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Cover Photo: Archaeologists defending higher education, research and employment (Paris, January 2009, photo: Nathan Schlanger).

ARCHAEOLOGY AND THE GLOBAL ECONOMIC CRISIS

MULTIPLE IMPACTS, POSSIBLE SOLUTIONS

Edited by Nathan Schlanger
and Kenneth Aitchison

8. One crisis too many? French archaeology between reform and relaunch

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1 Introduction

The notion of crisis is not, of course, alien to French archaeology. Some historical landmarks will suffice to confirm this: the French revolution with its vandalism and historical monuments, Napoleon III and his national antiquities, the laws of 1913 and of 1941, the infrastructure reconstructions of the post-war years and their corresponding episodes of heritage destruction, the early days of the Ministry of Culture, the ratification of the 1992 Malta Convention, the build-up to the 2001 law, its subsequent modifications, and so on. All in all, French archaeology displays a somewhat punctuated pattern of progression, where various expectations regarding archaeological research and heritage management emerge, build-up and lead, usually through crisis and controversy, to hard-earned legal, operational and organisational achievements (see various discussions in Poulot 2006, Demoule & Landes 2009, *Les Nouvelles de l'archéologie* 2004, and references within).

Running throughout these episodes is the major question of individual and collective responsibility towards the archaeological heritage. Throughout the first half of the previous century, the debate had focused on questions of checks and balances regarding 'desirable' archaeological remains, i.e. those which presented some scientific (and occasionally financial) interest to their landowners or excavators. A series of legal and administrative measures gradually established the scheduling and protection of historical monuments, made the declaration of fortuitous finds compulsory, and required both official permits and scientific qualifications prior to any archaeological intervention. By the last decades of the twentieth century, the debate has finally broadened to include also 'unwanted' or accidental archaeological remains – namely those hitherto buried and unknown deposits exposed (and threatened by destruction) in the course of infrastructure and building works, and usually seen as a burden by the landowners or developers concerned. Drawing strength from precedents in environmental protection and international treaties, measures of control and mitigation regarding such remains were gradually established through the 'polluter-pays' principle. Overall, then, lurching from crisis to crisis, the general long-term tendency in French archaeology has clearly been towards the increased capacity of the state to oversee and regulate the scientific exploitation, protection and valorisation of the nation's historical and archaeological heritage.

Entering now the second decade of the present century, this general tendency seems to be put on hold, or at least to be taking on some different inflections. Without assuming some inevitable *ricorso* -like movement, the wave of heritage protection appears to have reached its crest, and is beginning now to subside in favour of other political or ideological priorities, concerning for example the role of the state, decentralisation, land-use, public services, economic and social policies and so forth. This is why in France, perhaps more than anywhere else discussed in this volume, the impacts of the current economic crisis can only

be understood in the light of broader ongoing processes and configurations. Specifically to archaeology, the heritage law of 2001 and recent modifications in 2003 have had significant effects, as we will see, but even more important have been the overarching public policy *reforms* initiated following president Nicolas Sarkozy's 2007 elections, including an unprecedented restructuring of institutions, administrations and employment policies. As for the crisis, significantly, it is not so much the economic downturn as such that has so far affected archaeology (though the decline in construction activities and the rise in unemployment are definitely being felt) as much as the various counter-measures enacted by the government within its ambitious *relaunch* or recovery plan. So, within the limits of the data available to us, and without attempting to be exhaustive, we will draw together in this chapter some strands and links in this composite picture, in between reforms and relaunch. The four impact areas of the crisis as identified throughout this volume – research, employment, outreach and legislation – will all be touched on, but we proceed with a brief introduction to the organisation of archaeology in France, provide some details on the various reforms already enacted, and finally address the crisis, the relaunch measures and their implications for archaeological research and heritage management in France.

