

Birth and Crib Death of Preventive Archaeology in Italy

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Abstract

In Italy there is no specific legislation on archaeology and the Malta Convention was not ratified until 31/12/2015. The realm of preventive archaeology, limited to public works alone, has been waiting for official guidelines for years. From a professional standpoint, the archaeologists who manage sites under the scientific direction of the Ministry of Cultural Heritage and Activities and Tourism face difficult conditions, while the reform of the Ministry, currently being implemented, is creating serious organisational problems for the Superintendencies – the local protection bodies. The lack of any connection between preventive archaeology procedures and spatial planning severely undermines the effectiveness of interventions. As regards the political and institutional context, in recent years a series of reforms in the public administration sector has greatly reduced the room for action of protection bodies in terms of the times and methods of intervention. Despite this difficult situation, preventive archaeology activities have led to highly important scientific results, especially in urban areas. Unfortunately, the ineffective manner in which these results are often disseminated to the public has an impact on social recognition, a fundamental element of sustainability of the discipline.

Keywords: *P.A. Reform, Superintendencies, MiBACT, bureaucracy, communication*

Riassunto

In Italia non esiste legislazione specifica sull'archeologia e la Convenzione di Malta è stata ratificata solo il 31/12/2015. Le procedure di archeologia preventiva, limitate alle sole opere pubbliche, sono da anni in attesa di linee guida ufficiali. Sul piano professionale difficili sono le condizioni degli archeologi che gestiscono i cantieri sotto la direzione scientifica del

Mibact, mentre la riforma del Ministero, in fase di attuazione, sta provocando grossi disagi sul piano organizzativo alle Soprintendenze, gli organi di tutela territoriali. La mancanza di connessione fra le procedure dell'a.p. e la pianificazione territoriale sminuisce gravemente l'efficacia degli interventi. Relativamente al contesto politico istituzionale, negli ultimi anni una serie di riforme nel settore della pubblica amministrazione ha fortemente compresso gli spazi di azione degli organismi di tutela per quanto riguarda tempi e modalità d'intervento. Nonostante questa difficile situazione, le attività di a.p. hanno condotto, soprattutto in ambito urbano, a risultati scientifici di grandissimo rilievo. Purtroppo la comunicazione di questi risultati al pubblico non specialista avviene spesso con modalità poco efficaci che influiscono sul riconoscimento sociale, fondamentale elemento di sostenibilità della disciplina.

In Italy, the ratification of the Malta Convention became effective as of 31st of December 2015, 24 years after the Convention's introduction. This grotesque delay mirrors the legislative lag which, among other things, afflicts preventive archaeology in our country. In Italy, there is no specific law dedicated to archaeology, much less to preventive archaeology. The ratification of the Malta Convention itself took place at a purely formal level and to date has not produced any legislative effects.

Moreover, the framework legislation embodied in the Code of Cultural Heritage and Landscape¹, though relatively recent, especially the part concerning heritage is a faithful heir, from a political and cultural standpoint, to the historical law 1089 of 1939², in that it maintains a notion of cultural heritage as “property” rather than introducing a radical and essential innovation that could have led to a more effective and up-to-date concept of protection.

In the Code, archaeology is still envisaged almost exclusively as a 19th century-style academic discipline. So much so that only one paragraph is dedicated to preventive archaeology, in Article 28³. What is more, it limits the scope of application of preventive archaeology to public works alone – practically the only case in Europe – whilst private property remains exempt (though in 2011 the category of public works was expanded⁴ to include works of public interest and those related to sectors such as gas, electricity, and transportation)⁵.

1 Legislative Decree no. 42/2004.

2 The famous Bottai law of the Fascist period, expression of a strongly centralist policy.

3 *Art. 28 4. In the event of public works carried out in areas of archaeological interest, even when the verification as per Article 12, paragraph 2, has not been conducted or the declaration referred to in Article 13 has not been issued, the superintendent may request that preventive archaeological surveys be carried out at the expense of the commissioning entity.*

4 L. n. 106/2011.

5 In the context of private works (the large majority of interventions) apply regulations on rescue archaeology, except possible agreements that each Superintendence can stipulate with Municipalities in subject of city planning.

