

CONTROVERSIES REGARDING THE  
CONCEPT AND TIPOLOGY OF THE  
CULTURAL HERITAGE IN THE REPUBLIC OF  
MOLDOVA

**Abstract**

The cultural heritage of a country includes the all traces of human activity discovered in the environment. These are irreplaceable sources of information on the life and occupations of people of different ages and artistic, technical skills development over time. Because monuments, sites and cultural environments are not renewable resources, their management must be long term. Thus, cultural heritage is a source of emotional and aesthetic experiences unique, and for this reason modern society has not only benefit from the preservation and active use of its assets and its components.

**Keywords:** assets, perpetuity, arts, cultural, domain

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## DISCUȚII PRIVIND CONCEPTUL ȘI TIPOLOGIA PATRIMONIULUI CULTURAL ÎN REPUBLICA MOLDOVA

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**Rezumat**

Patrimoniul cultural al unei țări include toate urmele activității umane descoperite în mediul înconjurător. Acestea sunt surse de informații de neînlocuit privind viața și ocupațiile oamenilor din diferite epoci și dezvoltarea aptitudinilor artistice și tehnice de-a lungul timpului. Deoarece monumentele, siturile și mediile culturale sunt resurse care nu pot fi reînnoite, administrarea lor trebuie făcută pe termen lung. Astfel, patrimoniul cultural reprezintă o sursă de experiențe emoționale și estetice unice, iar din acest motiv societatea modernă nu are decât de câștigat din conservarea și utilizarea activă a patrimoniului său și componentelor acestuia.

**Cuvinte cheie:** patrimoniu, inalienabilitate, artă, cultural, domeniu



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## 1. INTRODUCTION

The experience of many countries shows that good management of culture and of the organizations involved in the management culture may become an important factor in local economic development. In this context, an important role belongs to cultural heritage managers.

Contemporary cultural theories considers cultural heritage as part of the heritage, a domain in which the cultural heritage is completed harmonious with the natural heritage. Together, the two subdomains consist of the legacy that each generation leaves survivors. The cultural heritage of a country includes the all traces of human activity discovered in the environment. These are irreplaceable sources of information on the life and occupations of people of different ages and artistic, technical skills development over time. Because monuments, sites and cultural environments are not renewable resources, their management must be long term. Thus, cultural heritage is a source of emotional and aesthetic experiences unique, and for this reason modern society has not only benefit from the preservation and active use of its assets and its components. Heritage is an important factor for preserving national identities and cultural values, sustainable development, social cohesion and inclusion, which makes the notion of cultural heritage to be a result of a process of abstraction.

To define the cultural heritage, the object of this study, it is first necessary to determine the meaning of the concept of heritage. In economic sense, heritage means all property that forms one's wealth (Convention on Cultural Heritage, Council of Europe Framework, 2005, ratified by Republic of Moldova on 01.12.2008). It should however be noted that in legal terms, this definition is not accurate unless the goods are not only understand the material things that make up one's wealth, but in general all the rights they have that person on such property. For this reason in the legal sense means all rights and obligations of property belonging to individuals or juridical persons, taken as a sum of active and passive values, closely related between them (Musteata, 2010).

Referring directly to cultural heritage and for making reference to the definitions above we can deduce that it includes all property that constitutes state wealth and administrative-territorial units in part and on which have determined a number of distinct rights and obligations. However, noting that the administrative-territorial units of the level I, we referred to the Law on Local Public Administration of the Republic of Moldova, which defines the local public property as "all the movable and immovable property belonging to the public domain of local interest" art. 75, pn.(2) reported to the category of local public property land where public buildings are located locally, portions of the basement, roads, streets, markets, separate water bodies, public parks, buildings, monuments, museums, forests, areas

protection and health areas, and other goals that by law are not included in state public domain (Law no. 436-XVI on Local Public Administration, 2006).

Making reference to some goods of that law, we concluded that cultural heritage is part of the local public property, but also of that national, and therefore is a distinct part of their.