2 A brief outline of French archaeology, circa 2001

Although academic research and higher education are clearly among its essential constituents, our entry point to French archaeology here is through heritage management, and specifically preventive archaeology. This is not only because preventive archaeology has become the largest and most dynamic sector in terms of funding, employment and archaeological results produced, but also because the recent fluctuations it has endured shed light on the system as a whole. Moreover, 'programmed' archaeology seems to follow a reasonably well-established pattern, at least so far as field practice is concerned, involving nominal excavation permits, scientific programmes and corresponding budgets. Preventive archaeology, by contrast, has been carried out for several decades with only the flimsiest legal, regulatory or financial basis. Only in 2001, after years of campaigning and successive recommendations, was this long-awaited grounding achieved. The newly drafted book V of the Heritage code defined preventive archaeology in these terms:

"Preventive archaeology, which pertains to a mission of public service, is an integral part of archaeology. It is governed by the principles applicable to all scientific research. It undertakes, on land and under waters, within appropriate delays, to identify, to preserve or to safeguard through scientific study those elements of the archaeological heritage affected or likely to be affected by public or private development works. It also aims to interpret and to disseminate the results obtained." (Article L. 521.1).

As part of the 2001 law, a pre-existing association for excavations (AFAN) was transformed into the National institute for preventive archaeological research, INRAP, an *Etablissement public* under the joint tutelage of the Ministries of Culture and Communication and of Higher Education and Research, with some 2000 employees and an annual budget of 150 Million euro for 2009. With its research and public service objectives legally enshrined, preventive archaeology sets and pursues clear objectives regarding the production of knowledge about the past, specialised studies, publications and public outreach. In comparison with

countries where the 'academic' and the 'commercial' (also called 'professional' or CRM) branches of archaeology have increasingly drifted apart, several traits of the French system – the territorial anchoring of its research, the encouragement of interdisciplinary collaborations, the long-established practice of 'mixed research units' (UMR) bringing together researchers and initiatives from the CNRS, universities, museums, ministries, local archaeologists, INRAP etc. – contribute, at least for now, to maintain these links.

A further specific feature of the French system concerns a fundamental operational and regulatory distinction between two successive phases of preventive archaeological activities. The first, evaluations or *diagnostics*, serves to identity and assess previously unrecorded archaeological remains on land slated for development (usually through mechanical trial trenching). The second phase, involving full-scale *excavations*, focuses then on specific, localised remains which require further documentation and study. In both cases, operations are undertaken upon prescriptions and with permits issued by the regional archaeological services (SRA) of the Ministry of Culture, while research designs, results and publications are evaluated through regional and national expert bodies. Crucially, these two phases are also distinguished by their legal and financial standing. The diagnostic phase, which is considered to be a public service, draws its funding not from the developers concerned directly (which could have invited unwelcome pressure and compromises), but rather through a Preventive Archaeology Tax applicable per square metre, above a certain threshold and with various exemptions, on *all* developments across the country, whether subject to archaeological prescriptions or not. Income from this tax is mutualised and shared more or less equally between diagnostic expenditure, a special archaeology fund for needy developers, and the financing of research and public outreach activities. Excavations, on the other hand, are each subject to a specific contract between the archaeological operator and the developer, including questions of schedules, delays and also costs, which are calculated in function of the nature and complexity of the archaeological deposits (as estimated through the diagnostic work), and the equipment, personnel and competencies required to achieve the set scientific goals of analysis, interpretation and publication.

3 After 2003: towards commercial competition between licensed operators

As the law on preventive archaeology came into effect, the systematic application of the Tax and of the 'polluter-pays' principle – coupled with some frustrations over unscheduled delays related to overloads and caps on employment – led several developers and local representatives to lobby for amendments to the law. Some genuine adjustments were certainly called for, but the solution adopted by the conservative-led parliament in august 2003 (and 2004) consisted effectively in 'opening up' the field of preventive archaeology to commercial competition, in the expectation that costs and delays would consequently be reduced.

These changes led to considerable upheaval in French archaeology. The status of archaeological diagnostics as a public prerogative was preserved, with the addition of locally-based municipality and council archaeological operators which are now able, alongside INRAP, to undertake them. The excavation phase, on the other hand, was recast as a commercial undertaking, with developers now directly

commissioning operators to execute the archaeological prescriptions on their behalf. Public developers have to abide by call-for-tender procedures, but they can nevertheless decide on the relative weight they wish to accord to such factors as duration, scientific quality, or indeed costs. Private developers can dispense altogether with such procedures, contract directly with the operator of their choice, and only then, almost as a *fait accompli*, present the proposed excavation design to the state services for them to examine its scientific pertinence and operational feasibility before issuing the permit.

