"Saving Lives or Saving Stones?" The Ethics of Cultural Heritage Protection in War

Erich Hatala Matthes, Department of Philosophy, Wellesley College

Abstract: In discussion surrounding the destruction of cultural heritage in armed conflict, one often hears two important claims in support of intervention to safeguard heritage. The first is that the protection of people and the protection of heritage are two sides of the same coin. The second is that the cultural heritage of any people is part of the common heritage of all humankind. In this article, I examine both of these claims, and consider the extent to which they align with the current practices that they are intended to justify.

1. Introduction:

Cultural heritage is under threat.[1] Whether as the result of terrorist and military action, looting and plunder, or climate change, the material traces of the past are disappearing at a rapid clip. The destruction of material culture is exacerbated by armed conflict, where cultural monuments can become targets of attack with the aim of demoralizing the populace or attracting international attention, and the illicit market in antiquities can be exploited for personal profit or to fund further military action.[2] What, if anything, should we do to curb the destruction of cultural heritage, and why?

Although there is a substantial literature documenting the destruction of material culture in armed conflict, these normative questions have received surprisingly little attention in the literature, philosophical or otherwise. My aim in this article is to begin to explore these questions by considering two general kinds of arguments often made in support of devoting resources to the protection of cultural heritage. In order to focus on these arguments, I will put aside here a range of other important questions about the protection of cultural property in war.[3] For instance, there are difficult *jus in bello* questions concerning whether and under what conditions cultural property might be a permissible military target, and whether and under what conditions military personnel might target or sacrifice the lives of individuals in order to protect cultural property. I won't address these issues directly here, although the arguments I consider may well have implications for how these

questions should be answered.[4] Rather, the arguments I consider here focus most directly on the extent to which non-military entities (including private individuals, but in particular international organizations) are justified in devoting resources to safeguard cultural heritage in war.

As mentioned, two kinds of arguments are often advanced in defense of expending resources on the protection of material culture, each of which is based on a different purported principle concerning the nature of cultural heritage. The first is the Principle of Inseparability. According to this principle, the protection of people and the protection of heritage are inextricably linked. The second is the Principle of Universality. According to this principle, the cultural heritage of any people is part of the common heritage of all humankind. In the following pages, I will consider how best to interpret these claims and ask whether they ultimately provide firm foundations for arguments in favor of devoting resources to intervention on behalf of cultural heritage. I will focus primarily on Inseparability, and will consider Universality largely in relation to it. Ultimately, I argue that there are plausible reasons to protect cultural heritage in war; however, the practices of those who cite these reasons tend not to align well with the particular justification that they provide.

2. Humanitarianism and Antiquarianism

However, before we discuss these principles and the arguments they ground, it will be useful to consider two opposing views about the safeguarding of material heritage that help to motivate the invocation of Inseparability. I will call these the Humanitarian View and the Antiquarian View. According to the Humanitarian, devoting resources to saving material culture when human lives are on the line is morally impermissible, even abhorrent. This is a relatively common view. As the Guardian's art critic Jonathan Jones writes: "The most precious work of art in the world is still worth less than a single human life."[5] Or as General Dwight D. Eisenhower puts it: "If we have to

choose between destroying a famous building and sacrificing our men, then our men's lives count infinitely more and the building must go."[6]

However, we should distinguish between two different criticisms that might be raised here. The first concerns the distribution of resources such as time and money: this is the primary objection suggested in the quotes above, and one we will return to below. But a related objection concerns the distribution of emotional or moral resources: what you care about as the object of moral concern. For instance, matters of material distribution aside, some claim that focusing attention on the loss of monuments when people are dying is callous and shows a lack of concern for human life[7], and that might be true even independently of whether or not one is devoting material resources to saving culture at all.

In response to this kind of thinking, the philosopher Mary Midgley, addressing compassion for non-humans and the environment, writes: "Compassion does not need to be treated hydraulically . . . as a rare and irreplaceable fluid, usable only for exceptionally impressive cases. It is a habit or power of the mind, which grows and develops with use. Such powers (as is obvious in cases like intelligence) are magic fluids which increase with pouring. Effective users do not economize on them."[8] So, according to Midgley, rather than viewing compassion as a scarce resource that we can use up, we should treat it as growing with its every exercise. If this is true, then it follows that caring about the preservation of cultural heritage is not incompatible with, nor even in tension with, compassion concerning the loss of life.

However, even if this is correct as an analysis of how compassion should be regarded in general, one might reply that such concern is simply misplaced when it comes to material culture. "Lifeless stones" as ruins are sometimes polemically referred to during these debates, may not be the appropriate object of compassion, independently of the truth of the hydraulic view of compassion that Midgley critiques.[9]

In response, one might counter that the concern is not with monuments for their own sakes, but for the sake of the people who care about them.[10] Exactly which people is a question we will return to later, but for now, suffice it to say that many people who are local to sites where material culture is threatened and destroyed do feel strong emotional connections to these places. Daesh (ISIS) leveled the ancient city of Nimrud in Northern Iraq in 2014, and access to the site has only recently been restored. In a recent PBS interview, a local militia commander named Khalid al-Jabbouri discussed the significance of Nimurd to himself and other locals. He explained:

> For us in this village, Nimrud is one of the first things we saw when we were born. This ancient city and its antiques it's a part of our life… I lost something priceless. My sorrow lies in the fact that we lost something that we were so proud of when tourists came to our country. The pride we felt for them and our civilization, what our forefathers made for our country, it's a subject that's part of our soul. When the Saddam regime fell in 2003, we and our clans protected those monuments because there was no central Iraqi government. We were able to protect the palace from looting. But ISIS, ISIS did something we were not expecting.[11]

These kinds of statement suggest that compassion concerning material culture felt for those affected by its loss is not misplaced. And if Midgley is correct in her rejection of the hydraulic view, then we are mistaken to think of compassion as a zero-sum game, where concern for the loss of culture crowds out compassion concerning the loss of life. Nevertheless, the *degree* to which compassion concerning the loss of material culture is felt relative to concern for the loss of life can still seem callous, even if those whose lives are threatened are the same as those who are most affected by the loss of culture. Worries about the relative weight of these concerns might be generated by the relative extent to which they are expressed. For example, there has been a tremendous amount of coverage in Western media concerning the destruction of Palmyra and other ancient sites relative to the coverage of how many lives have been lost and people displaced in Syria. This can thus have the effect of expressing the relative importance of material culture and human lives (in particular, Sryian

lives) to the people of the West, and that concern can hold even if we grant Midgley's point about the compatibility of both.

