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# valuing heritage in spain

**ABSTRACT:** This paper provides a brief historical survey of the use of “value” in Spanish heritage legislation from the eighteenth century onwards. The widening of the typology of values in the Heritage Act passed in 1985 was mirrored by subsequent legislation from the seventeen autonomous communities or regional governments into which Spain is divided administratively. The last part of the paper focuses on the way values have changed over the past twenty years. It discusses the novel emphasis on social and economic values in the particular case of Catalonia.

## 1. A HISTORICAL SURVEY OF “VALUE” IN SPANISH HERITAGE LEGISLATION

The concept of “value” has a history behind it and this section presents a very brief approach to it in the context of Spanish legislation. The first law to include the protection of antiquities was passed on 23 October 1777, when King Charles III empowered the Royal Academy of Fine Arts of San Fernando (RABASF) to review and approve all interventions in heritage. By this he meant paintings, sculpture and architecture, implicitly including ancient monuments in the last of those categories. The role of the RABASF became limited after a Royal Decree passed in 1803 put the Royal Academy of History (RAH) in charge of archaeological excavations (Maier Allende 2004, Mora and Tortosa 1997). Although the term value was not mentioned, some scholars have indicated that those implicit in the act were antiquity, history and artistic values (Hernández Hernández 2002: 148).

Several terms related to “value” (valor, valoración, valor intrínseco) appeared in the Excavation of

Antiquities Act of 1911, mainly referring to financial value. For example, if the state expropriated a ruin (sic) or object of antiquity, the owner and/or discoverer had to be financially compensated. In the Historical and Artistic Monuments Conservation Act of 1915, the term mérito was used and associated with historic and artistic values. In the Royal Decree of 1922 regulating the export of antiquities, the “ad valorem” right was mentioned and Commissions for Determining the Value of Artistic Objects (Comisiones de Valoración de Objetos Artísticos) were established.

From 1926 the term “value” acquired a new meaning beyond economic worth, as it came to be associated to the artistic and historic significance of the heritage object. Thus, in that year, the Royal Decree promulgated for the Protection and Conservation of Artistic Wealth (Tesoro Artístico) mentioned the “historic, archaeological or artistic value and interest” and opened the door to picturesque monuments. This new category was also

<sup>1</sup> The full texts of this and the other Spanish acts mentioned in this article can be found at [www.boe.es/buscar](http://www.boe.es/buscar).

AUTONOMOUS COMMUNITY	LAW	VALUES MENTIONED
Spain	Act 16/1985 of 25 June, Spanish Historical Heritage	Historical, Artistic, Scientific, Paleontological, Archaeological, Ethnographic, Anthropological and Technical (value and interest)
Basque Country	Act 7/1990 of 3 July on Basque Cultural Heritage	Historical, Artistic, Urban, Ethnographic, Scientific, Technical and Social (value)
Catalonia	Act 9/1993 of 30 September on Catalan Cultural Heritage	Historical, Artistic, Architectural, Archaeological, Palaeontological, Ethnographic, Documentary, Bibliographic, Scientific and Technical (value)
Galicia	Act 8/1995 of 30 October on the Cultural Heritage of the Autonomous Community of Galicia.	Artistic, Historical, Architectural, Archaeological Paleontological, Ethnographic, Scientific and Technical (interest)
Cantabria	Act 11/1998 of 13 October on Cantabrian Cultural Heritage	Historical, Artistic, Architectural, Paleontological, Archaeological, Ethnographic, Scientific, Anthropological, Scenic and Technical (interest)
Balearic Islands	Act 1/2005 of 3 March, amending Act 12/1998 of December 21, on the Historical Heritage of the Balearic Islands	Artistic, Architectural, Archaeological, Historical and Industrial, Palaeontological, Ethnological, Anthropological, Bibliographical, Documentary, Social, Scientific and Historical-Technical (interest)
Aragon	Act 3/1999 of 10 March on Aragonese Cultural Heritage	Anthropological, Anthropogenic, Historical, Artistic, Architectural, Archaeological, Palaeontological, Ethnological, Scientific, Linguistic, Cinematographic, Literature and Technical Furnishing (interest)
Extremadura	Act 2/1999 of 29 March on the Historical and Cultural Heritage of Extremadura	Artistic, Historical, Architectural, Archaeological, Palaeontological, Ethnological, Scientific, Technical, Documentary and Bibliographical (interest)
Asturias	Asturian Act 1/2001 of 6 March on Cultural Heritage	Artistic, Archaeological, Ethnographic, Documentary, Bibliographic, other Cultural-Historical (interest)
Canary Islands	Act 11/2002 of 21 November, amending Act 4/1999 of 15 March, on the Historical Heritage of the Canary Islands	Historical, Architectural, Artistic, Archaeological, Ethnographic, Paleontological, Scientific and Technical (interest)
Castile and Leon	Act 12/2002 of 11 July on the Cultural Heritage of Castile and León	Artistic, Historical, Architectural, Paleontological, Archaeological, Ethnological, Scientific and Technical (interest)
La Rioja	Act 7/2004 of 18 October on the Cultural, Historical and Artistic Heritage of La Rioja	Historical, Artistic, Archaeological, Palaeontological, Anthropological, Ethnographic, Architectural, Urban, Natural, Scientific, Technical, Industrial, Documentary, Bibliographic, Audiovisual or of a Cultural Nature (interest or value)
Navarra	Foral Act 14/2005 of 22 November on the Cultural Heritage of Navarra	Historical, Ethnological, Artistic, Scientific, Social (interest)
Valencia	Act 5/2007 of 9 February of the Generalitat, amending Act 4/1998 of 11 June, on Valencian Cultural Heritage	Historical, Artistic, Architectural, Archaeological, Palaeontological, Ethnographic, Documentary, Bibliographic, Scientific, Technical
Murcia	Act 4/2007 of 16 March on the Cultural Heritage of the Autonomous Community of the Region of Murcia	Historical, Artistic, Archaeological, Palaeontological, Ethnographic, Documentary, Bibliographic, Technical, Industrial, Scientific (value)
Andalusia	Act 14/2007 of 26 November on Andalusian Historical Heritage	Artistic, Historical, Archaeological, Ethnographic, Documentary, Bibliographic, Scientific, Industrial (interest)
Castile La Mancha	Act 4/2013 of 16 May on the Cultural Heritage of Castile-La Mancha	Historical, Artistic, Archaeological, Palaeontological, Ethnographic, Industrial, Scientific, Technical, Documentary, Bibliographic (value)
Madrid	Act 3/2013 of 18 June on the Historical Heritage of the Community of Madrid	Historical, Artistic, Architectural, Archaeological, Paleontological, Scenic, Ethnographic and Industrial (interest)