The small paragraph of the Code has made further legislative references necessary. These have not been set forth in specific provisions, but rather – for example in the Code of Public Procurement⁶ – in provisions that have left many interpretative gaps. Two subsequent circulars, not having the force of law, were issued in 2012 and 2016 by the former central body of the Ministry of Cultural Heritage and Activities and Tourism, the Directorate for Archaeology, which the recent reform has abolished⁷.

Preventive archaeology procedures are coordinated by Ministry staff, which due also to endemic shortages of personnel (in September 2016, there were 340 Ministry-appointed archaeologists covering the entire country, excluding Sicily) have never been able to conduct excavations directly. Excavations are thus outsourced to specialized firms or professionals, who are paid by the contracting entity (developer), while Ministry officials are left in charge of their scientific direction.

This hybrid situation, neither completely public nor private, gives rise to many problems and forces professional archaeologists into an uncomfortable position between the contracting entity and the public body responsible for heritage protection (Superintendencies).

In the past two years, the Ministry has undergone a radical reorganization⁸ which has generated a heated debate, still ongoing. In the view of critics, including the author, the objectives of the reform can be summed up, very briefly, as: a definitive break between protection and exploitation, to the advantage of the latter in terms of resources of every type; a hierarchization of the system as far as the decision-making process is concerned, with the aim of securing greater political control; simplification-compression of the mechanisms of oversight and monitoring.

Remaining within the realm of archaeology, the second stage of the reform (2016) saw the abolition of both the Central Directorate for Archaeology, and the Archaeological Superintendencies, now merged with the other specialized Superintendencies, which have thus now become mixed entities. The overall number of Superintendencies, the local protection bodies of the Ministry of Cultural Heritage and Activities and Tourism, has decreased from 79 to 50.

The fact of bringing together different categories (art history, architecture, archaeology, demo-ethno- anthropology and landscape) is not negative in itself, as it could result in better synergy among specialists and a more systematic vision of heritage, but the reform was hobbled from the outset in terms of its organization and resources: for years, the Superintendencies have been experiencing a severe crisis as far as personnel, archives,

6 Legislative decree 163/2006, Arts. 95 and 96, since replaced with the new Public Procurement Code, Legislative Decree no. 50/2016.

7 The two ministerial circulars, respectively no. 10 of 15/06/2012 and no. 1 of 20/01/2016, are strictly internal in nature and have both been criticised for their almost exclusively bureaucratic-procedural character.

8 Prime Ministerial Decree no. 171/2014 and Ministerial Decree of 23/01/2016.



Fig. 1. Protest of professional archaeologists (© Photo: Andrea Fabbri Cossarini, CGIL)

laboratories and budget are concerned and a reform undertaken at zero cost (indeed included within the framework of a spending review) has no chance of inverting this trend.

There is a concrete risk that the result of the ongoing process will be a lower level of protection and that the role of individual Superintendents will evolve into that of a mediator among different demands and political pressures in their respective territories, increasingly more like managers and endowed with fewer and fewer technical and scientific competencies.

In this still very confused situation, the practice of preventive archaeology faces further problematic aspects. The lack of a clearly formulated law dedicated to preventive archaeology has created legislative ambiguities and uncertainties and has favoured a context that does not assure sufficiently dignified working conditions for professional archaeologists⁹: for several years now, gross hourly pay has stood at less than 10 Euros for multi-specialist professionals (the consequence being that excavation sites are managed according to barely acceptable standards and, even worse, the profession has been placed in a precarious state) (fig. 1). In respect of the protection of archaeological heritage, there continue to be many problems surrounding the promotion of newly discovered heritage or management of deposits of excavated materials. Just as there continues to be considerable diversity in the application of legislative provisions by different Superintendencies.