Indeed, in this recent discussion I was assuming for the moment that the distribution of concern and the distribution of resources were independent. But that's a rather implausible assumption. Concern generates action, and media attention that emphasizes destruction of material culture relative to loss of life can thus lead to the allocation of resources towards material heritage protection. The events of recent years have produced a host of museum exhibitions and academic conferences concerning the safeguarding of cultural heritage in Iraq and Syria, as well as many formal statements from national and international organizations such as UNESCO. It is important to note that the resources at stake here are far from trivial. A 2016 international conference "Safeguarding Endangered Cultural Heritage" held in Abu Dhabi had as one of its main goals the establishment of a fund "for the protection of endangered cultural heritage in armed conflict, which would help finance preventive and emergency operations, fight against the illicit trafficking of cultural artefacts, as well as contribute to the restoration of damaged cultural property."[12] As The Art Newspaper reports, "France has started the fund off with $30m, the UAE has added $15m, and it is expected that public and private contributions will take it to at least $100m."[13] For reference, according to The Life You Can Save, donating 100M just to malaria prevention could save over 33,000 lives.[14]

Although the Humanitarian view is commonly expressed in contexts of war, it might appear to be an application of a more general principle; namely, that devoting resources to heritage preservation is never justified, wartime or not. This is because of the familiar utilitarian consideration that there is always someone whose life you could help save by diverting your resources, either by helping to purchase malaria nets, or whatever the effective altruists tell you is the best use of your time and money.[15] Janna Thompson puts the question like this: "If preserving something that has

heritage value requires using resources that others need in order to live a decent life, then surely it is better, indeed necessary, to sacrifice the heritage value. Given that there are so many needy people in our society and the world as a whole, it looks like using resources for such a nonessential purpose is going to be hard to justify."[16]

However, many philosophers have criticized the idea that we are always morally obligated to do what will maximize utility.[17] If the Humanitarian case is contingent upon the kind of hardline utilitarianism that forbids any action that fails to maximize utility, then it will be subject to a host of objections. Moreover, because cultural heritage arguably has some moral significance, then weaker versions of our obligation to save lives (such as Singer's weak principle according to which we are obligated to save lives only if by doing so we need not sacrifice anything of moral significance) will not obviously forbid expending resources on cultural heritage protection.[18] In this case, a general weak Humanitarian principle would not alone entail that the protection of cultural heritage in war is impermissible. These considerations suggest that a more viable Humanitarian position would need to articulate reasons for the moral criticism of heritage protection during war in particular, as opposed to in general. However, in light of the foregoing discussion, it is not clear what non-arbitrary significance war might be thought to have in this context, especially for individuals and organizations that are providing aid. There do not appear to be countervailing reasons regarding urgency, for instance, which would not apply just as readily to any ongoing global health crisis. Thus, unless we are willing to accept that devoting resources to arts and cultural is never permissible, I am skeptical that we have sufficient reason to adopt such a conclusion in the context of war.

Now, according to some, the rejection of the Humanitarian position does not go far enough. According to the Antiquarian, saving irreplaceable antiquities can and should sometimes take precedence over saving human lives. This view, at least in this explicit form, is rare, but proponents can be found. For example, consider the position of Sir Harold Nicholson, who writes in 1944:

I should assuredly be prepared to be shot against a wall if I were certain that by such

a sacrifice I could preserve the Giotto frescoes; nor should I hesitate for an instant

(where such a decision ever open to me) to save St. Mark's even if I were aware that

by so doing I should bring death to my sons… My attitude would be governed by a

principle which is surely incontrovertible. The irreplaceable is more important than

the replaceable, and the loss of even the most valued human life is ultimately less

disastrous than the loss of something which in no circumstances can ever be created

again.[19]

Many readers will no doubt find this view shocking. If Nicholson were merely prepared to

sacrifice his own life to save material culture, we might be surprised, but not scandalized. After all,

people sacrifice their own lives for all kinds of things, and ostensibly anyone who volunteers for a

unit such as the Italian Blue Helmets for the protection of culture in crisis or the fabled Monuments

Men is making something like this decision. But the fact that Nicholson is prepared to sacrifice the

lives of others as well, and his sons no less, can seem perverse. Maybe some will want to accept

Nicholson's purportedly incontrovertible principle that the irreplaceable is more important than the

replaceable; but I think many of us would reject the particular assumption that Nicholson wants to

subsume under this principle (that human lives are in some way "replaceable") in which case the

principle does not yield the practical conclusion that Nicholson suggests, favoring art over people.

So, the Antiquarian view seems radical and misguided. However, unsurprisingly, proponents

of intervention to safeguard cultural heritage during armed conflict do not typically espouse a view

like Nicholson's. They are not dismissive of the value of human life relative to the value of cultural

heritage; on the contrary, they argue that saving culture and saving lives are "inextricably linked."

The equation between the two thus offers the intellectual resources for an argument in favor of

devoting resources to saving cultural heritage, particularly in the context of war. Indeed, as we will

see, these justifications may surprisingly be stronger in the context of war than out of it.