Table 1



included in the Defence, Conservation and Increase of National Historic-Artistic Heritage Act of 1933.

On an international level, the Athens Charter for the Restoration of Historic Monuments (Carta del Restauero) of 1931 included the concept of “historical values” and countries were encouraged to cooperate on legal and technical matters to favour of the preservation of artistic and archaeological human heritage. Cooperation was soon needed at the time of the Spanish Civil War (1936-39), when many measures had to be taken to protect objects not only in Spain itself, but also beyond its frontiers (Argerich Fernández and Ara Lázaro 2009, Gracia Alonso and Munilla 2011, López Trujillo 2006: ch. 12, Massó Carballido 2004). Little heritage legislation was passed during Franco’s dictatorship, with the exception of a new Historic-Artistic Heritage Conservation Act promulgated in 1955. In it, once again the term “historic and artistic values” was used. Internationally, the Venice Charter of 1964 mentioned human, as well as aesthetic, historic and archaeological values.

## 2. “VALUE” IN SPAIN’S HERITAGE LEGISLATION TODAY

Spain was transformed into a parliamentary democracy with the constitution of 1978. It was felt that the legislation regarding heritage needed to be updated and as a consequence the Spanish Historical Heritage Act was passed in 1985. In comparison to previous legislation, this act dramatically widened the typology of heritage values, as different parts of the text mentioned historic, cultural, artistic, anthropological, ethnologic, aesthetic, scientific and technical values. The text also alluded to the fact that public perception of heritage as an element of cultural identity was an essential part of its value.

The constitution of 1978 opened up the way for historical regions to become autonomous communities with their own governments. This was rapidly followed by the creation of the first two, Catalonia and the Basque Country, in 1979. Following the Autonomic Pact of 1981, one after the other of the fifteen remaining

regions petitioned for autonomous status, a process that took only two years to complete. By 1983 Spain had seventeen autonomous communities and two autonomous cities (Ceuta and Melilla in North Africa). After an agreement was reached in matters of cultural affairs, their management was devolved to each of the autonomous communities, which then had to pass their own specific heritage acts. Today there are seventeen different heritage laws, one for each of the autonomous communities, all of which are subservient to the 1985 Act. Although there are broad similarities between them, there are variations in the terminology and “values” (or, as many of them put it, “interests”) specified in each of them (Table 1).