⁹ To date (December 2016), no regulations have yet been issued within the framework of Law no. 110/2014 on the recognition of cultural heritage professions, specifically that of archaeologists, though the law had aroused high hopes for a better regulation and protection of the profession. On this subject see Guermandi & Salas Rossenbach 2013: 25-34; Stella 2013.

These problems should have been remedied by the guidelines called for back in 2006 (Article 96, paragraph 6 of Legislative Decree no. 163), which were supposed to provide a better organized framework of rules, more robust from a scientific, technical and administrative viewpoint, and as a result eliminate or narrow the areas of conflict characterizing many sites. Announced at regular intervals, but ten years later we are still waiting for them.

Yet in Italy, too, rescue or preventive archaeology accounts for 90% of archaeological digs: according to the Ministry (of Cultural Heritage and Activities and Tourism), excavations of this type amount to about 7 thousand per year.

A factor compounding the problem is the nearly absolute absence of statistical data relating to archaeological activities¹⁰, not to mention the lack of any surveys on the public participation. Practically the only data we get from our Ministry is the number of visitors to places of culture. This says a great deal about the quality of the Ministry's planning.

This far from optimal situation falls within an unfavourable (to use a euphemism) legislative and political context. Since the beginning of the economic crisis¹¹, countless legislative measures aimed at relaunching the economy have had the effect of progressively eroding the areas of action of heritage protection bodies, particularly as regards activities on a local scale. Not only at a national level (this is a phenomenon affecting Europe and the western world as a whole, as highlighted by some of the authors in this volume), a general process of reform is seeking to redefine and compress government agencies and public institutions in a broad sense (from universities to supervisory authorities). A mutation in the organization of the State, that is, of the entity supposed to guarantee functions, including those of protection, under conditions of social equality, has been underway for over five years.

The watchwords accompanying this process have been "simplification" and "flexibility" (the latter with reference in particular to labour).

Our sector has thus seen the introduction of a host of measures designed to simplify protection laws with the aim of reviving the building industry, which continues to be considered a priority from the standpoint of economic development. In Italy, the so-called fight against bureaucracy (viewed as synonymous of government agencies) has accelerated further in the past two years. The latest legislative provisions¹²

10 The last – and only – official data on preventive archaeology provided by the Ministry date from 2011, cf. Malnati 2011.

11 On the effects of the economic crisis in the archaeological sector, cf. Schlanger & Aitchinson 2010.

12 Concerning their effects on the system of protection, see above all the law introducing incentives for large-scale works, referred to as *Sblocca Italia* ('Unlock Italy'), Law Decree no. 133/2014 and the Public Administration reform and subsequent implementing decrees, Law 124/2015. For a comment on *Sblocca Italia*, see *Rottama Italia* ('Scrap Italy' 2015) and on the law reforming the public administration, cf. Sciuillo 2015 and Losavio 2016.

have at least one thing in common: complete disregard for planning, however interpreted, and, consequently, a curtailment of the guarantees of protection connected to planning operations across a vast area.

Instead of involving the Superintendencies or other protection bodies from the earliest stages of planning, as also suggested by the Malta Convention, the most recent laws have excluded them from decision making, confining them to marginal roles, any steps they take never beyond appeal, and sanction, on a legislative level, the subordination of the interests of heritage to “other” concerns, in particular economic ones.

The intervention of Superintendencies is rigidly and systematically circumscribed, both in terms of the time and in areas of decision making. Treated like undesirable guests, their representatives intervene – when allowed to – only ‘after the fact’, without any possibility of taking part in planning. What is more, even at the verification stage their scope of action is predefined and they can at most seek to ‘lessen the damage’, never venture any radical opposition.

It is almost inevitable that a finger is pointed straight at preventive archaeology, which can frequently block construction projects for lengthy periods.

To this we may add that the introduction of large-scale planning, despite being provided for in the Code of Cultural Heritage and Landscape, is well behind schedule, especially as far as the landscape is concerned: 7 years after the deadlines established by the Code, only two Italian Regions have implemented a landscape co-planning process, which is the very first thing that needs to be done and is essential for land protection. In the meantime, in the absence of any legislation in this area, we continue to gobble up land at a dizzying rate – among the highest in Europe – of 8 square metres per second¹³.

