

Kulturmiljöarbete i en ny tid (SOU 2012:37)

Some Reflections from the Swedish Archaeological Society

The Swedish government decided in March 2011 to call for a special investigator to review the legislation and the national goals for the cultural heritage field. The study has been given the name *Kulturmiljöutredningens betänkande* and Governor Eva Eriksson was appointed special commissioner. The commission's mandate included looking at various possibilities for simplification of the Heritage Act and increasing the understanding of the concept of ancient remains. In June 2012 the report *Kulturmiljöarbete i en ny tid* (SOU 2012:37) was submitted to the Minister for Culture. The report was then circulated for comment. The Swedish Archaeological Society was one of the surveyed respondents and submitted comments in October 2012.

The Heritage Act is fundamental to Swedish Cultural Heritage Management. Therefore, changing this law must be done in a balanced and considered manner.

The year 1750

The report proposes a time limit for legislation of ancient monuments set at 1750. The study justifies the choice of the year 1750 with a claim that scholarly knowledge of the remains from before is still small compared with younger antiquities (pp. 185–187). However, the arguments for setting a limit in the year 1750 for which remains should be classified as legally protected heritage sites are not thoroughly analysed.

Decades of experience in the archaeological survey, cultural-geography projects, historical archaeology and contemporary archaeology have significantly increased our understanding of the younger antiquities. The state of knowledge is, in other words, not inferior. At the same time, the knowledge argument might be turned to the advantage of the younger relics because they have a high conservation value as

knowledge of them, according to the report, is still limited. It should also be noted that this category of monuments is often highly valued by the public on a local and regional level, as is noted in the report (p. 117). In the report 1750 is claimed to be a revolutionary period, but this is not very well justified. The agrarian revolution occurred mostly during the nineteenth century, while a period of social upheaval took place around 1900 when industrialization, urbanization and mass migration changed society. These changes had enormous consequences for the agrarian and the urban habitat and consequently also for the cultural environment.

Also, the impact assessment which is provided in the report is too sketchy. The specified time will have significant implications for the management and interpretation of ancient monuments covered by the law. No matter how well-founded choices of specific years or epochs are, they risk rapidly losing credibility and thus legitimacy because of shared and perhaps changed positions. The risk is therefore immanent that a law based on these principles will soon become outdated and thus needs to be rewritten. It is against this background we must understand why Swedish law has chosen not to have any time limits on ancient monuments in the present Heritage Act. Another reason to delete or rewrite this proposal from the report is that without a time limit there are possibilities of reconsidering in a flexible manner what should be regarded as legally protected heritage sites, as the judgements about what is heritage are constantly changing. Specifying a time limit in 1750 could lead to juridical uncertainty. Instead of setting a time limit, we have suggested not changing the existing law in this matter, but instead working out alternative measures that simplify the implementation of the Heritage Act. This means that instead of changing the time limit, efforts should be invested in the development of new management practices and a variety of information tools.

Editorial revisions, not just editorial

On a general level the report suggests editorial revisions that entail purely semantic changes and efforts to make the Heritage Act clearer and simplify its relationship to other legislation concerning the cultural environment. This can only be supported. The study recommends that the number of terms describing the various remains used in the legislation and its application be reduced. Furthermore, the study wants to replace the juridical concept “permanent ancient remains” with the concept “ancient remains”. These are suggestions that will probably facilitate future heritage management. But there are other suggestions which are more problematic.

The cultural environment is an active resource in an inclusive society. If we consider this to be a fact it will require that cultural heritage management not only consider the cultural environment to be a source of knowledge, as the report assumes. It should also be regarded as a source of lifelong learning and development. This is something that the investigation did not consider. Another example of where the investigation failed to articulate the management of cultural heritage in a relevant way is in the section where contract archaeology is discussed.

The report argues that the purpose of an archaeological excavation is to document and collect the ancient remains. This is only half the story. Since the late 1990s, archaeological excavations have aimed to create meaningful knowledge and communicate this. Documentation and collection are methods, not the purpose or a goal. We strongly emphasize that it needs to be clarified in the Heritage Act that the purpose of archaeological excavations related to cultural resource management (CRM) is to create meaningful knowledge and communicate this knowledge.

To sum up, the Swedish Archaeological Society considers that there are great risks in specifying a particular year (1750) as a time limit, and that this could lead to juridical uncertainty. Instead, we propose that in order to have increased transparency and juridical certainty concerning ancient remains, efforts should be directed to the development of new management practices and new information tools. The Society also suggests that a more modern approach to how to look at what cultural heritage management is about should be adopted.

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