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Romualdo Del Bianco Foundatione

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FROM THE SPIRIT TO THE LETTER OF THE CHARTERS: MIND THE GAP FOR THE FUTURE!

Stéphane Dawans*, Claudine Houbart**

Abstract: Fifty years after the adoption of the Venice Charter by the newly founded ICOMOS, this paper questions the status of such documents in the light of their very particular production and reception conditions. When we read and use charters, we too often forget that they have been written by human beings, sometimes very tired, in a hurry, and even arguing with each other. The study of the archival material related to the writing of the Venice Charter and the Nara Document very clearly illustrates that these documents are rather a conceptual “bricolage” than indisputable normative texts as if they had been written by lawyers. Even so, the Venice Charter and the Nara Document still have force of law today. Yet, besides the particular circumstances of their writing, we must keep in mind that these texts answered specific questions, closely linked to the context. For this reason, using such documents today requires at least a critical reading, going back to the spirit beyond the text.

Keywords: Venice Charter, Nara Document, contemporary stamp, R. M. Lemaire, Riga charter, reconstruction.

1. INTRODUCTION

Since the 1960's and the foundation of ICOMOS, charters have been considered as a sort of conservation gospel. After the adoption of the Venice Charter, widely distributed all around the world by the emerging national committees, every new development of the discipline, every evolution of the heritage definition has been almost immediately covered by a new document, adapting or supplementing the existing principles to match new heritage challenges (Florence or Washington charters for example) or local specificities (Burra and even Riga charters).

The 50th anniversary of the adoption of what can be considered the “mother” of all charters seemed to be a good opportunity to question the status of such documents and the use we make of them, in the light of their very particular production and reception conditions. The archives of Raymond M. Lemaire¹, the first Secretary General

* Faculty of Architecture, University of Liege, e-mail: sdawans@ulg.ac.be

** Faculty of Architecture, University of Liege, e-mail: c.houbart@ulg.ac.be

¹ Lemaire's archives are kept in the Central Library of the KULeuven, in Belgium, since the early nineties. On Lemaire, see Claudine Houbart's PhD, *Raymond M. Lemaire et la conservation de la ville ancienne: approche historique et critique de ses projets belges dans une perspective internationale*. KULeuven, 2015.

and second President of ICOMOS, who has taken part in the writing of many theoretical documents between the 1960's and the 1990's, allowed us to sneak behind the scenes of two of them: the Venice Charter and the Nara Document. That is the reason why they will be used as references for our demonstration. But of course, the same reflections could be carried out about any other charter or recommendation.

Our will to take a critical look at charters has a very practical origin. In our daily life of heritage experts, members of advisory committees and commissions, we often experience how an application to the letter of the text can lead to decisions absolutely contrary to what the archives reveal to be the spirit of the documents. The sources of this misunderstanding or misinterpretation can be linked, according to us, to two different moments: the writing of the texts, which is the translation of experiences into words expressing general conservation principles, and the reading of the articles, that is the translation of these words into specific architectural responses to particular conservation problems. Between these two key moments, the translation from the original language to others can also, in some case, be a crucial step and deeply influence the understanding of the document's meaning.

2. THE WRITING OF CHARTERS: THE HUMAN FACTOR

Anyone questioning the conditions in which a document was written will think about the general political and historical context. To take an example outside the conservation world, we dare to think that the recent revelations about Le Corbusier's sympathies for the fascist regime will lead researchers to reconsider the intentions behind the CIAM Athens Charter, and maybe, the very meaning of the document. In the same way, when we read the Venice Charter, we shouldn't forget the post-war context and what was considered at that moment the failure of the Athens Charter on conservation to avoid identical reconstruction projects and restorations according to principles going back to the nineteenth century revivalist culture. The emergence of the *restauro critico*, promoted by Cesare Brandi and the Istituto centrale del restauro, and further developed in the architectural field by Roberto Pane and Renato Bonelli, should neither be overlooked. This context is an essential key to understand the document, and the fact that we are going on using the Venice Charter after fifty years during which the post-modern movement has radically changed our relation to the past, would deserve an in-depth reflection. But our presentation will focus on a much more, at least, apparently anecdotic component of the context: the human one. Charters are written by human beings, often not trained for the exercise, and their texts depend not only on the contributor's experiences and ideas, but also on their character, mood, eagerness to participate in the discussions, ambition, energy or tiredness. From this point of view, looking into the Venice Charter and Nara Document archives was particularly enlightening.

