5 | What's European in the landscape?

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Abstract: When considering heritage and landscape European institutions tend to equally emphasize shared european heritage and local diversity but seem unclear about the tension between the two. Actual landscape practice entirely concentrates on local and regional aspects and their potentials in creating identities. If landscape indeed creates identity we have to find a European landscape that helps in the formation of a shared European identity. Identifying a European landscape, however, asks for some criteria of the term European. Formal, functionalist and historical definitions are likewise deficitarian, a discursive approach produces too diffuse results. Therefore, I am opting for an a-historical political approach defining Europe as a specific practice according to the shared European values (respect in human rights, democracy, rule of law, peace). In that case a European landscape is a landscape managed according to Europe's shared values. Of special interest are participation in cultural life, freedom of speech, liberty of movement, protection of minorities, democratic participation, and administration and proceedings. The participation in cultural life combined with liberty of movement allows for deducing a right of access, which is in harsh tension with the right of property actually being interpreted as individual right of use. Following this definition of a European landscape as a specific practice defining such landscapes will mainly be a political task of the future as today hardly any landscape matches these criteria.

WARNING: While all science is politics in one or the other way, this paper is explicitly political as it promotes values and calls for pro-European action.

The diversity of landscapes in Europe

Traditionally any paper on landscape research starts with a quotation from the European Landscape Convention (Florence 2000). Traditions are to be respected – at least sometimes – so I am quoting from the preamble: "The landscape contributes to the formation of local cultures and is a basic component of the European natural and cultural heritage, contributing to human well-being and consolidation of the European identity". This sentence refers to a number of landscape-functions in a European context, a.o. likewise contributing "to the formation of local cultures" and the "consolidation of the European identity". However, local cultures and European identity are not self-speaking identical, but may even be regarded to be in tension or contrast. From reading the landscape convention it remains entirely open, how both of these aims should be reached side by side within the concept of landscape.

This ambiguity between the local and the European is typical for most of the Council of Europe's statements concerning heritage and landscape – especially if contextualised with each other. E.g. article 5 of the Landscape Convention (2000) emphasises the local and regional importance of landscape[1], while the Valetta-Convention (1992) on the Protection of the Archaeological Heritage sets out "to protect the archaeological heritage as source of the European collective memory" (art. 1), i.e. emphasising the European perspective. The European Union, likewise confronted with the ambiguity between the local and the European by its motto "United in diversity" makes a virtue out of the problem explaining that "via the EU, Europeans are united in working together for peace and prosperity, and that the many different cultures, traditions and languages in Europe are a positive asset for the continent" (http://europa.eu/abc/symbols/motto/index_en.htm accessed 03/05/2011). Accordingly EU's Agenda for Culture (2007) sets out "to foster intercultural dialogue to ensure that the EU's cultural diversity is understood, respected and promoted" (http://ec.europa.eu/culture/our-policy-development/doc399_en.thml accessed 08/05/2011), its Culture programme (2007–2013) aims „to celebrate Europe's cultural diversity and enhance our shared cultural heritage" (http://ec.europa.eu/culture/our-programmes-and-actions/doc411_en/htm accessed 03/05/2011) and the European Commission's proposal to establish a European Heritage Label is "to strengthen European citizens' sense of belonging to the European Union, based on shared elements of history and heritage, as well as an appreciation of diversity" (http://eu.europa.eu/culture/our-programmes-and-actions/doc/label/EHLdecision_EN.pdf accessed 08/05/2011). None of these statements – politically correct as they are – is very helpful, when it comes to specific action. Practitioners as well as governmental bodies are fully left alone with the implementation of such verbal celebrations in real life.

Looking at practice, actual European discourse on landscapes mostly emphasises one side of the medal: diversity and plurality. i.e. the local and regional

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[1] Each Party under-takes to recognise landscapes in law as an essential component of people's surroundings, an expression of the diversity of their shared cultural and natural heritage, and a foundation of their identity".

(generally for archaeology Kristiansen 2008). The local and regional, sometimes even national in the landscape not only is more comprehensible with – mostly – a clearly defined idea of its specific characteristics, but it also more easily finds support from politics as well as society. Almost any of the innumerable European landscape projects, which are often – I want to stress – brilliant and exemplary projects, have their focus on the local and/or regional; e.g. (to name only a very few) the Lancewad project with a focus on the Wadden Sea (http://www.waddensea-secretariat. org/lancewad/; Vollmer *et al.* 2001) while the projects "European pathways to cultural landscapes" (http://www.pd-eu.de/; Clark *et al.* 2003) and "Demotec" (Mets & Skar 2003; Skar 2006) are combining a number of local perspectives from different European countries and the COST A27 project "Landmarks" settles diversity of national landscapes in diversity of national practices towards and perceptions of landscape (http://www.fcet.staffs.ac.uk/jdw1/costa27home.html accessed 14/05/2011; Fairclough & Møller 2008).

Landscapes in Europe and defining the European

Such emphasis of practice on plurality and diversity, on the local and regional neglects the aspect of unity beyond the celebration of diversity. From such neglect rise a number of questions, which are not trivial with respect to European identity.

- The first problem is a (funda)mental one: The assumption that there is diversity in the cultural landscape of Europe and the assumption that this diversity is important is a presupposition, which is grounded in political values. Andreas Dix (unpublished) recently has emphasized that processes of homogenization were/are equally common in the course of European history, but are blanked out by the diversity-paradigm (contrary to Gramsch's 2000, 13ff. warning that the idea of unity may disguise diversity).
- The second problem is logical one: What unifies Europe, if it is only diversity? What does "Europe" mean beyond the local?
- From this arises a third problem, which is political: If local and regional landscapes contribute to local and regional identities – as the Landscape convention claims – does a European landscape contribute to a shared European identity?