3. Inseparability

As Robert Bevan, author of the *The Destruction of Memory* and member of the International

Council on Monuments and Sites writes: "Attacks on human lives and on material culture are often

inextricably linked."[20] President Hollande of France recently asked: "Should we be concerned about

the patrimony? What is more important, saving lives or saving stones? In reality, these two are

inseparable."[21] And in a recent statement, UNESCO's Director-General Irina Bokova said:

"Defending cultural heritage is more than a cultural issue – it is a security imperative, inseparable

from that of defending human lives."[22] All of these commentators endorse some version of the

Principle of Inseparability.

This principle promises to avoid two of the objections to the protection of cultural heritage

raised by the Humanitarian, concerning both the distribution of concern and the distribution of

resources. If the protection of material heritage is really inextricably linked with the protection of

lives, then the objection to devoting resources and emotional attention to the protection of

monuments seems to evaporate: after all, doing so on this view is part and parcel of protecting lives,

as opposed to operating to the exclusion or detriment of such efforts, as those objections posit.

However, evaluating the viability of this principle requires that we first clarify its precise substance

and the reason for thinking it is true. To that end, I will offer four different interpretations of

Inseparability: the first is epistemic, the second is causal, the third is strategic, and the fourth is

constitutive.

According to the epistemic reading, the destruction of heritage is evidence that violence

against people, and in particular genocide, is under way. This is a relatively weak reading of the

connection between loss of culture and life: indeed, Bevan critiques this approach, employed by the Hague and the UN's International Court of Justice, for not taking seriously enough the constitutive connection that we will come to presently.[23] According to the epistemic reading, destruction of culture can specifically be used as evidence to establish intent in international prosecution for genocide. I don't wish to challenge the epistemic reading here, but only to note that it's not clear that the epistemic reading justifies intervention to safeguard culture in particular. That would seem analogous to treating the symptom rather than the disease. If destruction of culture is merely evidence that genocide is beginning or underway, then that should spur us to intervene on behalf of people's lives and not waste time with cultural protection.

According to the causal reading, the destruction of culture leads to the killing of people, and, potentially, genocide. This is the reading that seems to be supported by the oft-quoted words of Raphael Lemkin, a Polish concentration camp survivor who wrote the 1948 Genocide Convention.[24] Lemkin is quoted as follows: "Burning books is not the same as burning bodies, but when one intervenes…against mass destruction of churches and books one arrives just in time to prevent the burning of bodies."[25] Again, without questioning whether or not the causal reading is true, it's not clear that it provides support for intervention to safeguard heritage in the context of ongoing war. Take, for instance, the recent calls for safeguarding material heritage in Syria. There have already been hundreds of thousands of deaths in armed conflict in Syria. So even if preventing destruction of culture might facilitate downstream prevention of deaths, that no longer seems relevant in contexts where mass killing is already underway. As in the epistemic case, it seems that we should proceed directly to saving lives, even if we grant that this reading of Inseparability is true.

These shortcomings are avoided on the strategic reading. According to the strategic reading, it happens to be the case that protecting cultural heritage in fact aids in the saving of lives.[26] This may be what Bokova has in mind when she says protecting cultural heritage "is a security

imperative." This reading can of course overlap with the epistemic and causal readings, but it is not dependent on them. The strategic reading need not posit anything other than a contingent relationship between protecting heritage and saving lives, such that doing so has strategic value. The relationship just needs to happen to be empirically true. It may well be that biodiversity conservation, for instance, has strategic value in this regard as well.

The final (and strongest) reading is the constitutive reading. According to this reading, destruction of heritage is itself a component of mass killing. As Bevan urges, destruction of culture is "part and parcel" of genocide itself. Now, it seems that the constitutive reading, if it holds, would in fact justify intervention to safeguard material culture; indeed, it might plausibly entail that there is a moral obligation to protect cultural heritage. However, it is also the reading that is most difficult to establish. Consider that the destruction of material culture does not seem to be sufficient for genocide: destruction of culture without killings is bad, and we might even call it "cultural genocide" as it is sometimes labeled, but without targeted killing, it does not seem to be the same phenomenon as genocide proper. Neither does destruction of material culture appear to be necessary for genocide: targeted killing seems to be enough. This is not to cast doubt on the role that cultural destruction can and does play as a part genocide, which has been well-documented. It is only to question the strong claim that, as Hollande puts it, saving stones and saving lives are inextricable in a constitutive sense.

Now, we should note that "cultural genocide," even if not accompanied by actual killings, is still constitutive of the death of a people in a sense, as it aims to eradicate the cultural identity that constitutes a people as such.[27] So even if it is, let's suppose, not directly linked with loss of life, the use of the term genocide in "cultural genocide" is important and appropriate. For instance, consider the residential schooling programs in the United States and Canada that forcibly removed Native American and First Nations children from their families in an attempt to assimilate them into

"Western society."[28] The unofficial slogan of these programs was "Kill the Indian, Save the Man," which gives a particularly stark illustration of how a campaign against culture can be explicitly dissociated from literal killing in theory (if not in practice) while still having horrific effects. This is just a conceptual point, because in reality many Native Americans did die as a direct result of these programs, and this is of course not to distract from the very literal genocide carried out against indigenous people that preceded and accompanied such campaigns. So even if we stipulate, contrary to historical and contemporary fact, that the eradication of culture can be dissociated from the loss of life in theory, it still involves acts that have extremely weighty moral consequences that could well be sufficient to justify the expenditure of resources on preventing it, even in the face of utilitarian challenges that weigh it against the immediate loss of life."[29]

However, this kind of justification also dictates the means that will be appropriate for the protection of cultural heritage. If intervention is justified to prevent cultural eradication for the sake of a particular people's continued existence, then the interests of those people will need to be front and center in whatever ensuing actions are taken. Insufficient attention to the members of a culture in need of protection would fail to meet the aims of a justification that is predicated on the protection of culture for the sake of those people.