## 3. TOWARDS ECONOMIC AND SOCIAL VALUES

In the last few years economic and social values have made an appearance in heritage management. At the same time there have been calls for more efficient management and accountability, moves that are in tune with similar aspirations on a global level (Cooper 2008, Strathern 2000). The Autonomous Community of Catalonia (Catalunya) is a clear example of this. A Catalan Agency of Cultural Heritage (Agència Catalana de Patrimoni Cultural, ACPC) has recently become operational. Based on similar models in Scotland and Denmark (Llovera Massana 2012: 198), this agency has within its remit the power to dictate heritage policy in Catalonia according to a set of priorities, strategic guidelines, a schedule and a set of targeted major projects. As its new director said about it a couple of years ago, the ACPC aims

to promote the use of cultural heritage and its bodies, paying special attention to education, cultural tourism, the enhancement of links with local communities and internationalisation. (Llovera Massana 2012: 198, our translation)

The ACPC also incorporates under its management five of the major heritage museums in Catalonia (Pla d’Acció 2014).

As far as values are concerned, the ACPC’s Action Plan published earlier this year clearly includes social

and economic values as two of the major elements in heritage management. Thus, the ACPC's functions include the "social use of heritage at the service of local communities", as well as promoting cooperation between private and public entities and fostering efficiency (Pla d'Acció 2014: 5). However, on reading the document it becomes apparent that references to the social area are less conspicuous than the emphasis placed on financial aspects, with terms such as "efficient" (eficient, eficàcia, eficiència) and especially "economic" (dimensió econòmica, impacte econòmic, rellevància econòmica, balance econòmic, etc.) being repeatedly mentioned. Despite its lesser visibility, the social interest in local communities in this plan is a novelty and it represents a marked shift from earlier perceptions of heritage values (Pla d'Acció 2014: 21-23, 37, 48). This originality is somewhat watered down when both values are lumped together in one of the eleven major projects for 2014, in which the socialisation of heritage is understood as its commercialisation with private entities, with a view to boosting income (Pla d'Acció 2014: 48).

As the Pla d'Acció demonstrates, there is tension concerning the subject of the social value of heritage in Catalonia. Some new attention is being paid to local communities and our involvement in community projects indicates that there is an urgent need for this. Our work in the preparations for this year's Rúa Xic, a sociocultural project organised in the Poble Sec neighbourhood, where the Museu d'Arqueologia de Catalunya (MAC, Archaeology Museum of Catalonia) is located, has shown us the pressing need for community archaeology. The approximately thirty participants constitute a very diverse group. The immigrant nature of the neighbourhood means that there are about twelve different nationalities involved with approximately the same number of women and men and wide age range from 5 to 62. The activity revolves around the creation of a story of cultural interaction to be performed at the MAC, which will be a resource for documenting and staging (<http://ruaxic.blogspot.com.es/>). Unexpectedly for the archaeologists involved in the project, we realised that the local residents were unaware of the existence of

the museum in their own area. We were also told that informal conversations with museum workers revealed they knew very little about the neighbourhood in which the museum was located (J. Gutiérrez Ortiz, pers. comm.). A recent experience with a group of teenagers from the Muslim community in Terrassa also points to the lack of involvement of local communities, especially those who are recent arrivals in Spain (about 12% of the total population) (Díaz-Andreu forthcoming 2014).

Looking at social and economic values from a different angle, the ACPC's Action Plan also pays a great deal of attention to tourism. The holiday industry is indeed becoming a major source of income in Catalonia, with about 10% of its active population in jobs related to it. In 2013, 15.6 million of tourists visited Catalonia, almost reaching pre-crisis figures. Although many of the tourists are of the sun-and-beach type, they usually visit some heritage sites. This has had the effect of encouraging not only the creation of new private museums (the Museum of Modernism and the Museum of Inventions are two examples in Barcelona), but has also raised awareness among heritage managers of the need to expand the offer of heritage products. New arrangements have been made at many sites for what in French is called *mis en valeur*. This has been the result of a policy that has been common in Spain in the last two decades. It consists of a commodification of archaeological heritage in which the authorities provide the funds for restoration and innovative presentation to the public of archaeological sites, but then charge an entry fee to visit them (Beltrán de Heredia, Sánchez Montes, and Rascón Marqués 2013: Table 1). In Catalonia there are now 181 visitable archaeological sites, 28 of which have a museum or visitor centre.

Local communities or tourists? The tension between the rights of one and the other also reflects an internal debate about which heritage values to prioritise. However, if the number of times a term is used is a good indicator, it appears that the Action Plan favours financial profit over encouraging local communities to engage with their heritage. However, these are early days for the ACPC and we hope there will be ways

of reaching a compromise between the social and the economic values of heritage.

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