If we are going to answer the last question with a "Yes" and if we agree that such a shared European identity is desirable and should be fostered, then we come to the crucial point of this paper: Is there anything like a European landscape beyond the plurality of landscapes in Europe? This question entails another, even more fundamental question: What is Europe? Without an at least preliminary definition of Europe it is logically impossible to determine an European landscape For purposes of definition Europe certainly should be more than local diversity. Indeed there are a number of approaches to get a grip on that fuzzy idea called "Europe":

- Formalistic definitions: Europe may be defined by geography or by the collection of states being members to one of the European organizations, e.g. the European Union, the Council of Europe or the Organization for Security and Co-operation in Europe. In the first case at least the border between Europe and Asia is arbitrary and has been defined very differently in different times and by different authors (fig. 5.1). In the second case it is fully arbitrary which "European" organization is chosen (fig. 5.2) defining Europe everything between merely Western Europe (WEU) or almost the northern hemisphere (OSCE). In any case such formalistic definitions are highly reductionist and top-down measures ascribing the power of inclusion and exclusion either to geographical or political experts.
- Discursive definitions: Countering the top-down-approach of formalistic criteria Europe might be understood as a unifying concept with anybody adhering to this concept being part of Europe. In this case Europe is not so much a geographical or political entity, but an intellectual discourse, which is not necessarily a disadvantage. However, this discourse and accordingly the definition of Europe differs significantly if the discourse is held at what is perceived as the centre, the periphery or outside of Europe. Consequently the term "Europe" becomes empty and does not mean anything except being an umbrella-term.
- Functionalist definitions: From looking at the 20th century history of Europe and especially at the movement of European integration the impression may be gained that the actual construct of Europe very much has a functionalist core: Until today it owes very much of its esprit to the experience of World War II and the collective conviction to avoid another war in Europe in the future. Later on it was enriched by the idea of shared welfare and promoting a joined economy on the basis of a free market. Quite recently after the fall of the Soviet Union Europe was assigned the aspiration of being a strategic counterpart to the US and China. These functional ascriptions are based on the history and understanding from the EEC to the EU and therefore are not only a dominantly Western European per-spective, but again highly reductionist cutting down Europe to the interests of some badly defined stakeholders.
- Essentialist definitions: Staying with such a per-spective on the history of the EU the claim that the economic paradigm of the EC has shifted to a cultural paradigm in the EU (Tzanidaki 2000) now asks for an essentialist definition of Europe instead of a functionalist: What makes up the cultural core of Europe? One way to determine such a cultural core may be a phenomenological approach: To prove empirically the joined material, intellectual and structural frame shared in all of Europe (for a survey on this approach cf. Gramsch 2000, 7ff.); in this approach diversity derives from local specifity of an underlying common property (e.g. Simms in preparation). This approach frequently is based on what is deemed a European history, an argument backed up by a number of conventions with e.g. the Valetta Heritage-Convention (1992) speaking of "the European collective memory" (art. 1) and

ANTIKE
ORTELIUS (17.JH.)
ZU BEGINN DES 18.JH.
VON STRAHLENBERG
RITTER, RECLUS & WISOTZKI (19.JH:)
LOUIS (1951)