As an ostensible safeguarding move, a specific licensing or accreditation system (*agrément*) was put in force for preventive archaeology, such that only licensed operators can be commissioned by developers, and only their personnel can receive from the SRA the nominal permit required for taking responsibility over preventive archaeological operations. To obtain the licence, candidate operators have to provide information on their functional capabilities, their available expertise, employment strategies, budgets, infrastructural set up, equipments and so forth. The Ministry of Culture, relying on expert advice from the National council for archaeological research, then awards the licence (for a renewable period of five years), subject to some territorial and chronological specifications. With regards to diagnostics, as noted, the only operators eligible are those based within public bodies such as municipalities or local authorities. For excavations, however, licences are also granted to other operators such as associations and privately owned companies, who can participate in the excavation market and respond to calls from their potential clients, the developers. After a slow start, the impact of these modifications is increasingly perceptible. By mid- 2010, there were approximately 80 operators licensed for preventive archaeology in France, of which 60 are local public bodies of various sorts, unevenly spread across about a third of the country's *départements*, and 20 are private companies[1]. Apart from their names, area of archaeological competencies and contact details, information on the scale and turnover of these licensed operators is hard to obtain: it is estimated that public operators employ altogether some 350 archaeologists, as do the private ones. All this reflects the sharp rise in their activities these last couple of years. For 2009, and taking important regional variations into account, only 60% of the c. 350 excavations carried out in France were undertaken by the state operator INRAP – the remaining 40% being more or less evenly divided between local public operators and private companies.

4 A market in crisis?

This new phenomenon of commercial competition in French preventive archaeology raises a number of issues that prove instructive to examine (see also Demoule, this volume). To begin with, it might be recalled that preventive archaeology as a whole, excavations included, was defined as a mission of public service, aimed at gaining and disseminating scientific knowledge about the past. In these circumstances, it is both unfair and unrealistic to expect developers to evaluate bids on scientific (as distinct from commercial) criteria, especially when there are grounds to suppose that the state services may not always be able to exercise their monitoring role to the full (see below). In the new conditions created, when any field methodology, expertise or even chrono-cultural interpretation may provide its holder (and deny others) a competitive edge in the market, it can be expected that

the wider aims of inter-institutional scientific collaborations on shared research designs may be affected, together with publications and public outreach actions. The same goes for the segmentation of archaeological activities across a multiplicity of operators, chosen on a case by case basis with little regard for operational let alone research considerations. To be sure, the rules so far prohibit these operators from having structural, financial or legal links to the developers for whom they work, but this could be yet anther 'impediment' to competition or acceleration that may soon be waived, now that archaeological operators directly created by building-works companies are in the making. While these and other less appealing consequences loom large (regarding for example cost-cutting measures, profit margins and employment conditions among some operators), there are little indications as yet whether the presumed benefits of the competitive system will be in evidence, such as reductions in delays or indeed in overall costs.

A series of more specific questions arise from the coincidence between the upsurge of commercial preventive archaeology, from about 2008 onwards, and the global economic crisis – all the more so that this coincidence was readily seized upon by the authorities to further bolster the 'market'[2]. Admittedly, the practical implications of such encouragement to potential operators are difficult to evaluate. For one, information on changing numbers and success rates of applicants for licences over time is not readily available. As well, since the scientific, operational or financial criteria for awarding the licence do not seem to be explicitly stated, it is difficult to assess whether they have been recently modified in any way. Finally, be it for reasons of confidentiality or of expediency, it appears difficult to gain some inkling regarding the eventual refusals, suspensions, or withdrawals of licences. What is certain, however, is that the French preventive archaeology market, public and private alike, benefits from a comforting safety net: in case operators cease trading or see their licence withdrawn, it is already set by law that the archaeological finds and related documentation they hold will be recovered and studied by the state operator – namely by INRAP (Article L. 523-13). Archaeological heritage management is certainly well served here (compare with annex II, this volume), but by thus effectively underwriting the operators, the licence-awarders and the prescribers alike, this bail-out provision sits somewhat uneasily with the ideals of level commercial competition.