One of the most glaring examples of the damage caused by the lack of a connection between preventive archaeology and development planning is the case of the Rome Metro. The only major European city that does not yet have a decent underground network, for over 20 years Italy’s capital has been caught in a surreal impasse tied to the construction of the C line, which is supposed to cross the city centre. Due to manifest planning errors – the fruit of superficiality and the lack of any real involvement of archaeological expertise from the earliest stages – practically all the locations of stations – the points of impact with archaeological layers – coincide with very important ancient monuments (from the so called auditorium of Hadrian, to Hadrian’s barracks) (fig. 2). The result: an increase in costs, massive delays and enormous problems as regards the final organization of the archaeological sites thus uncovered.

However, another factor contributing to the weakness of the discipline, in terms of recognisability and consensus, is a certain methodological and cultural backwardness of Italian archaeology.

13 Cf. ISPRA - Higher Institute for Environmental Protection and Research 2016.



Fig. 2. The so-called auditorium of Hadrian, a horseshoe-shaped structure dating from Hadrian's era, unearthed during preventive archaeology excavations carried out before work began on the construction of the Rome metro line C. Seven years after the end of the excavations, the structure (a public building of great importance) lies untouched with little information provided to the public, in piazza Santa Maria di Loreto, in the centre of the city, just a few steps from the Trajan Column (©Soprintendenza Speciale per il Colosseo e l'area archeologica di Roma).

The lack of a consolidated legislative framework has produced, as previously mentioned, a sort of anarchy, so that different solutions are applied to similar contexts and according to different logics. At least until the last circular of January 2016, the resources destined to promotion and enjoyment were almost always insufficient from both a planning and financial viewpoint.

A real sore point is the publication of the results of archaeological investigations, which often takes an excessively long time, but above all reflects a scant awareness of the mechanisms of “communication” in the full sense of the word. Publishing summary or even detailed reports addressed only to specialists in the field certainly does not fulfill the need to reach the widest possible audience.

From this point of view the Superintendencies in Italy continue to maintain a closed attitude: proof of this is the fact that excavation sites are always strictly off limits to those not involved in the work and only sporadically – in the case of exceptional discoveries – do the media succeed in gaining and disseminating information.

A good example is the case of the railway construction company Italferr: starting from the 1990s, the construction of the high-speed rail line along the Milan-Rome-Naples route, backbone of the railway network, represented a testing ground for preventive archaeology procedures in Italy. In many cases, excavation sites produced highly important discoveries. The first non-specialized communication of the finds was directly managed not by archaeologists, but rather by the developer, which publicized them as a feather in the cap of the infrastructure building project: essentially, a marketing ploy¹⁴ (incidentally, the works on the high-speed line were often the subject of judicial investigations).

What is more: at the institutional and academic level, some confusion still persists between planned archaeology (based on the developer's agenda, not on research needs) and preventive archaeology. This is a consequence of the lack of a connection between spatial planning and protection activities, which constitutes an obstacle to implementing any real preventive strategies and transforms them into costly rescue operations, for which the available resources always risk being insufficient. From a methodological viewpoint, in the case of excavations of this type, which should not even be considered preventive archaeology, but represent the majority, diagnostic techniques become accessory and at times superfluous.

Though W. Willems (2014: 153-155) warned us about an excessive emphasis on *in situ* preservation, the opposite approach – generalized excavation – if a strategy and resources are lacking, ends up depriving us of knowledge and may result in an irreversible loss of archaeological deposits. In short, we are talking about a preventive archaeology that has never fully developed and still largely revolves around rescue archaeology.

Moreover, the social practices of sharing and inclusion, already experimented with in other European countries for many years, are still foreign to Italy.

To a large degree, when it does not become an ephemeral subject of curiosity following a “big discovery”, preventive archaeology all too often risks becoming a ‘bureaucratic’ process whose results consist solely of a collection of finds, essays and documentation destined to fall rapidly into oblivion in more or less precarious storage facilities and archives.