EUROPA
LANDESTEILE IN ASIEN
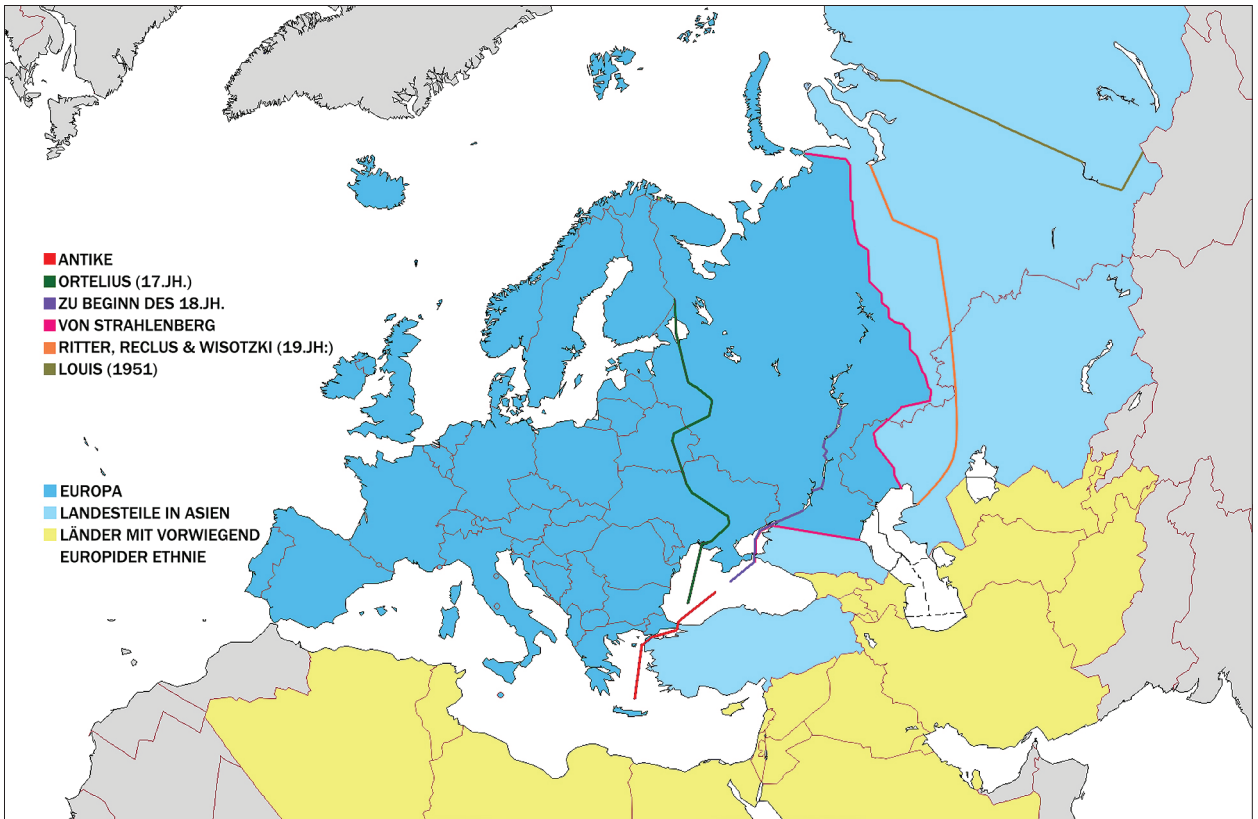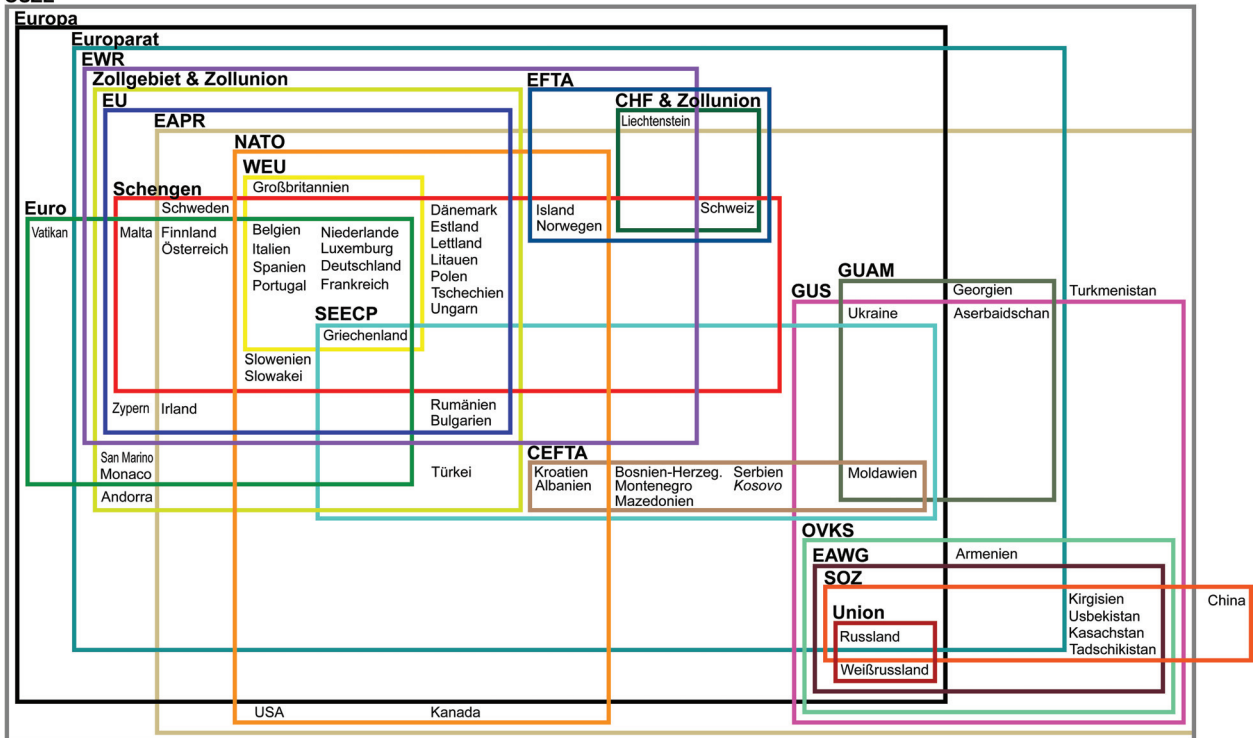**LÄNDER MIT VORWIEGEND EUROPIDER ETHNIE**

Fig. 5.1: The border between Europe and Asia according to different. authors. (https://secure.wikimedia.org/wikipedia/de/wiki/Datei:Europa_geografisch_map_de_v2.png (accessed 07/05/2011), by User:BillFromTheHill [with amendments] under CC BY-SA 3.0).

Fig 2.5: (Full) members of European organizations. (https://secure.wikimedia.org/wikipedia/commons/0/0d/Mitglieder_in_Europaeischen_Organisationen.svg (accessed 07/05/2011) by WikiNight2 under CC BY-SA 3.0)

Full membership in European organizations

OSZE
Europa
Europarat
EWR
Zollgebiet & Zollunion
EU
EAPR
NATO
WEU
EFTA
CHF & Zollunion
Liechtenstein
Schengen
Großbritannien
Euro
Schweden
Island
Norwegen
Schweiz
Vatikan
Malta Finnland
Österreich
Belgien   Niederlande
Italien   Luxemburg
Spanien Deutschland
Portugal Frankreich
Dänemark
Estland
Lettland
Litauen
Polen
Tschechien
Ungarn
SEECP
Griechenland
GUAM
GUS
Georgien
Aserbaidschan
Turkmenistan
Ukraine
Slowenien
Slowakei
Zypern Irland
Rumänien
Bulgarien
San Marino
Monaco
Türkei
CEFTA
Kroatien   Bosnien-Herzeg.   Serbien
Albanien   Montenegro   Kosovo
           Mazedonien
Moldawien
Andorra
OVKS
EAWG
Armenien
SOZ
Kirgisien
Usbekistan
Kasachstan
Tadschikistan
China
Union
Russland
Weißrussland
USA   Kanada