As to the first, the archives as well as the records of Raymond M. Lemaire, Paul Philippot or Gertrud Tripp make clear that the document has been written at the last moment and adopted, maybe too rapidly, by an assembly too glad to finally have an updated version of the Athens Charter (Houbart [1]). Raymond Lemaire recalls how he was asked by Piero Gazzola and Roberto Pane to coordinate the writing of the document – an idea that had been previously abandoned – only a few days before the congress began. According to him, there was no documentation available on the spot –

even no copy of the Athens Charter – at the exception of a review of the 1931 Italian Carta del Restauro, written for the occasion by the two Italian scholars (Pane & Gazzola [2]). Lemaire relates how he had to ask his secretary to send him his notes and documents from Belgium. The small working group, composed of Lemaire, Gazzola, Pane, the French Jean Sonnier and the Belgian Paul Philippot, had to work during the pauses and evenings and this may explain, for example, that such an important issue as the decorative elements was absent from the charter's version adopted on May 29th by the assembly. It is only the day after that Paul Philippot, at that moment the Assistant Director of the International Centre for the Study of the Preservation and Restoration of Cultural Property in Rome, noticing this important lack, sent a short text to Lemaire, to be added to the definitive version (the actual Article 8). As Lemaire confessed to Gertrud Tripp a few months after the congress, what we consider today as a “doctrinal monument” was rather seen, at that moment, as a conceptual bricolage, quite unsatisfactory, by at least one of its main authors: according to him, “the atmosphere of the congress, while being very sympathetic, wasn't that suitable for the reflection necessary to write such documents.”²

But besides the atmosphere of the congress and the lack of time, we must also underline that despite Paul Philippot being a Doctor of Law and Lemaire having followed some law courses before studying art history, none of the writers had a real experience in law writing – of course, charters are not law in the juridical sense of the term, but they are very often used as such. Indeed, even if the legal implications of a charter are weak compared to other laws, it is nevertheless necessary to draft the principles taking into account the basic rules of legal methodology – particularly the legislative communication process, because these doctrinal texts that result in debates among eminent scholars intend to defend fundamental (“sacred”?) values and thus claim at least morally to have “force of law.” These texts therefore deserve to be written with all the care and the professionalism required, to which law schools try to initiate students in the early years of their training. They are doing it in order to anticipate problems (intentional or not) of interpretation (Delnoy [3]). In their book on dialectical theory of law, François Ost and Michel van de Kerchove [4] argue with reason that “the postulate of rationality performs a function of selection and of legitimation of the interpretations accepted.” If the authors refer to this axiom, it is to avoid the excesses of interpretation which appeared to have been authorized by the postmodern theories of reading, very fashionable at the time of the drafting of the Venice Charter. That is why, in 2010, they still make reference to Umberto Eco – the famous semiotician who had clearly qualified his statements from the sixties – asserting that the interpretation of texts – in general and texts of legislation in particular – does not fall within the “free invention,” which is what the concept of “open work” (*opera aperta*) could have suggested to radical readers. But if we want this function of selection and legitimation of the interpretations to operate, we must ensure that the textual device leaves no place to fantasy – a reason why the grammaticality of the text must be a constant concern for whoever drafts a charter (these are the principles of general theory of communication and writing of referential or informative texts as expressed by Roman Jakobson).

² R. M. Lemaire to G. Tripp, July 25th, 1964. KULeuven, R. M. Lemaire Archives.

In the case of the Venice Charter, some terms and expressions were particularly vague or even misleading. We will come back to the expression “the stamp of our time” (la marque de notre temps, the English “contemporary stamp”), that opened the door to very contrasted interpretations. But if we look at Article 14, for example, its French title, – we mention the French version because it was the one written during the congress – “monumental sites” (sites monumentaux) does not correspond to the “urban or rural sites” (sites urbains ou ruraux) announced in Article 1, and in the text of the article, neither the “specific care” (soins spéciaux) required for such sites, nor what is meant by their “integrity”, is defined.