The Law no. 413-XIV of Culture of 1999 in art. 2 defines cultural heritage as all cultural values and goods, this definition we consider having a restricted form insufficient so we'll try to refer to the other definitions that will lead us finally to formulate an acceptable definition, explicit and coherent of the cultural heritage. In light of the Council of Europe Framework Convention on cultural heritage value to society we learn that the cultural heritage constitutes a set of resources inherited from the past that people consider regardless of ownership of the property as a reflection and an expression of values, beliefs, knowledge and traditions in a continue evolution. This includes all aspects of the environment resulting from the interaction between people and places in time (Musteata, 2010).

From this definition we can deduce that the cultural heritage constitutes the cultural component inherited of the culture, present in today's life in the form of material and imaterial, and cultural patterns, being one of the most important sources of knowledge of the past and present.

Another definition is found in the Convention on the Protection of World Cultural and Natural heritage, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization in Paris, in which are regarded as cultural heritage:

1. Monuments: architectural works, sculpture or monumental painting, elements that have outstanding universal value in terms of historical, artistic or scientific;
2. Assemblies: isolated or clustered groups of buildings, which because of their architecture, unity and integrity of the landscape, are of outstanding universal value in terms of historical, artistic or scientific;
3. Sites: works of man or the combined works of the actions of man and nature, and areas including archaeological land which are of outstanding universal value in terms of historical, aesthetic, ethnological or anthropological (Convention on the Protection of World Cultural and Natural Heritage, Paris, 1972, ratified by Republic of Moldova on 2002) (Musteata, 2010.).

We believe that this definition is incomplete and limited, because analysing the Convention for the Protection of the Architectural Heritage of Europe of 1985, we observed the same structure and composition between these two types of heritage. It follows that we can equate cultural and archaeological heritage, which would be incorrect, because that it identifies two as identical

components, which also is not really through the fact that archaeological heritage is a part of cultural heritage and that in no case can not be confused with it, which is broader in meaning and content.

For this reason we consider and this notion insufficient and believe that it would be necessary to review the concept of cultural heritage of the UN Convention for the Protection of World Cultural and Natural in 1972, by including all components of cultural heritage, both of those buildings, as well as of the movable and immaterial, avoiding future confusion in this respect and clearly marked parts of the cultural and archaeological heritage, the latter being only an important part of cultural heritage (Musteata, 2010).

In the same vein, we refer to the World Conference on Cultural Policy Issues, held in Mexico, which was to postulate that „notion of a nation's cultural heritage extends the works of artists, architects, musicians, writers and scholars to its creation of anonymous popular products of the genius and the ensemble of values that give meaning to life. Cultural heritage includes tangible and intangible works that express the creativity of the people, language, rituals, beliefs, historical sites and monuments, literature, art works, archives and libraries”, notion which we consider sufficient because includes the whole area of the cultural heritage and do not treat just some aspects of its.

With reference to the literature, we note that given the variety and complexity of cultural heritage, but also because of theoretical and methodological differences there is not a series of basic notions and concepts clearly defined on cultural heritage, being defined only some constituent components its. For example, V. Postica takes the view that all archaeological patrimony of the material of past human existence, representing an essential treasury of cultural heritage, forming a bridge between present and past human, but ethnographic heritage as all material and spiritual works of traditional society of the present or past (Postică et al., 2010; p.39). A direct definition of cultural heritage in general, so in theory could not be found.

If we were to treat as comparative concept of cultural heritage in national and European aspect, we refer to the regulation of Romania, where the Ordinance nr. 68 of 1994 on the protection of national cultural heritage, it is stated in Article. 1, that “it is composed of movable and immovable cultural property of particular value in the public interest, which are irreplaceable evidence of human creative potential in its relationship with the natural environment and historically established in Romania, the national history and civilization and universal” (Vedinaș and Ciobanu, 2001; p.102). There is also a definition of national cultural heritage mobile regardless of the owner of the goods, in Article. 1, pn.(2) of Law No. 182 of 2000: “special or exceptional value goods, historical, archaeological, documentary, ethnological, artistic, scientific and technical, literary, cinematic, numismatics, philately, heraldry, bibliophile, mapping and epigraphic, representing the material evidence of evolution and natural

environment Human relations with it, the creative potential of human and Romanian contribution to universal civilization".