To take one case where justification and practice seem misaligned, consider the outsized focus on the ruins of Ancient Palmyra in Syria. Even if we grant a relationship between the destruction of culture and the loss of life, even a constitutive one, it can be difficult to see how the destruction of a particular site or object can carry the weight of strong claims about the inextricable link between culture and life more broadly. The focus on Ancient Palmyra is a case in point. There has been so much media attention on the Arch of Triumph and the Temple of Bel (including some misguided digital replication projects that recreated the Arch of Triumph) to the utter exclusion of the Modern city of Palmyra (Tadmur).[30] The discrepancy is exacerbated by the fact that people

actually lived at Ancient Palmyra as recently as the 1930s before French colonists forcibly displaced them to the adjacent modern city. It is no wonder that many Humanitarian-leaning critics of this focus on material heritage have focused on this case in particular.[31] Even if the inextricable link between heritage preservation and saving lives can be established in general, that relationship does not seem to serve as justification for the kind of exclusive focus on specific sites or objects that ultimately seem to be disassociated from the interests of local people.

This is an opportune moment to note that the broader political landscape seems to play a significant role in driving the recent rhetoric surrounding the link between saving culture and saving lives. A tremendous amount of attention has been paid to destruction carried out by Daesh, in particular. Western media outlets often present Daesh as the prime culprit of cultural destruction in Syria, for instance, and there is relatively little attention paid to the equally significant degree of cultural destruction perpetrated by Assad.[32] This political agenda is what yields spectacles like the Russian Symphony Orchestra performing at the reclaimed ruins at Ancient Palmyra.[33] It is difficult to see this kind of gesture serving the interests of local people. Rather, it seems clear that the performance is for a different audience altogether.

4. Universality

This bring us to the second justification often heard in discussions of intervention to safeguard heritage in times of war, a position that does not always sit comfortably with the justification that links the protection of cultural with the saving of lives. This is the Principle of Universality, the claim that the cultural heritage of a particular people is part of the cultural heritage of all humankind, and therefore has universal value. The interests of the international community when it comes to cultural destruction are often noted explicitly. For instance, Ban Ki-moon, Secretary-General of the United Nations, said in an address last year: "Our cultural heritage defines

our humanity. Cultural diversity, like biodiversity, plays a quantifiable and crucial part in the health of the human species….But cultural diversity is under grave threat around the globe….Any loss of cultural heritage is a loss of our common memory. It imperils our ability to learn, to build experiences, and to apply the lessons of the past to the present and the future."[34] Thus, distinct from arguments that rest on the purportedly inextricable link between saving culture and saving lives, we have a further argument that rests on the universal value of cultural heritage. It is not simply in the interest of saving local lives that we should safeguard heritage: it's in everyone's interest.[35] Indeed, in contrast with the argument from Inseparability, the argument from Universality at least implicitly disassociates the protection of cultural heritage from the local threats to human life with which it might be linked. According to this approach, intervention is justified on behalf of cultural value for humanity.

Here's another example. This past Fall saw the first prosecution of cultural destruction as a war crime by the International Criminal Court. Ahmad al-Mahdi, a member of the Al Qaeda-affiliated Ansar Dine, was convicted of cultural destruction in Timbuktu, Mali. As a New York Times editorial notes approvingly, the court declared that destruction of cultural heritage "'does not only affect the direct victims of the crimes' but also 'the international community.'"[36] So, here we see a shift from thinking of protection of cultural heritage as being justified for the sake of the culture's members to being justified for the sake of everyone. The ICC comment makes it seem like these are complementary justifications, but this is not necessarily so.

This idea of heritage having universal value is not new. As Derek Gilman writes, the Marquis de Somerueles judgment, issues by the Vice-Admiralty Court of Halifx in 1813, is the "the earliest recorded judicial decision on the exemption of art from the spoils of war" on the basis that "the art and sciences are admitted among all civilized nations" and are considered "not as the peculium of this or of that nation, but as the property of mankind at large, and as belonging to the common

interests of the whole species."[37] The same sentiment can be found in De Vattel's earlier *Law of Nations,* where he writes: "For whatever cause a country is ravaged, we ought to spare those edifices which do honour to human society."[38] As Henry Cleere writes: "The ultimate accolade for an archaeological site or monument must surely be inscription on the World Heritage List, created by UNESCO in its *1972 Convention concerning the protection of the world cultural and natural heritage* (better known as the World Heritage Convention). To qualify for the List, a 'cultural property' (to use the UNESCO jargon) must demonstrate that it possesses 'outstanding universal value'"[39] This universalist position is also found in the Hague Convention of 1954, and is reaffirmed in a UNESCO convention of 1982: "Their value cannot be confined to one nation or to one people, but is there to be shared by every man, woman and child of the globe."[40]

There is much to say about the concept of universal value and how to understand its use in the context of cultural heritage.[41] For our purposes here, however, my aim is only to highlight some specific issues that are most pertinent to the question of safeguarding heritage during war.

For one, it's important to scrutinize the relationship between the rhetoric of universal value and the practices of cultural heritage protection. For instance, almost half of the UNESCO World Heritage sites are in Europe and North America; fewer than 10% are in Africa. It is also significant that there is almost parity between the natural and cultural sites in Africa, whereas in Europe/North America there are over 6 times as many cultural sites deemed to be of outstanding universal value. The implication, of course, given the definition of a World Heritage Site, is that Africa is relatively lacking in cultural sites "whose value cannot be confined to one nation or people."[42] I mention the Eurocentric bias here because the interest in Syrian cultural heritage both historically and today is driven by a preoccupation with Roman ruins.[43] So what presents itself as appeal to the universal value of cultural heritage may ultimately just be an appeal to another form of tribalism, where

universal value is code for "important to Western civilization," as the distribution of World Heritage sites plausibly suggests.