During the Nara congress, the fact that a French and an English version of the document were written in parallel by Raymond M. Lemaire and Herb Stovel, purposely chosen as representatives of the old and the young generation (Stovel was 27 years younger than Lemaire), has had immediate consequences on the content and the formulation of the text. Correspondence and records in relation to the writing of the document reveals that both men were unsatisfied with the result, each of them putting the blame on the other. According to Stovel, Lemaire belonged to a generation not much open-minded to the new dimensions of the debates such as vernacular and immaterial heritage, which were essential in Nara. On the other hand, Lemaire considered that the text was intended for politics, more than for experts, and that consequently, it had to be more “solemn” than precise in the terms used³, on which Stovel didn’t agree. In a letter sent to Jean-Louis Luxen after the conference, Lemaire expresses his disappointment with the text, pointing out that “some articles are only repetitions, others are redundant and not clear”. According to him, “to have a good text, everything should be rethought, recomposed and rewritten”. The fact that Lemaire admits that “in his time, he would have taken the liberty of doing so,” reveals that he was conscious of belonging to the old generation, but that doesn’t prevent him, in a burst of anger, to claim that the Anglo-Saxons would not understand this position for they “don’t have any intellectual dispositions for abstraction and philosophy.”⁴

³ “I am still thinking that this declaration is not the right place to define basic notions that are universal regarding conservation. Why not, then, redefine the notion of monument? (...) The main reason of my reluctance is the fact that, beginning with such definitions, removes the solemnity of the declaration, aiming to address more the political managers than the specialists” (R.M. Lemaire to H. Stovel, May 17th, 1995. KULeuven, R.M. Lemaire Archives).

⁴ R. M. Lemaire to J. L. Luxen, November 13th, 1994. KULeuven, R. M. Lemaire Archives.

Ébauche

C. VALEURS ET AUTHENTICITÉ

9. La conservation du patrimoine historique sous toutes ses formes et de toutes les époques trouve sa justification dans les valeurs qu'on attribue à ce patrimoine. La perception la plus exacte possible de ces valeurs dépend, entre autres, de la crédibilité des sources d'information à leur sujet. Leur exactitude par rapport aux caractéristiques originelles et subséquentes du patrimoine, à son devenir historique ainsi qu'à leur signification fonde le jugement d'authenticité concernant l'oeuvre en cause. L'authenticité, telle qu'elle est ainsi considérée et affirmée dans la "Charte de Venise", apparaît comme le facteur qualitatif essentiel quant à la crédibilité des sources d'information disponibles. Son rôle est capital aussi bien dans toute étude scientifique, intervention de conservation ou de restauration que dans la procédure d'inscription sur la Liste du Patrimoine mondial.

definition complete et exacte
 full or precise knowledge
 Natalia
 adequacy

Petzer: another sentence in the beginning - di. de. fan

David.
 appreciation
 increase of understanding not just conservation
 cultural heritage / definition

11. Tant les jugements sur les valeurs reconnues au patrimoine que les facteurs de crédibilité des sources d'information peuvent différer de culture à culture, et même au sein d'une même culture. Il est donc exclu que les jugements de valeur et d'authenticité qui se rapportent à celles-ci se basent sur des critères uniques. Au contraire, le respect dû à ces cultures exige que chaque oeuvre soit considérée et jugée au sein des critères qui caractérisent la culture à laquelle elle appartient.

critères généralisés
 Pejerdy
 (uniqueness)

to be read by decision makers

12. En conséquence, il est de la plus haute importance et urgence que soient reconnues, dans chaque culture, les caractères spécifiques se rapportant aux valeurs du patrimoine ainsi qu'à la crédibilité des sources d'information qui le concernent.

replaces
 scientific figures? (non) Charay.

Cultural context

remove ambiguity
 credibility of information sources should include transmission of the message and ideas of knowledge and meaning interpretation
 criteria (uniformes) (uniformisées) - Baschaouch.
 way to justify for a public audience

uniform des critères.

not this is a possible Johnson

By revealing these anecdotes, we do not want to compete with tabloid journalists, but we want to reveal that the importance of human factor in the writing of this important documents, and as a consequence, allows us to look at them in a more critical way: rather than Gospel truth, declarations and charters are hand-crafted human products (Fig.1, Nara working paper, KULeuven, R.M. Lemaire Archives).