The other side of the coin of a discipline constrained within the bounds of academic research thus becomes an archaeology understood as a service provided to the commissioning entity, a practice where the primary goal is to improve effectiveness in relation to the project to be completed and cost and time parameters. In both cases, as is clear, what continues to be disregarded is the public and social dimension of the discipline.

14 Cf. <http://www.italferr.it/ifer/Sostenibilit%C3%A0/Ambiente/Archeologia>.



Fig. 3. The excavation site in Piazza Municipio, Naples, during metro constructions works. (Photo: ©Pierre Buch).



La tragedia del treno causata da tre ciotole

Tutta colpa degli archeologi

Alla regione Puglia nell'ultimo decennio sono arrivati 1,7 miliardi per modernizzare i trasporti ma il raddoppio dei binari è stato bloccato per salvaguardare dei «frammenti ceramici» del Neolitico

Fig. 4. Front page of the newspaper Libero, 15.7.2016.

For all these reasons, we cannot blame the political class alone for the present status of delegitimization of the Superintendencies in general, and preventive archaeology in particular. Suffice it to say that the current prime minister, when announcing (on the 15th of August 2014) a decree aimed at relaunching “large-scale public works”, declared, in reference to the special project for the Neapolitan metro - which has produced extraordinary results from an archaeological point of view (fig. 3) - that public works would never again be held up because of archaeological finds.

Or, very recently, the front page of a national daily newspaper, which, after a tragic head-on collision which occurred in Puglia last July between two regional trains traveling along the same track, featured the headline: “All the fault of archaeologists. The train tragedy caused by three ancient bowls” (fig. 4).

Though the risks of an overall weakening of protection in Italy are very evident, this perception is unfortunately shared by only a minority percentage of the population. Issues related to cultural heritage and its protection reach beyond specialist niches only on the occasion of attention-grabbing events like the collapse of walls in Pompeii or in order to resurrect the by now worn-out mantra of our cultural heritage as being a source of wealth for country and too little exploited for that purpose.

The battles to protect our heritage, especially our archaeological heritage, continue to be outside public awareness. Although many land development projects are often of dubious collective utility and almost every day we hear about their excessive costs in relation to the benefits they bring, not to mention the corruption they often give rise to. On the other hand, a culture of communication and above all social involvement have nearly always been lacking in our country. More generally speaking, for several decades we have been feeling the effects of a lack of democratization of our heritage. In the present political context, for example, promotion of our cultural heritage means above all exploitation for tourism, a role that certainly cannot be played by preventive archaeology excavation sites.

In this undoubtedly critical situation, archaeologists should not limit themselves to fighting a battle to defend the *status quo*, but rather take up the challenge. Which means above all recognizing the essentially political character of the protection of our archaeological and cultural heritage in a broad sense. We must thus direct our attention also and above to cultural policy.

Contrary to the view expressed by the political-ideological mainstream, we do not need to simplify, but rather to understand complexity with increasingly powerful tools and, by improving our knowledge-building process, offer interpretations better tailored to the communities inhabiting the territory we work in and share its resources.

By this we mean projects for a land use that is not focused exclusively on a narrow idea of development. In order to be sustainable, however, such projects must be shared with the community they are intended to benefit. To this end archaeologists must be capable not only of informing but also of communicating and – better still – involving citizens.

If the benefits for communities become perceptible, we will have achieved the dual objective of more effective protection and sustainability of our discipline. And, on another level, we will come closer to the right to cultural heritage spoken of in the Faro Convention¹⁵.

As many are starting to recognise, it is time to guide the just objectives of the Malta Convention toward a vision tied not only to the protection of objects and monuments, but also to the satisfaction of needs and aspiration of the communities that preserve them. It will not be an easy process, since both in Italy and elsewhere there are still many difficulties in assuring a protection that is not merely bureaucratic or subordinate to the demands of economic development. A decisive help in achieving this objective may come from transnational cooperation and exchange, which is what the European Association of Archaeology is painstakingly and courageously trying to build.

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