Putting this worry aside, however, we can see a number of ways in which the appeal to universal value can conflict with the earlier justifications we considered for safeguarding heritage. For one, the universal value of heritage sites, and of ruins in particular, is facilitated by presenting them as un-peopled.[44] In this it shares with historical characterizations of wilderness as un-peopled, which was then appealed to in processes of colonial land acquisition.[45] An abandoned landscape of Roman ruins offers the appearance of being a relic of the past that might be claimed as anyone's heritage, the way one might claim any abandoned thing.[46] However, as with the discussion of Palmyra earlier, the drive to present ruins as abandoned, fomented by the appeal to universal value, does not jive with the reality of the situation, nor with the goal of using heritage protection to save lives.[47] For instance, consider another Syrian UNESCO World Heritage site, Bosra al-Sham, which has been repurposed by contemporary activists, in contrast with its common portrayal as an abandoned ruin.[48]

Another tension arises from the justification that appeal to Universality appears to offer for the removal of material heritage to storehouses in the West. There is a long history of art and artifacts being seized and ultimately retained by Western museums for the sake of their protection: indeed, this is largely the story of how encyclopedic museums like the British Museum came into existence. As Janna Thompson observes: "Indeed, the idea that some artefacts, because of their universal significance, are the 'property of humanity' seems to weaken the hold over them of the possessing nation."[49] Aspects of the same kinds of practices continue today, such as the fund, mentioned earlier, to safeguard items in storehouses in France. Even when safeguard policies attempt to avoid these historical legacies, questions arise. For instance, Morag Kersel documents how in 2015 the Association of Art Museum Directors (AAMD) established the "AAMD Protocols

for Safe Havens for Works of Cultural Significance from Countries in Crisis."[50] While heralded by some as a positive step towards safeguarding heritage, the protocols have also been critiqued for potentially stoking the very looting of artifacts that it was designed to save. Without getting into the intricacies of cultural heritage and museum policy, this case can illuminate the tension between the universal heritage justification and the saving lives justification. A rationale for protecting cultural heritage for the sake of humankind is likely to look quite different than one that endeavors to protection heritage for the sake of the lives and cultural identity of a particular people, and the prospect of spiriting objects away for safekeeping in Western storehouses might be seen as paradigmatic of that divide, especially if it turns out to be true (as is plausible) that such efforts promote looting and the illicit trafficking of artifacts.[51] Western institutions end up safeguarding heritage "for all" (viz. those in the West) while possibly contributing to the continued financing of regimes and organizations that harm the people of source nations and do damage to the historical record.

That being said, there is potential promise for reconciling the purportedly universal value of heritage with the justification based on the protection of people. The idea that art and culture have universal value is typically couched in a cosmopolitan framework that points to our shared humanity as the unifying element that grants cultural products their universality. As Kwame Anthony Appiah writes: "One connection—the one neglected in talk of cultural patrimony—is the connection not *through* identity but *despite* difference."[52] However, while some aspects of culture may operate in this way, this analysis doesn't seem to accurately characterize what can seem universal about many great artworks or cultural achievements. To the extent that they can be universal, this seems to be because they meet us where we stand, moving us from within our unique cultural perspectives, not because they abstract away from them and ignore over our individual differences.[53] So, rather than thinking of the universal value of culture as consisting in abstraction to the generic human perspective, we

might rather think about what makes, for example, Syrian or Iraqi cultural heritage of potential value to anyone from within our particular historically situated perspectives, not independently of them. We might then be compelled to think of the universal value of cultural heritage as assigning responsibilities to us informed by imperial and colonial legacies, rather than mistakenly reading universal value as entailing rights to ownership or control.[54]

5. Conclusion

In conclusion, I want to emphasize the key takeaways from this discussion. First, it suggests that there are reasonable justifications for safeguarding material culture in general, and perhaps surprisingly, some of these justifications may be especially compelling in the context of war, especially if the empirical claim that cultural heritage protection has strategic value turns out to be true. Oddly, however, if the protection of cultural heritage has *merely* strategic value, this could be a contingent truth that bears no relationship to the values typically attributed to cultural heritage. Justifications that align with contemporary rhetoric surrounding the protection of cultural heritage seem to require something closer to the constitutive reading. Second, however, many of the practices that we currently see employed by those who appeal to arguments that rest on Inseparability and Universality are misaligned with the justifications that they provide. So we should not make the mistake of thinking that the fact that there are good reasons to protect cultural heritage in times of war entails that current efforts at doing so are themselves justified or immune from ethical criticism. Indeed, I hope that we've seen that there is much work to do in order to protect culture in a way that serves people, especially those people who are the most vulnerable.

References:

al Manzali, Maira. "Palymra and the Political History of Archaeology in Syria: From Colonialists to Nationalists." *Mangal Media*, 2016 http://www.mangalmedia.net/english//palmyra.

Anderson, Elizabeth. *Value in Ethics and Economics*. Cambridge: Harvard University Press, 1995.

Appiah, Kwame Anthony. "Whose Culture Is It, Anyway?". In *Cosmopolitanism*. New York, London: W. W. Norton & Company, 2006.

Bevan, Robert. "Attacks on Culture Can Be Crimes against Humanity." *The Art Newspaper*, 2016, http://theartnewspaper.com/comment/attacks-on-culture-can-be-crimes-against-humanity/.

———. *The Destruction of Memory: Architecture at War*. Second Edition ed. London: Reaktion Books LTD, 2016.