3. THE TRANSLATION

Before coming to the second important moment, that is the reading or the interpretation of the text, another important thing we should mention is the translation problem. We have just seen how the parallel writing of the Nara Document in French and English by two different authors had compromised the coherence and efficiency of the text. In the case of the Venice Charter, the problem was different. The version of the text adopted on the conference on May 29th, 1964 was the French one. Even if it seems that the first English translation was provided during the congress by Hiroshi Daifuku, representing UNESCO, the official English translation, by Lord Euston, the Director of the National Monuments in London, was elaborated in December, on the basis of the definitive French version, finalized during the fall. A comparison of some articles of the French and English versions brings to light quite different meanings of the texts.

As to Article 14, which we already mentioned before, not only the title is different (“monumental sites” vs. “historic sites”), but reading the first sentence already reveals at least four terms or expressions that do not seem to designate the same reality. Where the French version repeats the expression chosen for the title, “monumental sites,” the English text speaks of “the sites of monuments,” which makes the object of the article quite different. And the “special care” these sites deserve, in the English version, do not seem to be the right translation for the French expression “soins spéciaux,” meaning that they should rather be the object of a specific treatment. Further in the same sentence, the concepts of “sanitation” (assainissement) and “enhancement” (mise en valeur) are inadequately translated by “cleared” and “presented in a seemly manner,” a very reductive and pragmatic reading of the meaning of the French expressions.

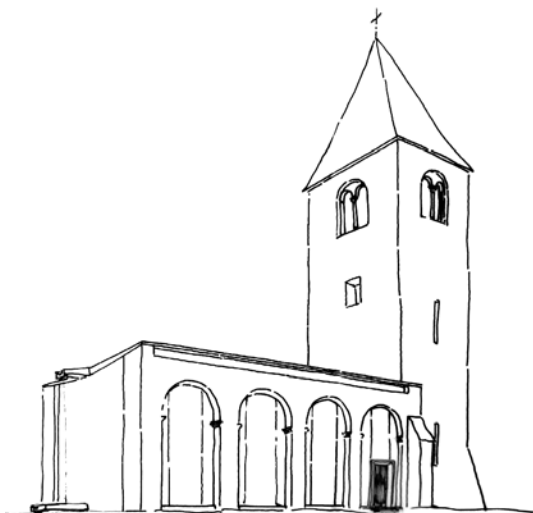
The same can be told about the crucial Article 9, where the French version insists right away on the “exceptional” (exceptionnel) character of restoration, while the English translation only recalls that restoration is something specialized. Further in the text, where beyond conjecture, the French any extra work is “a matter of architectural composition” (relève de la composition architecturale), the English one “must be distinct” from this composition. Furthermore, when the indispensable character of French extra works has to be supported by aesthetic or technical reasons, the English version does not specify anything, leaving an open door to any interpretation, and why not, purely economic, touristic or political reasons.

This question would of course deserve the attention of professional translators. But even at this stage, the differences of meaning between these two versions already prove that different Venice Charter principles are used around the world. A quick look at the Italian and Dutch versions of the document reveals that in these two cases, the French version was used as primary source. But, for example, in the Dutch article 9, the indispensable extra works are neither “a matter of architectural composition,” nor “distinct” from this composition, but “must respect the architectural composition,”

a formulation that slightly departs from the original text but seems to be more respectful of its spirit.