Nevertheless, even though we may expect more recession-induced bankruptcies to be declared, we can also surmise that the preventive archaeology 'market' might well grow in the coming years – with the crisis aiding. In effect, the relaunch plan initiated by the government includes some major infrastructural works that will require substantial diagnostics and excavation work (see below). Even if few of the newly licensed public or private operators have the scale and logistics to partake in such *grands travaux*, they will be able to better jostle into competitive position for the more routine operations. As well, in addition to the nearly automatic increase in surfaces and sites to be identified and prescribed for diagnostics and excavations, some changes can also be anticipated regrading the prescription policies themselves. Just as the regional archaeological services have been under instructions in the past few years to "enhanced selectivity" so as to reduce the number of diagnostic prescriptions, so they might be encouraged from now on to increase these numbers, if only in order to keep afloat the newly created 'market' of commercial preventive archaeology[3].

5 Reforms in motion: public policies, research and higher education

Known by the acronym of RGPP, the general revision of public policies (*Revision générale des politiques publiques*) is a key component of the reforms launched by President Sarkozy since 2007, seeking a leaner and meaner state, more efficient and modern. This massive exercise, set in successive waves of intermediary steps and targets spread over several years, has already affected virtually all areas of public policy. As far as archaeology is concerned, the effects have been mainly felt through the Ministries of Culture and of Higher Education and Research, where they have involved the restructuring of institutions, their administrative functions and their employment policies.

To begin with the matter of employment, a key measure of the RGPP involves the systematic non-replacement of one out of two retirements among state functionaries and public employees. This reduction of personnel applies to all ministries and state functions (including some 50,000 schoolteacher posts not being renewed, i.e. lost, between 2007 and 2010)[4] and of course also to the Ministry of Culture, which as we saw holds administrative responsibilities over heritage management and protection. In a subsequent wave of the reform plan, this measure extends to public bodies and decentralised structures, which, through non-replacement or other means, will have to 'gain in productivity' by shedding 1.5% of their workforce every year. Incidentally, this trimming down may prove even more tasking in times of crisis: not only there are fewer private sector employment alternatives to be found, it is also manifest that the relative resilience of such a country as France to the more traumatising effects of the recession has to do with its longstanding tradition of strong public sector spending and employment.

While this employment strategy has at least the merit of being plain, the restructuring of administrations and functions in the framework of the RGPP has taken quite a multiplicity of forms. At the headquarters of the Ministry of Culture, the previous dozen or so distinct directions have been merged into three major directorates (alongside a reinforced general-secretariat), respectively entitled Artistic creation, Media and communication and Heritages, the latter including sub-directions dealing with museums, libraries, archives, architecture, and archaeology. Within this reassembly of functions and services, some casualties are to be expected in the name of 'rationalisation': the *Centre national d'archéologie urbaine* (CNAU) is one of the bodies slated to be dissolved. Even more challenging are the ongoing reshuffles and reorganisations at the regional level, including the functional capacities and hierarchical links between the regional archaeological services (SRA), the regional directions of cultural affairs (DRAC) and the prefectures. Finally, the sword of the RGPP specifically fell onto preventive archaeology, when the Council for the modernisation of public policies decreed in June 2008 that "The running (*politique*) of preventive archaeology shall be rendered more efficient. Income from the preventive archaeology tax shall be improved. The development of a competitive offer shall enable the multiplication of intervention capacities with regards to excavations. The modes of recruitment within the state operator INRAP shall be modernised"[5]. As we saw at length above, this aspired multiplication effectively means the encouragement of new public and private operators onto the 'market'.