Biggs, Marcia. "Reduced to Rubble by Isis, Archaeologists See a New Day for Ancient City of Nimrud." *PBS Newshour*, 2016, http://www.pbs.org/newshour/bb/reduced-rubble-isis-archaeologists-see-new-day-ancient-city-nimrud/.

Board, The Editorial. "Cultural Destruction as a War Crime." *The New York Times*, 2016, https://www.nytimes.com/2016/10/08/opinion/cultural-destruction-as-a-war-crime.html.

Child, Brenda J. *Boarding School Seasons: American Indian Families, 1900-1940*. USA: University of Nebraska Press, 1998.

Cleere, Henry. "The Concept of 'Outstanding Universal Value' in the World Heritage Convention." *Conservation and Management of Archaeological Sites* 1 (1996): 227-33.

Cocks, Anna Somers. "Iconoclasm Rejected "by All God-Given Religions", Declares the Crown Prince of Abu Dhabi." *The Art Newspaper*, 2016, http://theartnewspaper.com/news/iconoclasm-rejected-by-all-god-given-religions-declares-the-crown-prince-of-abu-dhabi/.

Coleman, Elizabeth. "Cultural Property and Collective Identity." In *Returning (to) Communities: Theory, Culture and Political Practice of the Communal,* edited by Stefan Herbrechter and Michael HigginsBrill, 2006.

Coombe, Rosemary J. "The Properties of Culture and the Politics of Possessing Identity: Native Claims in the Cultural Appropriation Controversy." *Canadian Journal of Law and Jurisprudence* VI, no. 2 (1993).

Cooper, David E. "Should Ruins Be Preserved?". In *Appropriating the Past*, edited by Geoffrey Scarre and Robin Coningham. USA: Cambridge University Press, 2013.

Cronon, William. "The Trouble with Wilderness; or, Getting Back to the Wrong Nature." In *Uncommon Ground: Rethinking the Human Place in Nature*, edited by William Cronon. New York: W. W. Norton & Co, 1995.

Cullity, Garrett. *The Moral Demands of Affluence*. Oxford: Clarendon Press, 2006.

Gerstenlith, Patty. "Letter to the Editor ("Destorying Cultural Heritage")." *The New York Times*, 2015.

Gilman, Derek. *The Idea of Cultural Heritage*. New York: Cambridge University Press, 2010.

Harrison, Rodney. *Heritage: Critical Approaches*. New York: Routledge, 2013.

Jones, Jonathan. "Destroying Priceless Art Is Vile and Offensive - but It Is Not a War Crime." *The Guardian*, 2016, https://www.theguardian.com/artanddesign/jonathanjonesblog/2016/aug/22/ahmad-al-mahdi-war-crimes-the-hague-destroying-mausoleums-timbuktu.

Kersel, Morag M. "Acquisition Apologetics: A Case for Saving the Past for the Future?". *Brown Journal of World Affairs* XXIII, no. I (2016).

Kersel, Morag M., and Christina Luke. "Civil Societies? Heritage Diplomacy and Neo-Imperialism." In *Global Heritage*, edited by Lynn Meskell: John Wiley & Sons, Inc., 2015.

Ki-Moon, Ban. "Protecting Cultural Heritage Threads through United Nations Peacekeeping Strategy." https://www.un.org/press/en/2016/sgsm17664.doc.htm.

Korsmeyer, Carolyn, Jennifer Judkins, Jeanette Bicknell, and Elizabeth Scarbrough. "Symposium: The Aesthetics of Ruin and Absence." *The Journal of Aesthetics and Art Criticism* 72, no. 4 (2014): 429-49.

Kramer, Andrew E. , and Andrew Higgins. "In Syria, Russia Plays Bach Where Isis Executed 25." *The New York Times*, 2016, https://www.nytimes.com/2016/05/06/world/middleeast/syria-russia-palmyra-isis-classical-music.html?_r=0.

Matthes, Erich Hatala. "Cultural Appropriation without Cultural Essentialism?". *Social Theory and Practice* 42, no. 2 (2016): 343-66.

———. "History, Value, and Irreplaceability." *Ethics* 124, no. 1 (2013): 35-64.

———. "Impersonal Value, Universal Value, and the Scope of Cultural Heritage." *Ethics* 125, no. 4 (2015): 999-1027.

———. "Palmyra's Ruins Can Rebuild Our Relationship with History." *Aeon Magazine*, 2017.

McKenzie, A. D. "G7 Takes Unprecedented Move to Protect Cultural Heritage." *IDN*, 2017, http://www.indepthnews.net/index.php/global-governance/un-insider/1094-g7-focuses-on-protecting-cultural-heritage-in-unprecedented-move.

Merryman, John Henry. "Two Ways of Thinking About Cultural Property." *The American Journal of International Law* 80, no. 4 (1986): 831-53.

Midgley, Mary. *Animals and Why They Matter*. Athens: University of Georgia Press, 1983.

Nemeth, Erik. *Cultural Security: Evaluating the Power of Culture in International Affairs.* Imperial College Press, 2014.

O'Neill, John. "Wilderness, Cultivation and Appropriation." *Philosophy & Geography* 5, no. 1 (2002).

Omland, Atle. "The Ethics of the World Heritage Concept." In *The Ethics of Archaeology: Philosophical Perspectives on Archaeological Practice*, edited by Chris Scarre and Geoffrey Scarre. Cambridge: Cambridge University Press, 2006.

Peterson, Anna. "Environmental Ethics and the Social Construction of Nature." *Environmental Ethics* 21 (1999): 339-57.

Press, Michael. "Callousness among the Ruins." *Textual Cultures, Material Cultures*, 2016 http://textualcultures.blogspot.com/2016/03/callousness-among-ruins.html?m=1.

Prott, Lyndel V., and Patrick J. O'Keefe. "'Cultural Heritage' or 'Cultural Property'?". *International Journal of Cultural Property* 1, no. 2 (1992): 307-20.