4. READING AND INTERPRETING THE TEXT

As for the writing, the contextual and human factors play an essential part during the reading and interpretation of the text. Anyone reading a charter acts within his own culture, and with his own aims and purposes, which affect the interpretation of the principles, and the vaguest the text, the most numerous the possible interpretations. On this question of interpretation, the Chapter 7 of the book of van de Kerchove and Ost [4] is especially rich in what the authors strive to “do justice to the actual practices of interpretation of texts” and to identify in any case “the clearly unreasonable meanings.” In the case of charters, the vagueness or imprecision of some of the terms and principles must have been chosen on purpose by the writers, not only in order to be concise and striking, but also, precisely, to allow a range of interpretations, adapted to the specificities of each culture. But in the case of some terms, we can imagine that the authors didn’t evaluate the range of interpretations, due to the use of such general terms. If we evoke Article 9, each reader of this paper will immediately have in mind an application of the notorious “contemporary stamp,” ranging from the most discrete and subtle dialogues with the past until the most provocative and rhetoric interventions. And each of these examples will perfectly illustrate the same principle as literally expressed by the text. But if we could figure out what the 1964 writers had in mind, we would probably see something very different. Indeed, the study of the projects and culture of Raymond M. Lemaire, who seems to have been a key author of this particular article (Houbart [1]), reveals that what he intended by “the stamp of our time” – to quote his own French terms – couldn’t have gone beyond Carlo Scarpa’s interventions at Verona’s Castelvecchio, which was at that moment, one the most daring existing examples. His programmatic restoration of Heverlee’s Chapel (Fig.2, KULeuven, R.M. Lemaire Archives) and renovation of Leuven’s great beguinage, carried on just before and after



the writing of the Venice Charter, are good illustrations of what he intended by this expression: something answering perfectly the architectural requirements of the charter, but quite far from most of the current practices and certainly, from recent hijacks committed by egomaniac architects for the sake of city branding. Of course, Lemaire and his colleagues couldn’t have predicted, in 1964, the latest developments of the architectural discipline, such as the most deconstructionist approaches, and our argument could therefore be considered anachronistic. But a second argument allows us to be

affirmative about the limits of Lemaire's interpretation of the contemporary stamp in Article 9: two texts, written in the space of 20 years. The first, dating back to 1976, is particularly interesting from a more general point of view, since it states that "it would be too simple to think that a mere application of a few rules would allow to solve such a delicate question" as heritage restoration. But what is particularly enlightening is the fact that Lemaire emphasizes the necessity, beyond talent, of an "appropriate state of mind", characterized by respect and modesty: according to him, "a monument is not in itself the opportunity offered to today's architect to affirm his personality" (Lemaire [5]). Twenty years later, in a paper considering the revision of the Venice Charter, he is even more explicit, openly regretting that "in certain circles, it is believed that the mere essence of a safeguard operation is a modernist intervention in the edifice or neighborhood" and underlying the many mistakes perpetrated in the name of Article 9 (Lemaire [6]).

If we refer to basic elements of law writing methodology, we can identify, besides the vagueness of the term "contemporary stamp," at least another misunderstanding factor⁵: the lack of redundancy, possibly leading to misinterpretations when articles are isolated from the whole. Article 12's clarifications, for example, in emphasizing harmony, would have been welcome in order to consolidate the meaning of this crucial element of Article 9. This is confirmed by the fact that the commented Italian version of this article in Wikipedia mentions that the necessary addition "must guarantee the harmony between old and new, beyond showing "not being ancient works, but from today," according to Camillo Boito's principle of 'modern discrimination of the additions.'" We already have mentioned how the Dutch translators of the charter had introduced the same precision in the text itself, obviously to avoid the "unreasonable meanings" to which Ost and van de Kerchove make a reference.

Finally, the last factor we have to mention, concerning the interpretation stage, is the role played by a small number of programmatic projects, which have created a sort of jurisprudence, making the architects feel free to avoid reading the text and providing a ready-made interpretation. Famous examples, like Carlo Scarpa's Castelvecchio, or Andrea Bruno's Castello di Rivoli, are often considered as arguments per se, leading to the formulation of some kind of recipes and a free rein given to the contemporary stamp in general, forgetting the particular production conditions of these successful projects.

