve natyrore të rralla*, Dekret Nr. 586 dt. 17.3.1948, Gazeta. Zyrtare. Nr. 39/1948, aprovuar me Ligjin Nr. 609 dt. 24.5.1948, G. Z. Nr. 72/1948.

<sup>15</sup> *Mbi ruajtjen e monumenteve të kulturës*, Rregullore e aprovuar me Vendimin e Këshillit të Ministrave Nr. 130 dt. 9.4.1955, Gazeta. Zyrtare Nr. 5/1955.

public with artistic, technical, scientific, historical materials or archaeological material, including zoos and botanicals". During the first resolutions, the problems of ICOM involved the application of principles such as ethics, education, conservation and research, while in the third resolution the museum was intended to play role in the popularization of the arts, sciences and techniques, to draw the public attention to these points and finally to establish its influence in the field of museums. During this conference the museums were considered to have a list of their collections, to create museum catalogs, to define the museum methodology and to organize international exchanges of publications (Baghli, Boylan, Herreman, 1998:15-16).

Some of these ICOM definitions seem to have been proposed even in the sphere of Albanian museum in *Regulation of 1955*, where it was asked from the museum to begin recording the collected objects. In this regulation is encountered the definitions of special protected monuments, as well as the categorization of the importance of monuments:

- a) National monuments,
- b) Special protected monuments<sup>16</sup>.

According to this decision the registration deadline for all facilities classified as monuments known to date and their coverage on state lists, which should be completed within 1958, was determined "17. This year determined the scope and format of which will the museum operate. The regulation clarifies the specified classifications of the museum by determining its physiognomy even so: "*Museums are the main places of conservation of collections of movable culture monuments* ", where state museums were divided into:

- a) central museum;
- b) the local museum<sup>18</sup>, defining the museum as state-owned, not encountering other forms of the collection or private museums.

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<sup>16</sup> *Mbi masat për mbrojtjen e monumenteve të kulturës*, Vendim i Këshillit të Ministrave Nr. 130 dt. 9.4.1955 Gazeta Zyrtare, Nr. 5/1955.

<sup>17</sup> Ibidem.

<sup>18</sup> *Mbi ruajtjen e monumentave të kulturës*, Rregullore e aprovuar me Vendimin e Këshillit të Ministrave Nr. 130 dt. 9.4.1955, Gazeta. Zyrtare Nr. 5/1955.

In July 1964, another initiative was taken in profiling the district museums that had to be profiled according to the main characteristics of the area they represented. To this decision was subjected all museum network in the entire country, and the focus of this initiative was Durres Archaeological Museum, as well as that of Apollonia and Butrinti taking into account the second point of the decision, and arguing that it must be addressed in an archaeological museum on the antiquity of the city in its representation and history. Such line followed the Museum of Shkodra taking the profile of ethnography development, Kruja museum that reflected the history of XV century (Adhami, 1964:1-3). In this regard, the state was the highest authority in the valorization of heritage, set to impose the significance on objects, by initially "Protecting" them and secondly by "Saving, Restoring" and then "Registering". These concepts will guide the principles of site management and monuments of cultural assets, which in the postwar situation, and considering numerous robberies, the heritage suffered during wars, obviously there was an immediate need. In 1971 another decree was passed, Nr.4874 (dated 09.23.1971) "*On the protection of cultural monuments and rare natural assets*", replacing the law of 1948. In this decree the cultural assets should be protected by the state. With this law, became known that the movable and immovable cultural and historical monuments, as well as rare natural assets containing value for the culture and history, should be considered as assets and property of the people and were protected by the state (Meksi, 2004:35). The law forbade every touch or alienation, as well as the land they were put on.

## 5. Facing changing times

The years 1990 to 2000 are understood as the second period in the history of culture heritage and museums can be characterized as a decade of change of systems from totalitarian to democratic, but also followed by other crises like that of 1997 and 1998 with the arrival of Kosovo Albanians. This period brought difficulties in normal continuity of the importance of cultural heritage and museum. Since the beginning of 1991 emerged a difficult manageable phenomenon, like stealing artifacts in museums and cultural monuments robbery, referred by (Zeqo, 1991)<sup>19</sup>, and (Gilkes,

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<sup>19</sup> *Bashkimi*, (1991) Ndal eksodit të kujtesës, 8 May (Interview of Moikom Zeqo).

2002)<sup>20</sup> who argue that museums suffered numerous losses from theft and destruction of archaeological objects. Cultural heritage monuments and especially museums faced the phenomenon of occupation, robbery, vandalism and illegal export of archaeological works and other important valuable monuments. During the 90<sup>th</sup> of XX century, vandalism took the form of a phenomenon that spread around the country, serving for personal enrichment, and includes the looting of cultural heritage buildings and archaeological sites, by residents who commit extortion for personal profit through their selling in illegal foreign markets, becoming protagonists of the destruction of priceless value and outrage upon the culture and heritage of the nation. This activity demanded urgent measures for retrieval of heritage objects, obtained illegally through negotiations in the countries of origin due to a request from other countries that faced with such situations who gathered on 22-23 April of 1991 in Athens<sup>21</sup>, where Albania was represented<sup>22</sup> by Moikom Zeqo.

After the change of political system but also the situation of loss and destruction of cultural heritage in the country, in 1992 the National Assembly ratified the European Convention for Culture signed in Paris in 1954, adopted in Albania on (25.06.1992)<sup>23</sup> which adopted the Law *On Protection of Movable and Cultural Property*<sup>24</sup> Through this law two main institutions were loaded that will start recording the ownership of cultural heritage:

- Ministry of Culture, Youth and Sports,
- Academy of Sciences and other scientific institutions.