Scarbrough, Elizabeth. "Visiting the Ruins of Detroit: Exploitation or Cultural Tourism." *Journal of Applied Philosophy* 33, no. 3 (2016).

Simons, Marlise. "Damaged by War, Syria's Cultural Sites Rise Anew in France." *The New York Times*, 2016, https://www.nytimes.com/2016/12/31/world/europe/destroyed-by-isis-syrias-cultural-sites-rise-again-in-france.html?smid=pl-share.

Singer, Peter. "Famine, Affluence, and Morality." *Philosophy and Public Affairs* 1, no. 3 (1972): 229-43.

Smith, Laurajane. *The Uses of Heritage.* USA and Canada: Routledge, 2006.

Thompson, Janna. "Environment as Cultural Heritage." *Environmental Ethics* 22 (2000).

———. "War and the Protection of Property." In *Civilian Immunity in War*, edited by Igor Primoratz. Oxford: Oxford University Press, 2010.

Williams, Bernard "A Critique of Utilitarianism." In *Utilitarianism for and Against*: Camridge University Press, 1973.

Yates, Donna. "The Global Traffic in Looted Cultural Objects." In *Oxford Research Encyclopedia, Criminology and Criminal Justice*, 2016.

Young, James O. "Cultures and the Ownership of Archaeological Finds." In *The Ethics of Archaeology*, edited by Chris Scarre and Geoffrey Scarre. New York: Cambridge University Press, 2006.

Zekavat, Sina. "Decolonising Heritage in Syria: Revolution and Bosra Al-Sham." *Mangal Media*, 2017 http://www.mangalmedia.net/english//decolonising-heritage-in-syria-revolution-and-bosra-al-sham.

[1] How precisely to understand what cultural heritage includes is contentious, but I assume here a general, commonsense understanding of the concept such as this: "Heritage encompasses a broad and overarching term: 'it' is something that someone or a collective considers to be worthy of being valued, preserved, catalogued, exhibited, restored, admired" Morag M. Kersel and Christina Luke, "Civil Societies? Heritage Diplomacy and Neo-Imperialism," in *Global Heritage*, ed. Lynn Meskell (John Wiley & Sons, Inc., 2015), 71. For further critical discussion of the concept, see for example Rodney Harrison, *Heritage: Critical Approaches* (New York: Routledge); Laurajane Smith, *The Uses of Heritage* (USA and Canada: Routledge). It is also worth thinking about how the language of heritage "under threat," which I rip from the headlines, might contribute to militarized responses to heritage protection, though I will not pursue that question here.

[2] For a general overview, see Donna Yates, "The Global Traffic in Looted Cultural Objects," in *Oxford Research Encyclopedia, Criminology and Criminal Justice*(2016).

[3] There are debates in the literature about the appropriate use of the terms 'cultural property' and 'cultural heritage,' but for the sake of simplicity I will use them interchangeably here. For further discussion, see, for example Lyndel V. Prott and Patrick J. O'Keefe, "'Cultural Heritage' or 'Cultural Property'?," *International Journal of Cultural Property* 1, no. 2.

[4] I will draw on statements made by military personnel and language from international laws and conventions concerning war, but will use these materials to address the fundamental commitments embodied in the principles discussed below, rather than applying them to the questions about *jus in bello* conduct mentioned above.

[5] Jonathan Jones, "Destroying Priceless Art Is Vile and Offensive - but It Is Not a War Crime," *The Guardian*.

[6] As quoted in Janna Thompson, "War and the Protection of Property," in *Civilian Immunity in War*, ed. Igor Primoratz (Oxford: Oxford University Press, 2010).

[7] Michael Press, "Callousness among the Ruins," *Textual Cultures, Material Cultures*.

[8] Mary Midgley, *Animals and Why They Matter* (Athens: University of Georgia Press), 31. As quoted in Anna Peterson, "Environmental Ethics and the Social Construction of Nature," *Environmental Ethics* 21: 349.

[9] Press, "Callousness among the Ruins."

[10] For relevant discussion, see Elizabeth Anderson, *Value in Ethics and Economics* (Cambridge: Harvard University Press).

[11] Marcia Biggs, "Reduced to Rubble by Isis, Archaeologists See a New Day for Ancient City of Nimrud," *PBS Newshour*.

[12] Anna Somers Cocks, "Iconoclasm Rejected "by All God-Given Religions", Declares the Crown Prince of Abu Dhabi," *The Art Newspaper*.

[13] Ibid.

[14] https://www.thelifeyoucansave.org/Impact-Calculator. This is just a reference point: no doubt a more careful distribution of such resources would yield even better social returns.

[15] Peter Singer, "Famine, Affluence, and Morality," *Philosophy and Public Affairs* 1, no. 3.

[16] Janna Thompson, "Environment as Cultural Heritage," *Environmental Ethics* 22: 258. To be clear, Thompson herself is framing this point for rhetorical purposes: she does not endorse this conclusion.

[17] For relevant discussion, see Bernard Williams, "A Critique of Utilitarianism," in *Utilitarianism for and Against* (Camridge University Press, 1973). Garrett Cullity, *The Moral Demands of Affluence* (Oxford: Clarendon Press).

[18] Singer, "Famine, Affluence, and Morality."

[19] Sir Harold Nicholson, "Marginal Comments" in *Spectator*, Feb. 5th 1944 as quoted in John Henry Merryman, "Two Ways of Thinking About Cultural Property," *The American Journal of International Law* 80, no. 4: 840. For further discussion, see Erich Hatala Matthes, "History, Value, and Irreplaceability," *Ethics* 124, no. 1. This quotation is also discussed in Thompson, "War and the Protection of Property," 252-3.