the Culture programme (2007–2013) enhancing "our shared cultural heritage" (cf. supra). But what does this mean when things turn to the precise? Which memory, which heritage? Whose history? The youngest of the Council of Europe's papers dealing with heritage, the Framework Convention on the Value of Cultural Heritage for Society (Faro 2005; cf. the explanatory report to the convention http://conventions.coe.int/Treaty/EN/Reports/Html/199.htm accessed 19/05/2011) defines cultural heritage as "a group of resources inherited from the past which people identify, independently of ownership, as a reflection and expression of their constantly evolving values, beliefs, knowledge and traditions. It includes all aspects of the environment resulting from the interaction between people and places through time" (art. 2) and goes on that "the parties agree to promote an understanding of the common heritage of Europe, which consists of: a) all forms of cultural heritage in Europe which together constitute a shared source of remembrance, understanding, identity, cohesion and creativity" (art. 3). This very broad definition – anything deemed a cultural heritage by anybody – is not at all handy for operationalization in heritage management. The other extreme is exhibited by the proposed European Heritage Label, which should be awarded for enhancing "the value and the profile of sites which have played a key role in the history and the building of the European Union, and [for seeking] to increase European citizens' understanding of the building of Europe, and of their common yet diverse cultural heritage, especially related to the democratic values and human rights that underpin the process of European integration. [...] the initiative will be based on the European narrative of these sites and their symbolism for Europe" (http://eu.europa.eu/culture/our-programmes-and-actions/doc/label/EHLdecision_EN.pdf accessed 08/05/2011). In this case the definition of heritage is highly exclusive, as it is teleological towards the present state of the EU (cf. Högberg 2006): The local will be made comprehensible by the grand narrative of the European Union. Moreover, the decision on what is a "key role", sufficient symbolism or a "European narrative" and which site suffices to these criteria is left to "a panel of independent experts", i.e. a top-down-approach itself of questionable democratic participation and transparency and already criticized in post-colonial and international heritage studies under the embellishment of "stewardship" (Groarke & Warrick 2006).

Such experts' narratives on a supposed cradle of Europe are frequent among archaeologists and historians for several decades now (cf. Kristiansen 1998, 14–16). Vere Gordon Childe and Christopher Hawkes (1940) already were convinced that "European civilization as a peculiar and individual manifestation of the human spirit" emerged as early as the Bronze Age (Childe 1925, xiii) and from that time on "barbarian societies in Europe behaved in a distinctively European way, foreshadowing, however dimly, the contrast with African or Asiatic societies that has become manifest in the last

thousand years" (Childe 1958, 9)[2]. Not to speak of Colin Renfrew tracing back a specific core of Europe (Renfrew 1973) or of European nations (Renfrew 1987:6) even further down to the stone age (cf. Kristiansen 1989, 16). Council of Europe's 25th art exhibition on "Gods and heroes of the bronze age. The first golden age of Europe" (1998–2000), being the highlight of the European Campaign for Archaeology, has still celebrated the Bronze age as a period of renewal and "a certain cultural unity in a region stretching from the Urals in the east to the Atlantic in the west and from what is now Scandinavia in the north to the Mediterranean in the south" (http://www.coe.int/t/dg4/cultureheritage/culture/events/1998_en.asp accessed 08/05/2011). According to the then Secretary General of the Council of Europe each of the art exhibitions had "something that is distinctively European about it, but perhaps never so much as this one [...]. For it was at that time, at the distant dawn of European history, [...] that Europe can first be distinguished as an emerging entity" going on to speak of an "indubitable fact of a common origin" and "to recall what unites us all and from long ago" (Tarschys 1999, ix). Archaeologists joined in that it was their "goal to present the concept of a culturally unified Europe to a broad public" as in the Bronze Age "a Europe joined by cultural affinities began to take shape" (Demakopoulou et al. 1999, 5). In fact the hidden narratives of the exhibition not only proposed a "deep history" of European unity quite in the way Childe had advocated decades ago, but also traced back the origins of the capitalist economy down to the Bronze Age glorifying it with a halo of naturalness (Gramsch 2000, 13; Gröhn 2004)[3]. Classical antiquity at least since the Renaissance again and again was regarded Europe's cultural core and origin, disregarding that Greek and Roman "civilisation" perceived itself and later on was perceived in opposition to "the Barbarians" (cf. Kristiansen 1998, 7–12) on the civilisation-barbarian-topos and Persian Asia, that the Roman empire included North Africa and the Near East, but excluded northern and eastern Europe or Ireland, i.e. the greater part of the continent. Recently the Culture 2000 project "Frontiers of the Roman Empire" happily revives this antique dichotomy between "us, the civilised" and "those, the barbarians": According to Henry Cleere, former World Heritage Coordinator of ICOMOS, empires "as [they] expand and increase in power [...] produce great architecture" – clearly a reflection of the antique notion of "high civilization". Even worse he continues that "among the most striking of these ancient defences are those which present a continuous barrier to hostile armies" (Cleere 2005, 5). Propagating the "Frontiers of the Roman Empire" as a World Heritage Site Cleere reaffirms the excluding chauvinism of Roman times by

[2]   I am especially thankful to Mark Pearce, University of Nottingham, for pointing me to this narrative.