We note the importance given to cultural heritage in Romania, which makes us understand the insufficiency of this term of the 1999 Law on Culture, which we believe needs to be developed to demonstrate the consistency of this area, following the example of Romania. It is also welcomed the concept of the intangible cultural heritage of the Draft Law of Moldova, where it is given its proper value, designated it as all traditional works, oral, authentic, transmitted from generation to generation, expressed in forms of literary, musical, dance or theater, and all the practices, representations, expressions, knowledge and skills - along with the instruments, objects, artefacts specific clothing, accessories and cultural spaces associated with them - that communities, groups and individuals as appropriate as part of their recognize their cultural heritage. Although still at the project level, this notion is consistent and refers to all components of such property, which in future will gain legal force through the subsequent adoption of this law.

In the formulation of a coherent generalization we can define the cultural heritage as all inherited resources, identified as such, regardless of their ownership, which is a tribute and an expression of values, beliefs, knowledge and traditions that are constantly evolving and that includes all elements resulting from the interaction between human and natural factors, over time. Thus, in a more restricted way can be defined as "cultural inheritance" that consists of many components, some type of intangible, other material, which have great cultural value for the state and the human community which is associated.

As stated earlier, cultural heritage constitutes a set of resources inherited from the past that people consider, regardless of ownership of property as a reflection and an expression of values, beliefs, knowledge and traditions evolving. This includes all aspects of the environment resulting from the interaction between people and places in time, which leads us to assert that inherited cultural heritage is part of the culture present in today's life in the form of tangible and intangible artifacts, and patterns cultural. As a result of cultural heritage is composed of a number of structural components according to certain criteria.

The most determined classification is crucial delineation of cultural heritage in four parts:

1. Immovable cultural heritage;
2. Movable cultural heritage;
3. Immaterial cultural heritage;

#### 4. Cultural landscapes.

**Immovable cultural heritage** is the most valuable part of cultural heritage, both in terms of direct material value as well as in relation to the possibilities of insertion of extra-cultural components. We have to mention that the immobile cultural heritage is a phrase which means, more generically called historical monuments, a category that includes not only monuments and historical sites but also assemblies. All these delimitations are clearly established through a comprehensive and coherent body of rules formulated, which considers the entire set of operations (research, evidence preservation, restoration, enhancement), which make up the work of protection of immovable cultural heritage.

In the same context we mention that according to Law no. 1530-XII/22.06.93 on protection of monuments, monuments are objects or sets of objects with historical, artistic or scientific value, which is evidence of the evolution of civilization in the territory of the republic, and spiritual development, political, economic and social and which are entered in the Register of Monuments of the Republic Moldova State protected. Also, in art.2 of the same law we find that all the monuments on the territory of the Republic of Moldova, which are part of cultural and natural heritage, are under state protection.

We noted that natural and cultural heritage are distinct, but also are treated together, because they contain common elements. So, the cultural heritage includes such monuments as:

1. works of architecture, sculpture or monumental painting, elements or structures of archaeological, inscriptions, caves and groups of elements that have a national or international value in terms of historical, artistic or scientific aspect;
2. assemblies: isolated or clustered groups of buildings, which because of their architecture, unity and integrity of the landscape, are of outstanding universal value in terms of historical, artistic or scientific;
3. sites: works of man or the combined works of the actions of man and nature, and areas including archaeological land which are of outstanding universal value in terms of historical, aesthetic, ethnological or anthropological, which make us to determine that other monuments remain part of the natural heritage.

From this we infer that most monuments are historical, artistic or architectural, and their proper management will lead to conservation, preservation and development of our national identity.

**Movable cultural heritage** includes all aspects of movable cultural property owned publicly or privately owned property to religious entities. Cultural Heritage Museum, as it can be called the movable cultural

heritage, has a distinct legislative framework governing the organization and operation of museums and public collections, but also how to protect movable cultural.