Turning now to French research and higher education, structural changes in the framework of the RGPP and through other routes have been particularly wide-ranging. The 2007 'Law on the responsibilities of universities' (LRU) cast

these institutions into a sudden state of 'autonomy', which implies among other things an increase in performance-related funding and revenue-generating activities, accompanied by an administrative overload and a greater say for external members, especially business figures, in the university's scientific and governing bodies. Notwithstanding this autonomy, French universities have been instructed to forge between themselves thematic alliances as well as geographical clusters (not necessarily with the same partners), opening the way for a distinction to be made between teaching-focussed institutions and those oriented towards research and innovation, which would be relocated – crisis permitting, that is – in purpose-build campuses *à l'américaine*.

For reasons both ideological and parochial (i.e. poor standing in the Shanghai Index), French public research has been deemed underachieving and out of tune with the more utilitarian or vocational objectives sometimes described as 'the knowledge economy'. In succession were created national agencies for funding (ANR) and evaluating (AERES) research, the former reinforcing the logic of short term 'project' grants, with a particular emphasis on 'public-private partnerships' cemented through unduly generous tax rebates for the latter sector[6]. The National centre for scientific research (CNRS), for its part, has seen some of its main missions and means, indeed its 'autonomy', considerably curtailed: this includes its capacity to set long-term projects for its c. 250 archaeologists, or indeed to initiate and federate mixed research units (UMR) with other institutions. These changing circumstances are reflected in the CNRS prospective document for 2009-2013, whose readers have been invited to consider the social sciences and humanities also as a "strategic asset" for companies, so as to better understand human challenges and social changes, and thus inform their managerial decisions.[7]

Lastly, the RGPP policy of closing down every other retired post will be encroaching into an already tense employment environment, where career difficulties are felt from the very entry level. Amazingly, France is among the few countries where PhD holders are actually less likely than Masters to find a job: three years after graduation, 11% of humanities and social sciences PhD holders are still unemployed, and of those employed about a third are on short-term contracts. The employment level of French PhDs is three times worse than the OECD average, and moreover this deficiency cannot be explained by the numbers of doctorate holders involved, which per age-cohorts is proportionately lower than in most comparable countries.[8] Not unexpectedly, to refocus on archaeology, the overall trend in disaffection and decline in numbers of university students is not abating, although a larger proportion are now applying for professional master courses in preventive archaeology, in the (not unreasonable) expectation that jobs are still to be found in that area.

The effects of these ongoing developments on the production and transmission of knowledge about the past still need to be evaluated, but they are likely to have both medium and long-term repercussions. Already under-represented in comparison with European neighbours, archaeological positions in research institutions and universities will be further reduced by the non-replacement of half the posts which would have been available with the imminent retirement of the late 1960s and 1970s cohort. Research funding for programmed archaeological excavations in France and abroad appears more difficult to obtain, and likewise quite a few archaeological journals and publication outlets have had their allocations cast in doubt. It was not surprising in any case to see researchers and university teach-

ers from across the social sciences and humanities, archaeology included, at the forefront of the exceptional (but ultimately only partially successful) country-wide wave of protests, petitions and demonstrations during 2008 and 2009.

6 The relaunch plans: increased investments, lightened procedures

As we have gathered, then, France was well in the throes of substantial upheavals when the global economic crisis struck in 2008. Thus, in addition to its structural capacities in terms of public sector and economic policies, the country may have actually also benefitted from the fact that it was already on its toes, as it were, in comparison with more complacent neighbours caught off-guard. In any case, the government deployed early on a fairly comprehensive relaunch plan, with a specifically created Ministry in charge of its application. Alongside various measures for reducing costs and deficits, the relaunch plan also includes, in the venerable state macroeconomic tradition, a stimulus package for the acceleration of major infrastructure programmes. A global budget of some 10 billion Euros (originating from the state, major public developers, local authorities and private partnerships) has been dedicated to a range of works for the coming four years, including the construction of four TGV lines and several highways and navigable canals.

So far as preventive archaeology is concerned, these infrastructure programmes are by and large expected to compensate for the slow-down in the construction sector. Substantial tracts of land will be subject to earthworks, and will consequently generate prescriptions and require diagnostics and excavations in the framework of preventive archaeology – with further consequences for archaeological research, employment, outreach and so forth. These increased investments are not of course without their counterpart. For our current concerns, an important thread running through these crisis-busting relaunch measures is a *leitmotif* directly inspired from the previously engaged costs and employment-reducing reforms – it is the need to simplify, to rationalise, to lighten administrative procedures (*alléger les procédures administratives*), indeed to counter an ingrained penchant for bureaucratic slow-motion with some operational flexibility and economic enterprise.