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<sup>20</sup> Gilkes]. O (2002) How the Goddess lost her head: the myth and reality of the looting of Butrint, in "Culture without context", {Online}, (Issue 10 Spring)  
<http://www2.mcdonald.cam.ac.uk/projects/iarc/culturewithoutcontext/issue10/gilkes.htm>, [Accessed: 27.11.2014].

<sup>21</sup> Intergovernmental committee for promoting the return of cultural property to its countries of origin or its restitution in case of illicit appropriation, Seven Session, (Athens, Greece 22-23 April 1991) CLT-91, CONF.204/2, Paris 15 March 1991.

<sup>22</sup> *Bashkimi*, (1991) Ndal eksodit të kujtesës, 8 May (Interview of Moikom Zeqo).

<sup>23</sup> <http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=018&CM=&DF=&CL=ENG>, [Accessed: 24.12.2013].

<sup>24</sup> *Law on the Protection of Immovable and Movable Culture*

[http://www.unesco.org/culture/natlaws/media/pdf/albania/albania\\_loi\\_eng\\_orof.pdf](http://www.unesco.org/culture/natlaws/media/pdf/albania/albania_loi_eng_orof.pdf)  
[Accessed: 18.11.2013].

Also the ways of import or export or transit of cultural assets were determined, which should have been determined by mutual agreement under the International Covent: *The Measures, Detention and Prevention of Illegal Import/Export and transfer of Cultural Property (14.11.1970)* as well as other international conventions that defined:

- Illegal trading,
- Promotion for the return of cultural property found in other countries but belong to the Albanian state which is legally or scientifically documented and vice versa.

The law for cultural heritage also provided:

- The possibility of cultural property trading (Art. 13), under the law, and the use of the facility (Art. 28)
- Creation of the basis for the establishment of private museums in terms of archaeological heritage and the material culture.
- Prohibited billboards and advertising placements in archaeological sites without authorization from the Institute of Monuments (Art. 4)
- Prohibited the use of metal discoveries research at archaeological sites and monuments of culture (Art. 5),
- Established declaration of facilities owned by regional cultural institution, within a year (Art. 8), and the objects found within two weeks of detection (Art. 10)
- Established the termination of the works in case of detection of archaeological objects (Art. 25)

Years later the cultural heritage legislation was enriched by several laws:

- (1994 Law) *On Protection of Cultural Property of movable and Immovable* as an adaptation of the 1991
- (1996 law) *On approval of the memorandum of cooperation between Republic of Albania and the United Nations organization for education, science and culture*<sup>25</sup>
- (2003) Albania faces a legislation that is entirely devoted to the definitions of cultural heritage, provisioning its protection rules,

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<sup>25</sup> Law, nr.8157, date 31.10.1996, *On approval of the memorandum of cooperation between Republic of Albania and the United Nations organization for education, science and culture.*

duties and responsibilities of the institutions operating in this field<sup>26</sup>. It provided the rules and obligations how private collectors should exercise, and their facilities to take proper evaluation. This law also defines rules for private collectors which had to accompany the collected objects with a facility passport taken in the National Center of Cultural Property Inventory. This becomes necessary condition in cases of donations, sales, purchases, etc.

- In 2006, ratified the Convention *On the protection of intangible cultural heritage*, Paris 2003<sup>27</sup>,
- (2007) the accession to the European Convention *On protection of the archaeological heritage* (revised)<sup>28</sup>. In this law the protection of the archaeological heritage is regarded as a source of European collective memory, and as a tool for historical and scientific studies (Art. 1, Para. 1)

## 6. Findings

The period analyzed contains almost a century for the setting before connecting to the cultural heritage. Despite the efforts that had been taken by laws, their retention was not always possible, as it happened with foreign archaeological missions and overseas exhibition in Naples. This exhibition held in Naples in 1939 would result in fatal fate of archaeological objects that were displayed in the Albanian pavilion of the East Fair “(Albanian State Archive, Fund Nr.490, Year 1945, File261, p.1-13)”.

We have not analyzed the verification of cases of application of any law, even though it may be argued that in periods of political constraints as those after World War II and the political and social changes after 1990, cultural heritage and museum had difficulties related to the physical storage facilities. On the other hand it should be noted that any government has expressed the interest for the identification of the values of cultural and archaeological heritage and therefore are amended many laws and regulations.

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<sup>26</sup> Ligj nr.9048, datë 7.4.2003 “Për trashëgiminë kulturore, (i azhornuar me ligjin 9882, dt. 28.02.2008).

<sup>27</sup> Law nr 9490, date 13.3.2006, *Convention On the protection of intangible cultural heritage*.

<sup>28</sup> Law nr.9806, date 17.9.2007 *Convention On protection of the archaeological heritage* (revised) (promulgated by Decree nr. 5466), datë 28.9.2007.

## 7. Conclusion

Certainly the applications of the laws set by governments have to be taken with caution and we cannot come up to the conclusion that they fully realized them, but the national heritage is considered important in all governments. It has been at the center of many regulations and laws, with the aim of ensuring their protection and preservation, immediately after their identification and tracking. After the years of war several initiatives were undertaken in the laws and regulations on heritage and monumental heritage of the Albanian state, which set the first steps towards legitimacy of the preservation, protection and propagation of them to people. After the changing political system, culture heritage lost some of its value understood as social cultural interest for the people. During this first year of social changes it faces difficulties in preservation, even though several laws in its protection were amended. The 2003 is recorded as the year when the law for cultural heritage took a complete form, and implemented several issues.

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