5. REDUCING THE GAP

It is obvious that this short presentation did not exhaust such a problematic subject, but we are convinced that such questions are of great importance for such an organization as ICOMOS. The expression we used in our title, "mind the gap," synthesizes

⁵ We say "misunderstanding", because we absolutely want to avoid to enter into any judgement of intentions. But it is clear that certain architects are very far from the "ideal reader" – and Raymond Lemaire should not disown us –, a concept that hermeneutics had theorized since Wolfgang Iser wrote *The Act of Reading*. Kerchove and Ost also make reference to this "textual structure" for emphasizing the essential role of the reader in the dialectical interpretation of the law. If he does not play the game imposed by the text itself, by its dialogic organization, if he does not show a spirit of collaboration, worse, if he works in bad faith, then it is obvious that the act of reading cannot succeed. There are so deaf as those who will not hear.

in a metaphoric way, the danger of using documents such as charters without keeping in mind, on the one hand, the conditions of their production, and on the other hand, the gap between these conditions and those of the time and place in which they are used. In the case of the Venice Charter, we have underlined, for example, the progressive shift of meaning of some terms, such as “contemporary stamp,” today often a synonym of a deconstructionist approach, what the writers of the text couldn't have predicted in 1964. In the case of much more recent documents, such as the Nara Document or the Riga Charter, we could think that we are protected from this sort of misinterpretation; but the arguments used to justify recent reconstruction projects, for example, very well illustrate that the gap, if not chronological, can also be cultural or political.

The experience we have gained during this half century of profound transformation of society (post-industrialization, globalization...) should make us cautious: if Article 12, which had specified the limits of what we had to understand as the “contemporary stamp” (harmony of the whole) and should have then well guaranteed the spirit of the Venice Charter was simply “forgotten” by those who wanted to build something new at any price, we can imagine how easy it will be to use more recent charters or documents, such as those of Nara or Riga – often written in the same precipitation and in the same human conditions⁶ – to divert heritage for the sake of late capitalism injunctions, such as profitability and city branding. The debates on the reconstruction of disappeared monuments, currently flourishing all around Europe are one of the best illustrations of this danger. Six years after the adoption of the Nara document, which had already made the authenticity concept more pliable in answer to cultural diversity, the Riga charter has very carefully opened the door to the reconstruction of disappeared monuments, until then condemned by international documents, in the tragic context of the collapse of the Eastern Bloc. In both cases, and especially in Riga, the documents are very clear about the conditions and the exceptionality of the application of their principles. But as Jukka Jokilehto has shown in an article published in 2015 [7], despite this fact, the various charters have successively and gradually transformed our view of heritage and authenticity, and it is not by chance if he concludes that “it is obvious that the debate on reconstruction is necessary.” Since 1964, each of the charters has made us more skeptical about the fundamental values to defend, in the context of globalized civilization, and recent specialized publications clearly show that heritage experts gradually lose their bearings and reinforce the prevailing relativism. In a debate transcribed in the thematic issue of the French journal *Monumental* dedicated to “completion/restitution/reconstruction” in 2010, participants, including renown conservation architects and historians, are failing to reach a consensus about the very meaning – and hence, the limits – of reconstruction or restitution, alluding to cases as different as the didactic construction of the Guedelon Castle and the reconstruction of the Barcelona Pavilion, the Dresden Frauenkirche or the Mostar Bridge. Step by step, the limits of what is acceptable moves back. If heritage experts publicly state that there

⁶ In a very enlightening paper, Jukka Jokilehto [7] also highlights the particular conditions on which we have focused our attention about the decision to organise the Nara conference: “(...) the Japanese (...) reacted by proposing an international debate about authenticity. In 1993, during the ICOMOS General Assembly in Colombo, this issue was informally discussed in the corridor, resulting first in a preliminary meeting in Bergen, Norway, in January 1994 and then in an international expert conference in Nara, Japan in November of the same year”.

is no difference between progressively replacing the stones of a medieval cathedral over centuries and reconstructing a disappeared building, how can we imagine that the public opinion will make the difference between heritage and commercial copies or falsifications contributing to the world's "disneyfication"?

Since 1964, ICOMOS has played a crucial part in the writing of international principles and charters, and it should remain the same in the future. By underlining the sources of misunderstanding and misuses of such documents, we might appear excessively defeatist or critical. But rather than condemning doctrinal texts, we just modestly attempted, at this crucial moment of ICOMOS history, to open the debate about the difficult question of communication in the case of these particular documents, hoping to draw the attention of ICOMOS members on the problems with which lawyers are more familiar than we are, and in consequence, to reduce the gap between the spirit and the letter of the texts.

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