Both facets of the relaunch strategy – increased investments and lightened procedures – are manifest in the 17 February 2009 'law on the acceleration of public and private programmes of construction and investments'. Articles 8 and 9 bear specifically on preventive archaeology, and entail the direct modification of the Heritage code. In examining here these changes, the spirit in which they were advocated at the Parliament's commission on economic affairs may be worth recalling: quite bluntly the aim is "to limit the henceforth excessive impact of preventive archaeology" (*limiter l'impact, désormais excessif, de l'archéologie préventive sur le développement économique et l'implantation des entreprises*).[9] Beginning with financial issues (perhaps ultimately of the greater significance), the budgetary measures approved include a one-off 10 million Euros to accelerate diagnostic operations by INRAP, another such sum for the needy developers' fund, and an increase in the Preventive Archaeology Tax, up from 0.3 to 0.5% of the construction value in the case of urban-areas projects, and from 0.40 to 0.50 per square metre in the case of rural land development. In the same vein, to increase INRAP's reactive capability and to reduce its delays (and at the same time

to transcend the government's own self imposed cap on public employments), was created a short-term 'activity' employment contract, whose duration is not set by a fixed time period, but rather in relation to the undertaking of a given activity, such as a lengthy excavation campaign along a TGV line.

As for the procedural measures designed to 'limit the impact' of preventive archaeology, they prove rather more ambivalent in their intended and unintended consequences. They include:

(a) For prescriptions, the time available to the prefecture (through the regional archaeological services of the Ministry of Culture) for deciding to prescribe (or not) an archaeological diagnostic was reduced from four to three weeks upon the reception of the planning dossier (modification to article L.522-2).

(b) For diagnostics, the specification of a maximum delay for the beginning of diagnostic operations: "If, for reasons due to the [archaeological] operator, and notwithstanding the specific contractual dispositions between the developer and the operator, the works necessary for undertaking the [prescribed] diagnostic have not begun within a delay of four months following the conclusion of the contract, the prescription is considered void" (addition to article L. 523-7).

(c) For excavations, the specification of a maximum delay for the beginning of excavations works (as above, with six months instead of four) but also for their completion: "If, for reasons due to the operator, the fieldwork necessary for archaeological operations have not been completed within a delay of twelve months following the date of attribution of the permit – a delay renewable once for a period of eighteen months upon decision of the administrative authority following the advice of the interregional commission for archaeological research – the state withdraws the permit" (addition to article L. 523-9).

The legislator's intentions here are clearly to accelerate construction by reducing ancillary delays, including the unscheduled waiting time occasionally caused by archaeological operations[10]. In practice, the effectiveness of these measures is variable, as are their side-effects. Least constraining for overloaded archaeologists are actually the delays for strating diagnostics or excavations. It suffices that these time frames, or indeed that of signing the contact itself, be calculated with enough margins. Failing that, it will be enough for the operator to begin some 'necessary works' – such as checking out for utilities, or setting up health and safety provisions. More constraining are the twelve months limits for completing excavations, with the clock set ticking upon the granting of the excavation permit, rather than with the beginning of the operation itself. Even if this twelve months period applies only to fieldwork as such and not to the post-excavation analysis and study, it can be expected that quite a few cases (complex, stratified sites, unexpected discoveries etc.) will require extensions – unless, that is, compromises or concessions over research methods and results will be made by some operators, and tacitly condoned by the monitoring authorities, so as to round-off the fieldwork campaign within the prescribed delay period. In fact, the controlling and regulating bodies may well be among those who suffer the most. With these measures, the regional archaeological services have probably even less opportunities and resources for on-site inspections, or for studying in any depth the intervention proposals or results submitted by licensed operators. They have in any case substantially less time (21 rather than 30 days) to appraise the submitted construction dossiers in their regions and reach informed decisions on prescribing archaeological diagnostics – not to forget that, with the above noted RGPP policies regarding employment and restructuring, there will be increasingly fewer of them around to carry out these tasks.