[3]   E.g. Demakopoulou et al. (1999, 20): "Commercial traffic was soon brought under organised control, yet the tradition of smuggling offers a revealing look back at the climate of profit-seeking and aggression in which this new overland trade was persued."

emphasizing the aspect of the border[4]. Moreover, he presents military power and especially fortifications as a proper means of defending outside borders. In the case of the Roman Empire these borders were facing tribes from Eastern Europe, Near Eastern powers and African semi-nomads. In the years of Schengen-fortified Europe it may be more than coincidental that these are exactly the groups „"threatening" the minds of today's EU-bureaucrats (despite any rhetorics on the value of cultural diversity). From medieval times onwards the offers for a cradle of Europe become ever more numerous. A French-German exhibition (1996) celebrating Clovis as the precursor of Europe was focussing on the continuity from antiquity this way also continuing the antique dichotomy of "civilisation" and "barbarians", resulting in a community of values and a European geographical core now forged together by the concept of (western) Christianity (Staab 1996; cf. Gramsch 2000, 11f.). Charlemagne, called *pater Europae* already by his contemporaries (Erkens 1999), in 1999–2001 was honored by a project of five exhibitions celebrating "The making of Europe" (Anonymous 1999). Among many other uses Charlemagne lends his name to the *Karlspreis* at Aix-la-Chapelle, one of the most renowned prizes for special merits in European integration. Similar to Clovis the geopolitical concept connected with Charlemagne prospects a hegemonic German-French-axis of the EU into the past, thus excluding Northern and Eastern Europe and especially opposing to Orthodox Europe and the Islam. On the other hand the Vikings, champions of cultural models beyond the vision of a lost Roman identity and counter to their revised identity they were equipped with by Scandinavian archaeologists in recent years (cf. contribution by Søren Sindbæk), in most parts of Europe are still perceived as counter-cultural heroes. This counteracts the integrative capacity of their widespread European network and only allows for a bearing a national or at the best a trans-national Scandinavian identity – simultaneously stylizing the Vikings for early protagonists of free enterprise. Likewise the Cistercians built a pan-European network and decisively contributed to Europe's religious, economic and cultural development in the Middle Ages; moreover, almost all of their abbeys are connected by a shared final failure, being suppressed by the protestants (16th cent.) or secularization (18th cent.) (cf. contribution by Thomas Coomans). Apart from propagating a very special economic perspective on the exploitation of landscapes (Duby 1993, 98–110; Howe 2002: 210–3), which does not conform to today's ecological thinking, the disintegrating power of the Cistercians is exactly their restricted religious foundation: Being part not only of western Christianity, but of

its Catholic branch today makes a monastic order meaningless or even suspicious for any people not based in Catholicism.Quite recently Meike Schmidt-Gleim and Claudia Wiesner proposed to define Europe on a meta-level as a special mode of relations and forms of exchange, of mixing with others, translating from others and dominating or suppressing of others (http://hsozkult.geschichte. hu-berlin.de/termine/id=12000   accessed 20/12/2009) – Europe as a specific way of dealing with diversity. On the one hand this definition may be blamed to be reductionist as well inasfar this definition is meant to be a historical description: Europe in the course of its history was much more than permanently circling around constructions of its identity at the expense of others. On the other hand – if we take this definition as an a-historic decision – it points to another kind of essentialist definition of Europe.

Europe – a community of shared values

Article 3 of the Faro-Framework Convention not only offers the extensive definition of cultural heritage quoted above, but simultaneously under point b) states that the common heritage of Europe consists of "the ideals, principles and values, derived from the experience gained through progress and past conflicts, which foster the development of a peaceful and stable society, founded on respect for human rights, democracy and the rule of law". This definition of values – peacefulness, human rights, democracy, rule of law – structurally is fully opposite to point a)'s approach, extremely expanding heritage by connecting it to the definitional power of the people. The values of point b) are not open to discussion or dependent on any group's estimation, but they are ethical regulations defining a fully essentialist core of Europe. In this case the reference to shared historical experience is not part of the definition, but a moral gesture of proudness ("progress") and warning ("past conflict"); neither are these values an exhaustive description of Europe, not to speak of its history, during which such ethical obligations were invalid for most of the time and which includes many more ideas and trajectories. Rather this definition forwards a number of shared values, which are an ethic regulation in the present.

Compared to other attempts of defining Europe this approach benefits from its apparentness: Ethical claims are clearly addressed and assigned, but not silently inferred from some sublime narratives camouflaged by a gesture of naturalness as is often the case with essentialist definitions based on history. Simultaneously this definition asks for an ethical commitment as participating in Europe needs to consent in these fundamental values the same way as participating in any state or society needs such a consent in the shared values of the respective group. From this perspective the European values are ethical aims and moral obligations to a political agenda in the present. In short: Europe is a practice of shared values, which centrally (but not exclusively) are a special way of dealing with diversity. This practice is a fundamentally political action as it concerns the very core of living together in a European society.

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4   Breeze & Jilek (2008, 26) try to soften this exclusive aspect of the *limes* as "it was through these frontiers that Roman goods passed out to the people beyond the Roman world." But this is rather trivial, as no frontier – not even the Iron Curtain – was totally hermetic. The export of (some prestigious) goods does not change the ideology manifest in the *limes*.

But is this definition applicable to landscape research?

Remark: Admittedly this approach is inclusive only towards those sharing these values, but definitely exclusive towards other value-systems. But: Isn't identity always an inclusive "we" against an exclusive "them"? If we integrate everything in European identity being fully inclusive towards everyone, what then is the difference between Europe and the universe? Apart from this logical problem the matter with inclusion-exclusion in my eyes depends on the fact whether the criterion of inclusion-exclusion is transparently grounded in ethics.

European landscape as practice of values

If Europe is a specific political practice in the present based on ethic values of historic experience, than what makes a landscape European should be defined by a specific practice in the present realising these values. As a working definition *a European landscape is a landscape managed according to Europe's shared values*. The point now is, how to translate these general values into practices of landscape management?