So, movable cultural heritage refers to this kind of museums:

1. of arts;
2. of archaeology and history;
3. of science and history;
4. of ethnography and anthropology;
5. Specialized museums (Law no.1596 on museum, 2008).

It is important to clarify that the value of these properties increases when an individual item is part of an original group or when it belongs to a collection in a museum or an archive. Similarly, the value of an item increases if stored in original location. It should be noted that the Ministry of Culture, through its institutional representatives, has the responsibility to exercise supervisory jurisdiction of the State and protect mobile assets.

Mobile heritage inventory should include religious heritage, foundation or property held in private, at their request. Movable cultural properties and privately owned collections are an important but little understood natural resource, but the lack of constructive dialogue between owners of private and state entities can cause loss of opportunities capable of ensuring the proper preservation, study and appreciation of a greater proportion them, which is why raising standards by museums must become a priority in all aspects of their work in conservation techniques in documentation of collections management, display techniques, as well as on services offered to visitors.

To better manage the mobile cultural heritage requires assembly of statistical data, information from different sources and their compilation into a single document to introduce appropriate measures to be taken through specific programs of prevention and recovery situations this property type.

**Intangible cultural heritage** can include all the different cultural aspects of life inherited from the past life that define a lot of styles of life of different societies. They can refer to local practices, customs, beliefs, and are often expressed through language, political activities, social and economic and symbolic activities and rituals of various communities.

In the general sense of the term recognized, the intangible cultural heritage means all the practices, representations, expressions, knowledge, skills that communities, groups and individuals recognize as belonging to their cultural heritage, transmitted from generation to generation and continually recreated.

Intangible cultural heritage is reflected in the following areas:

1. traditions and oral expressions – language – as the most important vector;
2. performing arts;
3. social practices, rituals and festive events;
4. knowledge and practices related to nature and the universe;
5. Traditional crafts etc.

Intangible cultural heritage is an area of interest for cultural policies, embodied in legislation by setting specific responsibilities for a number of institutions and cultural establishments (museums, cultural centers, district centers and the national center for preserving and promoting traditional culture, popular schools art, culture houses, art groups and ensembles) and creating a network of formal educational institutions for arts and traditional crafts.

The special importance of intangible heritage can be played by the interaction with local communities belonging to different ethnic groups or foreign or completion of a national or local cultural identity. It is also a great demand in the rediscovery of skills related to traditional music, crafts, language, cuisine and ritual. In the context of globalization, components of Moldova intangible heritage can contribute to promoting diversity, the development of dialogue between cultures and relationships between communities and between individuals.

Cultural landscapes are spaces used by the society and links with the past history of this, a history of identity. According to the European Landscape Convention, adopted in Florence, 2000 (ratified by Republic of Moldova on 14.03.2002), the landscape “means an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human (Musteata, 2010). Therefore follows that the cultural landscape is nothing more than the sum of various factors and different values which may include visual and aesthetic impact, economic, valuing scenic and historical processes, ecological and geological. However, the cultural landscape is probably the most common cultural participation of citizens, which is why when awareness of environmental issues, public awareness regarding the value of cultural landscapes increases. We observe that protection of the cultural landscape is a responsibility of the society, but mostly is a responsibility of the Ministry of Culture, which through various actions and policies should ensure sustainability for the entire object or landscape architecture that integrates.