[20] Robert Bevan, "Attacks on Culture Can Be Crimes against Humanity," *The Art Newspaper*.

[21] Marlise Simons, "Damaged by War, Syria's Cultural Sites Rise Anew in France," *The New York Times*.

[22] A. D. McKenzie, "G7 Takes Unprecedented Move to Protect Cultural Heritage," *IDN*.

[23] Robert Bevan, *The Destruction of Memory: Architecture at War*, Second Edition ed. (London: Reaktion Books LTD), 12.

[24] Ibid., 12-13.

[25] Ibid., 15.

[26] Cf. Erik Nemeth, *Cultural Security: Evaluating the Power of Culture in International Affairs* (Imperial College Press).

[27] For discussion of the link between cultural heritage and cultural identity, see, for instance Elizabeth Coleman, "Cultural Property and Collective Identity," ed. Stefan Herbrechter and Michael Higgins, *Returning (to) Communities: Theory, Culture and Political Practice of the Communal* (Brill, 2006); Rosemary J. Coombe, "The Properties of Culture and the Politics

of Possessing Identity: Native Claims in the Cultural Appropriation Controversy," *Canadian Journal of Law and Jurisprudence* VI, no. 2.

[28] Brenda J Child, *Boarding School Seasons: American Indian Families, 1900-1940* (USA: University of Nebraska Press).

[29] Cf. Thompson, "War and the Protection of Property," 245.

[30] Erich Hatala Matthes, "Palmyra's Ruins Can Rebuild Our Relationship with History," *Aeon Magazine*.

[31] For example, see Press, "Callousness Among the Ruins."

[32] Patty Gerstenlith, "Letter to the Editor ("Destorying Cultural Heritage")," *The New York Times*.

[33] Andrew E. Kramer and Andrew Higgins, "In Syria, Russia Plays Bach Where Isis Executed 25," *The New York Times*.

[34] Ban Ki-Moon, "Protecting Cultural Heritage Threads through United Nations Peacekeeping Strategy," https://www.un.org/press/en/2016/sgsm17664.doc.htm.

[35] Cf. Thompson, "War and the Protection of Property," 252.

[36] The Editorial Board, "Cultural Destruction as a War Crime," *The New York Times*.

[37] Derek Gilman, *The Idea of Cultural Heritage* (New York: Cambridge University Press), 56.

[38] As quoted in Thompson, "War and the Protection of Property," 250.

[39] Henry Cleere, "The Concept of 'Outstanding Universal Value' in the World Heritage Convention," *Conservation and Management of Archaeological Sites* 1: 227.

[40] As cited in Atle Omland, "The Ethics of the World Heritage Concept," in *The Ethics of Archaeology: Philosophical Perspectives on Archaeological Practice*, ed. Chris Scarre and Geoffrey Scarre (Cambridge: Cambridge University Press, 2006), 247.

[41] For example, see Erich Hatala Matthes, "Impersonal Value, Universal Value, and the Scope of Cultural Heritage," *Ethics* 125, no. 4; Omland, "The Ethics of the World Heritage Concept."; Cleere, "The Concept of 'Outstanding Universal Value' in the World Heritage Convention."; Merryman, "Two Ways of Thinking About Cultural Property."; Kwame Anthony Appiah, "Whose Culture Is It, Anyway?," in *Cosmopolitanism* (New York, London: W. W. Norton & Company, 2006).

[42] Cleere, "The Concept of 'Outstanding Universal Value' in the World Heritage Convention."

[43] Maira al Manzali, "Palymra and the Political History of Archaeology in Syria: From Colonialists to Nationalists," *Mangal Media*.

[44] Cf. Sina Zekavat, "Decolonising Heritage in Syria: Revolution and Bosra Al-Sham," *Mangal Media*.

[45] For example, see John O'Neill, "Wilderness, Cultivation and Appropriation," *Philosophy & Geography* 5, no. 1; William Cronon, "The Trouble with Wilderness; or, Getting Back to the Wrong Nature," in *Uncommon Ground: Rethinking the Human Place in Nature*, ed. William Cronon (New York: W. W. Norton & Co, 1995).

[46] For discussion of cultural property and abandonment, see for example, James O. Young, "Cultures and the Ownership of Archaeological Finds," in *The Ethics of Archaeology*, ed. Chris Scarre and Geoffrey Scarre (New York: Cambridge University Press, 2006).

[47] For relevant discussion of ruins, see David E. Cooper, "Should Ruins Be Preserved?," in *Appropriating the Past*, ed. Geoffrey Scarre and Robin Coningham (USA: Cambridge University Press, 2013); Elizabeth Scarbrough, "Visiting the Ruins of Detroit: Exploitation or Cultural Tourism," *Journal of Applied Philosophy* 33, no. 3; Carolyn Korsmeyer et al., "Symposium: The Aesthetics of Ruin and Absence," *The Journal of Aesthetics and Art Criticism* 72, no. 4.

[48] Zekavat, "Decolonising Heritage in Syria: Revolution and Bosra Al-Sham."

[49] Thompson, "War and the Protection of Property," 254.

[50] Morag M. Kersel, "Acquisition Apologetics: A Case for Saving the Past for the Future?," *Brown Journal of World Affairs* XXIII, no. I: 112.

[51] Yates, "The Global Traffic in Looted Cultural Objects."

[52] Appiah, "Whose Culture Is It, Anyway?," 135.

[53] For a longer discussion of this idea, see Matthes, "Impersonal Value, Universal Value, and the Scope of Cultural Heritage," 1008.

[54] Cf. Omland, "The Ethics of the World Heritage Concept."; Prott and O'Keefe, "'Cultural Heritage' or 'Cultural Property'?."; Erich Hatala Matthes, "Cultural Appropriation without Cultural Essentialism?," *Social Theory and Practice* 42, no. 2: 366.