Each of these values has a long tradition of philosophical and legal interpretation. For the purpose of this paper, however, we may concentrate on those aspects of the values, which are especially relevant to the practice of management and landscape. A far from exhaustive compilation suggests:

human rights	→ participation in cultural life
	→ freedom of speech
	→ liberty of movement
	→ protection of minorities
democracy	→ participation
rule of law	→ administration and proceedings
peacefulness	→ non-violent negotiations

Among these specifications the most fuzzy but most fundamental is "the right freely to *participate in the cultural life* of the community", which is part of the Universal Declaration of Human Rights (art. 27.1). It is conceptualised as an individual right and consequently all rights derived from it apply to personal individuals. The Faro-Framework Convention very prominently in art. 1a) and again in art. 4a adopts this right stating that it relates to cultural heritage. Doubtlessly this right covers landscape as well inasfar as it is regarded cultural heritage (cf. Explanatory Report to the Faro Framework-Convention). Accordingly the same convention elsewhere (preamble) explicitly connects to the European Landscape Convention and (art. 2) defines heritage to include – among others – "all aspects of the environment resulting from the interaction between people and places through time", especially referring to land-use planning and landscape diversity (art. 8). From this right of participation in cultural life the following two rights – freedom of speech and liberty of movement – gain special momentum with regard to cultural heritage and landscape beyond their abstract general importance.

The *freedom of speech* is a central aspect of active participation in cultural heritage. Quite obviously it asks for the possibility to bring forward a plurality of interpretations (Habu *et al.* 2008) instead of a single reading of a landscape e.g. by a stately body or by restriction of acceptable interpretations to academic narratives – as does the ICOMOS Charter for the Interpretation and Presentation of Cultural Heritage Sites (principle 2; http://www.international.icomos.org/charters/interpretation_e.pdf accessed 13/05/2011). But it may be less obvious that to enable such multivocality implies to equally make visible that different voices and interpretations; The freedom of speech not only is a right to freedom of speaking, but likewise includes the right of equal access to the media for all speakers to give their voices equal chances to be heard. This accounts for e.g. teaching diverse interpretations in school or advertising them on information tables on site (Skeates 2000, 89ff.).

Liberty of movement with respect to participation in cultural heritage is concerned with sharing and experiencing. Liberty of movement is a much more problematic right than freedom of speech as – taken seriously – it poses fundamental questions on the practice of participation. Some European countries are still following traditional juridical constructs granting different degrees of public access to landscapes; cf. the right-of-way in the United Kingdom, the *Allemansrätten* of Scandinavia and the Austrian *Wegefreiheit*. Apart from such regional rights it may be arguable to deduce a general right of accessability of heritage and landscapes from the rights of participation in cultural heritage and liberty of movement[5]. If a landscape is perceived a cultural heritage what else could mean the right of participation than foremost a right of access? Such a general accessability of landscape and heritage, however, is in fundamental tension with the right of property. In a fully economized Western world of the last three decades the right of property, likewise part of the Universal Declaration of Human Rights (art. 17), is basically interpreted as a total right of (economic) usage and accordingly a right to restrict or forbid usage by others. Though under heavy neo-liberal bombardement heritage legislation still constrains some aspects of an unlimited use of property: E.g. destruction of monuments is prohibited, alterations are subject to regulations and a (disputed) duty of conservation is prescribed. But at the sunset of a purely capitalist world-view it may be timely to question whether everybody's right to participate in cultural life might imply further restrictions to property[6] It seems a justifiable argument that access to cultural property may not be denied to anybody interested as long as such public access does not harm the total sustainability of the property. Moreover it poses the question, whether there is any legal fundament to impose entrance fees on the participation in and access to cultural heritage

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5 From personal experience I feel that the numerous positive answers to free public access of heritage sites, provided by a number of European heritage agencies (De Wit & Ziengs 2009, 165) is not so much a reflection of real practice but of a very short question and very short answers.

6 The Explanatory Report to the Faro Framework-Convention sets out that a status of cultural heritage "does not negate private proprietorial status", but limitations in the exercise of private rights may be justified in the public interest, in proportion to the values placed upon particular items. (See Articles 4c and 5a).

(in any form). This discussion on general legitimacy of cultural (private or public) property has already started during the last years (e.g. Carman 2005; Gillman 2010), but so far concentrates on objects, looting and indigenous rights. It pays strikingly little attention to the question of accessability in general and to landscapes in special, not to speak of public accessability for the reason of cultural participation (but Silverman & Ruggles 2007, 9ff.). If landscapes and heritage indeed are fundamental to collective identities as European conventions are claiming (cf. Déjeant-Pons 2002, 15), then not only the right to participate in heritage, but also the societal interest in a collective identity-formation votes for supremacy of public against private interests. This combination of two fundamental human rights – the liberty of movement and the participation in cultural life – is fostered more generally by the idea of a social obligation of property, which is (a neglected) part of some national constitutions (e.g. German Constitution art. 14.2). To raise awareness for the full dimensions of the problem in Germany in 2007/08 approximately 0,5 % of the people owned 82 % of the land, providing 2,1 % of employment and contributing 0,9 % to Germany's gross value[7]. Apparently the very little economic importance of the land is not a convincing reason to concentrate landed property along with all its various rights of usage in the hands of a very small part of the population. Instead from a heritage- and identity-perspective it may be worth to discuss differentiating the various rights/interests connected to landed property by e.g. distinguishing between ownership (= possession) and authority of usage. While the first incorporates the private economic value of the land, the second depends on the social meaning of the landscape, which may ask for the integration of public access; this way ownership would be augmented by a notion of social responsibility. These two and any other aspects of property could conform to each other without derogating one aspect by others, if all aspects are subordinate to sustainability of the whole.

Protection of minorities, i.e. protection of minorities' heritage and landscapes has for some years found its way into the discussion on heritage. On an abstract level the protection of minorities' heritage limits the majorities' interests. Usually this idea is interpreted as a special protection of sites and landscapes, which are valued only by a strange minority, but are meaningless to the local majority. But if heritage is "a group of resources inherited from the past which people identify [...] as a reflection and expression of their constantly evolving values, beliefs, knowledge and traditions" (Framework Convention on the Value of Cultural Heritage for Society art. 2a), if these people identifying something as heritage are a minority in general, then heritage itself is a minority-position against the majority of society not taking part in such heritage-construction. The same way the protection of species in ecology is a kind of minority-protection against a human majority.