7 Conclusions: lightened procedures – lessened protection?

Although this is probably premature, and some of the more pessimistic scenarios intimated here may prove unwarranted, we cannot end without mentioning two further potential collateral casualties of these acceleration measures. One is the developers themselves, in their capacity as law abiding citizens. As we saw, in order to counterbalance its own arbitrariness and lack of reaction, the state systematically includes clauses which render void its decisions under certain conditions, such as when delays in beginning or ending operations are not met. In such cases, the law stipulates that the prescriptions fall and we pass to the regime of 'fortuitous finds' as defined in the Heritage code – finds which it is the penal responsibility of the finder and landowner to immediately declare. So far as Palaeolithic hunting camps or even Neolithic postholes are concerned, it is probable that the developers will genuinely not see these remains at all as they are swept away. Vestiges like Iron-Age villas or medieval burial grounds which are less easy to miss when the bulldozers go by (although this is know to have happened) will leave the developer in a quandary: are the added delays due to the recording and preservation of these remains compensated, or not, by the fact that it is now the state, and not them, who has to foot the bill? Whatever the case, the measures in question appear to bring the developer-citizen one step closer to potentially infringing the law on fortuitous finds – all the more so that the authorities have known all along, since they themselves have prescribed their study, that there are in the area concerned archaeological remains at risk!

Indeed, at the end of the day, it is probably the archaeological heritage itself which may yet prove to be the ultimate victim of the relaunch plan. Construction and infrastructure programmes as such are not directly at stakes: they are salutary and welcome in many respects beyond archaeology (especially in times of crisis), and any potential harm they cause to *in situ* archaeological remains can be effectively mitigated – this is after all the whole *raison d'être* of preventive archaeology. But for that to happen, it is necessary that the protection measures in place – as enshrined in the Heritage code and beyond that in the Malta Convention and the ICOMOS Charter – be adequate, and be maintained. Knowing French administration and technocracy, there is no doubt scope for streamlining quite a few procedures, and making them swifter and more efficient – more efficient, that is, with regards to their stated objective, which is to protect and enhance the heritage, and not necessarily to enable, even in times of crisis, yet more tarmac and concrete be speedily poured and spread over vaster tracts of landscape.

By way of conclusions, it may be instructive to examine several crisis-related legislative parallels, also set in between reform and relaunch. The first case concerns the management of designated areas of protected architectural, urban and landscape heritage (ZPPAUP). An amendment was proposed as part of the 3 August 2008 'law on Environment (Grenelle II)' whereby the advice of the state architect regarding any building and demolition plans in these zones would no longer be binding, so that it would be up to the architect to appeal and try to overturn locally approved decisions on, say, implanting a supermarket or a sky-scraper in the protected zone. Following pressure from urbanists and cultural protection bodies, only intermediary changes have been made (so far) to the Heritage code (Article L-642-3). Another measure, article 52 of the 2010 finance law, would have allowed the devolution of ownership of elements of the nation's monumental and historical heritage, with hardly any checks and controls, to the local

authorities who desire them. Once these municipalities and councils would have cherry-picked the most valuable historical monuments – i.e. palaces, châteaux and suchlike touristic hotspots – and assuming they invest in their maintenance and do not sell them off in due course, the remaining elements of the nation's historical heritage would be left to crumble, without any financial scaffolding. This article was rejected in extremis by the Constitutional Council, but a new version is apparently being drafted.[11] The third and possibly most relevant measure – discussed in parliament at the same time and with the same objectives as those destined for archaeology – concerns the simplification (again!) of procedures regarding listed polluting industrial installations. To the various verifications and authorisations provided by the environmental protection agency concerned, it was proposed to add the possibility for industrialists to simply 'register' their installation, thus undertaking toxic or polluting activities without prior impact studies or public enquires. With environmental concerns cast aside, this proposition has the double advantage of speeding up procedures in times of crisis, while also expediently trimming down the public services concerned.[12]