In conclusion we would say that this classification is a general and limited, with no separate specifications, but nevertheless is very clear and understood by the simplicity of the boundary of different types of cultural heritage. However, given the variety and complexity of cultural heritage, we can identify another more detailed classification. Specialists in the field offer the following types of cultural heritage: (Cavruc and Postică, 2010; p.39-40)

1. *Archaeological heritage*, which is defined as all the material remains of past human existence, representing an essential treasury of cultural heritage, forming a bridge between present and past human. The archaeological heritage includes two major categories:
  - 1.1 Immovable archaeological heritage, as all vestiges of human existence in the past materials associated with natural landscapes, including various buildings, archaeological sites, landscapes and archaeological complexes;
  - 1.2 Movable archaeological heritage, including artefacts (portable objects created and/or used by humans: tools, utensils, weapons, religious objects, jewelry, clothing, etc.) and "ecofacte" (portable vestiges of the natural environment associated with traces of anthropogenic origin: pollen, seeds, animal bones, snail shells, etc.)
2. *Ethnographic heritage*, which includes all material and spiritual creations of the traditional society of present or recent past. Because of the modernization of society, elements of ethnographic heritage lose its basic functions they have enshrined in traditional culture. From this point they either disappear or become new meanings: the cultural waste, or - for companies concerned with the maintenance and enhancement of this heritage - the source of knowledge, education, inspiration, tourism and economic development. Sometimes this heritage identity becomes high symbolic value. Ethnographic Heritage is divided into two major categories:
  - 2.1. Ethnographic material heritage, includes cultural material goods of the traditional societies, evidence of environmental and habitat development, human relations with the environment and human creative potential which is significant for the history, culture and national and world civilization. The other type is composed of two subcategories:
    - Ethnographic heritage immovable includes material creations include: cultural landscapes (natural landscapes, shaped, ethnographic villages, and traditional crafts centers), habitat (housing precincts of villages, fairs and cities, forests, ponds, buildings of worship, cemeteries etc.) technical facilities (mills, oil mill etc.);

- Movable ethnographic heritage includes portable objects created by traditional technical means used - in the past and / or present - in maintenance activities of life of human communities (tools, clothes, textiles, religious objects, etc.).
- 2.2. Intangible cultural heritage, which includes all works of traditional, authentic, expressed in verbal forms, music, choreography and theater, and all the habits, practices, representations, expressions, knowledge and skills, together with the instruments, objects, artefacts, clothing style, accessories and cultural spaces associated with them - that communities, groups and, where appropriate, individuals recognize as part of immanent, essential and integral part of their cultural heritage, they express the spiritual foundations of identity, moral values, ethical and aesthetic of the people, witness the essence of thought , activity, sensitivity and creative imagination of men, and until now the historical.
  3. *Movable artistic heritage* consists of buildings and monumental works of art, architectural value, urban, aesthetic, historical and ecclesiastical memorial, integrated public spaces and landscapes, significant for national and world history and culture. This version includes two major categories:
    - 3.1. architectural heritage, including architectural monuments, architectural ensembles and sites, which were mentioned above;
    - 3.2. fine art monuments monumental include compositions monumental sculptures, statues, busts and reliefs, frescoes, mural painting, iconostases, mosaics, stained glass, etc. This category includes public monuments (monuments, memorial character, sculptures, crosses, etc., integrated public spaces) and works of monumental painting (mural, rock, etc.).
  4. *Heritage cinema* includes documentary films, film production, the chronic, fiction and animation. Through involvement in all areas of film: either for cognitive science (nonfiction film) or aesthetic impact and artistic (fiction and animated films), film heritage has become an important component of the national cultural heritage.
  5. The theatral heritage consists of stage works that are created in theaters, significant for national and universal cultural history. The importance of the role and the place of the art in culture of each nation show its artistic and philosophical level in awareness in human life, society, and world. The specific of this kind of art is that the show has a short life and it exists as long as is present the spectator. This feature determines the specific forms of storage of the testimony's existence in the history of theatrical art and national culture: hall programs creative

with information about the team (author, director, designer, composer, choreographer, character / actor, etc.), posters, press reviews of the time, photos.

We can see that through this classification is made a general delimitation, which is used and understood more doctrinaire and by specialists, but for citizens closer and clearer is the first classification, which is understood the why and consideration because it is perceived and categorized more accessible to a specific good (type). We believe that the first classification is better because it includes the whole cultural heritage as a complex area, which is why we consider it necessary that it must be used in legal provisions in certain parts of the first category, which will be understood by the entire society.

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