Participation is a fundamental ingredient to democracy – as the Explanatory Report to art. 5d of the Faro-Framework-Convention puts it: "Participation may, indeed, act as an indicator of the health of society". It is encapsulated in the European conventions' very definitions of heritage and landscape. While the Faro Framework-Convention (art. 2a) just cited above binds cultural heritage to the identification by people, the European Landscape Convention (art. 1) likewise declares that "landscape is an area, as perceived by people". This constructivist definition puts people at the base of any heritage and landscape: Heritage and landscape in their sheer existence are bottom-up processes instead of top-down decision: Without people neither of them exist. To transform into practice this definition needs fully participatory instruments to ascertain and (re-)evaluate what is identified and perceived by people. Certainly such initial and interim acts of participatory definition do not fully exploit the potential of democratic inclusion (cf. King 2008, 247f.). With regard to freedom of speech and liberty of movement participation also asks for the equalinvolvment of all interested groups in the management of heritage and landscapes (Déjeant-Pons 2002, 16). Such equal involvement of diverse interests includes e.g. farmers, ecologists, economists, historians and archaeologists, landscape architects and planers, the government, owners, tourists, locals, indigenous groups, religious parties and any other group with an interest in the specific landscape (cf. Skeates 2000). Equal involvement likewise means to equally acknowledge all aspects of landscape far beyond reducing it matters of appropriation and commodification[8], but valuating intangible aspects as well like emotions, narratives, recreation, etc. (cf. the analysis by Bortolotto 2007). Participatory elements in environmental impact assessment may provide a model to some degree, though neither does this assessment take all stakeholders involved for equal, but privileges environmental interests (more optimistic King 2008, 253f.). With regard to heritage a shared benefit with other interests (e.g. tourism, ecology) of course is highly welcome, but heritage has an importance of its own in the landscape and may not be reduced to a collateral aspect – especially not to one of economic or ecological interests.

Certainly such a multivocal integrative approach goes along with multifocality of the different interest groups. Therefore, the Faro Framework-Convention (art. 7b) asks the participating state parties to "establish processes for conciliation to deal equitably with situations where contradictory values are placed on the same cultural heritage by different communities". I.e. *administrative procedures* have to be established,

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[7]   According to the Statistisches Bundesamt (http://www. destatis.de [accessed 18/05/2011]; Gurrath 2009) the agrarian landscape and forest in 2008 summed up to 293.469 km² = 82,2 % of Germany's total area of 357.111 km². At the same time 840.000 persons were (self-)employed in farming and forestry = 2,1 % of Germany's total of 39.800.000 employees, while farming and forestry contributed 0,9 % to the German gross value (2007). The agrarian landscape and forest was owned by 403.000 farms almost exclusively in the possession of physical persons = 0,5 % of Germany's 82.200.000 inhabitants.
For comparison, in the French *Ancien Régime* of 1789 1,8 % of the population (clergy and nobility) owned 40 % of the land.

[8]   The Explanatory Report to the Faro-Framework-Convention explicitly states that "cultural heritage is valuable for its own sake", but inconsequently frequently draws upon economic metaphors to describe this "value" of heritage.

guaranteeing a lawful way of dealing with divergent interests. According to sociologist Niklas Luhmann (1975) in a democratic society it is administrative proceedings, which guarantee participation and constitute legitimacy. However, such proceedings may not be arbitrary but have to acknowledge standards to achieve a legitimizing effect, not the least public authorities are obliged to be integrative and well-informed "in all sectors and at all levels" (Faro Framework-Convention art. 11a). Moreover they have to be transparent to all parties involved. Such transparency, less obviously, not the least is a matter of the duration of proceedings: The legitimizing effect of proceedings taking a decade or longer is dubitable at the best as noone is in the position to overlook the full course of the proceeding, which started under quite different conditions of society than they are at the time of the final decision.

Finally such proceedings and transparent administrative measures are instruments to foster a *peaceful* society and the peaceful interaction of nation as they provide means to avoid violent action instead of mutual negotiations.

According to these criteria so far there are only a very few European landscapes (e.g. Stonehenge since 2000; the Demotec-sites). The europeanization of the overwhelming majority of landscapes remains a political duty for the future, as most landscapes today are exclusive, top-down, prohibiting access and acknowledging only a very limited spectrum of (economic) stakeholders.

References

Anonymous 1999: Charlemagne – The making of Europe, in Stiegemann, Ch. & Wemhoff, M. (eds): *799 Kunst und Kultur der Karolingerzeit. Karl der Große und Papst Leo III. in Paderborn*, Mainz 1999, xxxiii–xli.

Bortolotto, Ch. 2007: From the "monumental" to the "living" heritage: a shift in perspective, in White, R. & Carman, J.(eds): *World heritage: Global challenges, local solutions*, British Archaeological Reports International Series 1698. Oxford, 39–45.

Breeze, D.J. & Jilek, S. 2008: The frontierts of the Roman empire world heritage site, in Breeze, D.J. & Jilek, S. (eds): *Frontiers of the Roman empire. The European dimension of a world heritage site*, Edinburgh, 25–28.

Carman, J. 2005: *Against cultural property. Archaeology, heritage and ownership.* London.

Childe, V.G. 1925: *The dawn of European civilisation.* London.

Childe, V.G. 1958: *The prehistory of European society. How and why the prehistoric barbarian societies of Europe behaved in a distinctively European way.* Harmondsworth.