Touching thus on our common historical, cultural and environmental heritage, these latest measures – crisis-induced, or at least crisis-enabled – seem to reflect an attempted reshuffle or realignment, between local and central prerogatives, between individual and collective responsibility. For archaeology, for its study and its management, the implications of all the developments and patterns touched upon within this chapter may really be too early to tell. There are however good grounds to suspect that conjecturally motivated 'lightened procedures' can easily end-up, and be maintained in the long-term, as 'lessened protection'. Likewise, the recent creation of a commercial archaeology market, with excavations being dubbed '*l'activité concurentielle*' by the ministry in charge, may well prove to have less appealing outcomes than intended; with regards to costs and delays, and indeed in terms of scientific results, professional employment and public outreach. Given the eventful enough history of French archaeology, we can only hope – and stand firm to ensure – that our current predicament will not prove to be the one crisis too many.

Notes

1. Information on the licence, the application dossier, and the operators currently licensed is available at http://www.culture.gouv.fr/culture/dp/archeo/operateurs_presentation.html. See also Giraud 2010.

2. For example, a Senate debate on the finance law for 2009 considered it important to encourage the "development of a competitive offer" in preventive archaeology, while the necessity to «re-launch the incitation to the creation of archaeological services by councils and by private operators» was stressed by the then Minister of Culture, Christine Albanel. See http://www.senat.fr/rap/a08-100-31/a08-100-313.html.

3. See the note of the then Minister of Culture, Jean-Jacques Aillagon, on the regulation of prescription decisions, 3rd January 2003. According to Ministry of Culture data made available, diagnostic prescriptions have dropped from 14% of the examined dossiers in 2002 to 7% in 2009. Prescriptions for excavations have apparently remained stable at 1,5% of the examined dossiers.

4. See http://www.lemonde.fr/idees/article/2009/11/24/l-education-nationale-sans-reve-ni-moteur-par-luc-cedelle_1271268_3232.html.

5. http://www.rgpp.modernisation.gouv.fr/fileadmin/user_upload/Culture.pdf. See also a second stage report, May 2009, at http://www.rgpp.modernisation.gouv.fr/uploads/media/RE2_RGPP_130509.pdf.

6. Inefficient and inequitable aspects of the 'research tax credit' system – creating too few research employments while generating high fiscal rebates for finance sector holdings rather than R&D and manufacturing firms – have been pinned-down in recent parliamentary reports, see http://media.enseignementsup-recherche.gouv.fr/file/2010/21/6/3e-rapport-cir-parlement_142216.pdf, and http://www.senat.fr/rap/r09-493/r09-493_mono.html.

7. See http://www.cnrs.fr/fr/une/docs/Contrat-CNRS-Etat-2009-2013.pdf, and http://www.anvie.fr. Anvie is the National association for the interdisciplinary enhancement of social sciences and humanities research among the business sector.

8. See the recent synthesis produced by the governmental *Centre d'analyses stratégiques*, at http://www.strategie.gouv.fr/IMG/pdf/Notedeveille189_Emploi_des_docteurs.pdf

9. Stated in Amendement N° 4 and N°5, «Accélération des programmes de construction et d'investissement publics et privés» (n° 1360), (L. de La Raudière, rapporteure), Assemblée nationale, 23 December 2008. See also rapport on same subject, (n° 1365), 22 December 2008: "The obligations linked to preventive archaeology constitute nowadays an impediment to the installation of businesses in France". In http://www.senat.fr/dossier-legislatif/pjl08-157.html, and http://www.assemblee-nationale.fr/13/rapports/r1365.asp.

10. It may be recalled here that in any case, as indicated in the Heritage code, contracts between operators and developers already stipulate penalty payments in case of delays in accessing or liberating the grounds.

11. Cf http://www.conseil-constitutionnel.fr/conseil-constitutionnel/francais/les-decisions/acces-par-date/decisions-depuis-1959/2009/2009-599-dc/decision-n-2009-599-dc-du-29-decembre-2009.46804.html.

12. See "Rapport sur le projet de loi…..", Assemblée nationale, 22 décembre 2008 (note 9 above), and http://fr.wikipedia.org/wiki/Installation_class%C3%A9e_pour_la_protection_de_l'environnement

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