Clark, J., Darlington, J. & Fairclough, G. (eds) 2003: *Pathways to Europe's landscape: European pathways to the cultural landscape 2000–2003.* Lohr am Main.

Cleere, H. 2005: Foreword, in Breeze, D.J., Jilek, S. & Thiel, A. (eds): *Frontiers of the Roman empire –*

Grenzen des Römischen Reiches – Frontières de l'Empire Romain, Edinburgh, Esslingen & Wien. 5–7.

De Wit, L. & Ziengs, L. 2009: *Listing and protection of archaeological sites in Europe – summary.* in Schut, P.A.C. (ed.): *Listing archaeological sites, protecting the historical landscape.* EAC Occasional Paper 3, Brussels 2009, 139–67.

Déjeant-Pons, M. 2002: The European Landscape Convention, Florence, in Fairclough, G., Rippon, S. & Bull, D. (eds): *Europe's cultural landscape: archaeologists and the management of change*, EAC Occasional Paper 2, Brussels, 13–24.

Demakopoulou, K., Eluère, Ch., Jensen, J., Jockenhövel, A. & Mohen, J.-P. 1999: Introduction, in Demakopoulou, K. *et al.* (eds): *Gods and heroes of the Bronze age. Europe in the time of Ulysses*, London 1999, 5–9.

Duby, G. 1993: *Die Kunst der Zisterzienser.* Stuttgart.

Erkens, F.-R. 1999: Karolus magnus – pater Europae?, in ristoph Stiegemann, Ch. & Wemhoff, M. (eds): *799 Kunst und Kultur der Karolingerzeit. Karl der Große und Papst Leo III. in Paderborn*, Mainz 1999, 2–9.

Fairclough, G. & Møller P.G. (eds) 2008: *Landscape as heritage. The management and protection of landscape in Europe, a summary by the COST A27 project „LANDMARKS".* Geographica Bernensia G79, Berne.

Gillman D. 2010: *The idea of cultural heritage.* New York.

Gramsch, A. 2000: *„Reflexiveness" in archaeology, nationalism, and Europeanism.* Archaeological Dialogues 7, 4–19.

Groarke, L. & Warrick, G. 2006: Stewardship gone astray? Ethics and the SAA, in Scarre, Ch. & Geoffrey G. (eds): *The ethics of archaeology. Philosophical perspectives on archaeological practice*, Cambridge, New York, Melbourne, Madrid, Cape Town, Singapore & São Paulo, 163–77.

Gröhn, A. 2004: *Positioning the Bronze age in social theory and research context.* Acta Archaeologica Lundensia Series in 8° 47, Stockholm.

Gurrath, P. 2009: *Landwirtschaft in Deutschland und der Europäischen Union 2009.* Wiesbaden.

Habu, J., Fawcett, C. & Matsunaga, J.M. (eds) 2008: *Evaluating multiple narratives. Beyond nationalist, colonialist, imperialist archaeologies.* New York.

Hawkes Ch.F.C. 1940: *The prehistoric foundations of Europe to the Mycenean Age.* London.

Högberg, A. 2006: The EU: In need of a supranational view of cultural heritage, in: Meier, T.(ed.): *Landscape ideologies*, Budapest, 199–209.

Howe, J 2002: Creating symbolic landscapes. Medieval development of sacred space, in Howe, J. & Wolfe, M. (eds): *Inventing Medieval Landscapes: Senses of Place in Western Europe*, Gainesville, 208–23.

King, T.F. 2008: Cultural heritage preservation and the legal system with specific reference to landscapes, in Lozny, L.R. (ed.): *Landscapes under pressure.*

Theory and practice of cultural heritage research and preservation , New York 2008, 243–54.

Kristiansen, K. 1998: *Europe before history*. Cambridge, New York & Melbourne.

Luhmann, N. 1975: *Legitimation durch Verfahren*. Neuwied.

Mets, T. & Skar, B. 2003: *Cultural Heritage Monitoring in Europe. A Survey on Management Systems and User Needs carried out by DEMOTEC*. Oslo.

Renfrew, C. 1973: *Before civilization: The radiocarbon revolution and prehistoric Europe*. London.

Renfrew, C. 1987: *Archaeology and language. The puzzle of Indo-European origins*. London.

Silverman, H. & Ruggles, D.F. 2007: Cultural heritage and human rights, in: Helaine Silverman, H. & Ruggles, D.F. (eds): *Cultural heritage and human rights*, New York, 3–22.

Simms, A. in preparation: *Homogenisierung und Diversifizierung von Kulturlandschaften in einer europäischen Perspektive*. Siedlungsforschung. Archäologie – Geschichte – Geographie 29.

Skar, B. 2006: The challenge of bridging the gap between landscape theory and practice: establishing cultural heritage monitoring, the DEMOTEC example, in Meier, T. (ed.): *Landscape ideologies*, Budapest, 209–27.

Skeates, R. 2000: *Debating the archaeological heritage*. London.

Staab, F. 1996: Die Franken – Wegbereiter Europas, in Wieczorek, A. *et al.* (eds): *Die Franken – Wegbereiter Europas. Vor 1500 Jahren: König Chlodwig und seine Erben*, Mainz, 10–22.

Tarschys, D. 1999: Foreword by the Secretary General of the Council of Europe, in Demakopoulous, K. *et al.* (eds): *Gods and heroes of the Bronze Age. Europe at the time of Ulysses*, London 1999, ix.

Tzanidaki, J.D. 2000: Rome, Maastricht and Amsterdam. The common European heritage. *Archaeological Dialogues* 7, 20–33.

Vollmer, M., Guldberg, M., Maluck, M., van Marrewijk, D. & Schlicksbier, G. (eds) 2001: *LANCEWAD. Landscape and cultural heritage in the Wadden Sea region – Project report. Wadden Sea Ecosystem* 12, Wilhelmshaven.