Who Owns Up to the Past? Heritage and Historical Injustice[1]

Erich Hatala Matthes, Department of Philosophy, Wellesely College

Forthcoming in the *Journal of the American Philosophical Association*. Accepted version, 4/19/18. Please cite final version.

Abstract: 'Heritage' is a concept that often carries significant normative weight in moral and political argument. In this article, I present and critique a prevalent conception according to which heritage must have a positive valence. I argue that this view of heritage leads to two moral problems: Disowning Injustice and Embracing Injustice. In response, I argue for an alternative conception of heritage that promises superior moral and political consequences. In particular, this alternative jettisons the traditional focus on heritage as a primarily positive relationship to the past, and thus offers resources for coming to terms with histories of injustice.

I. Introduction:

'Heritage' is one of the key normative concepts embroiled in moral and political debates surrounding control over, access to, and preservation of objects, practices, and places. Appeals to heritage figure centrally in controversies that range from claims for repatriation of art and artifacts, to calls for the protection of antiquities imperiled by military and terrorist action, to battles for control over culturally significant landmarks. As Laurajane Smith puts it: "Heritage is not just a pretty place; it is a political resource." Yet, as she goes on to observe, "Heritage is one of those taken-for-granted, or 'common sense', concepts that bears critical scrutiny" (Smith 2010: 60). This comment echoes a recent Smithsonian report that notes "'the vastly under-theorized' condition of the very concept of 'cultural heritage'" (as quoted in Logan 2007: 34). Despite the fact that interrogation of complex but seemingly common sense concepts is the bread and butter of philosophical inquiry, heritage has received scant attention from philosophers.

Given the role that appeals to heritage are meant to play in moral argument, the lack of clarity surrounding the concept of heritage is significant. For instance, when antebellum revivalists in the U.S. South fly the Confederate battle flag or rally in support of Confederate monuments,

[1] Thanks to audiences at the University of Connecticut, Connecticut College, and the 2015 Lehigh University conference on "Metaphors in Use" for helpful feedback on earlier drafts of this paper. Thanks also to Laurajane Smith, Peter Lindsay, and three anonymous referees for this journal. Thanks always to Jackie Hatala Matthes.

defending their actions by asserting that these symbols are part of their heritage, they endeavor to use the concept of heritage in order to do normative work. The same goes for specific cultural or national groups who make claims for the repatriation of art and artifacts premised on the idea that it is "their heritage" (Cf. Young 2007). Whatever heritage is, appeal to it in these contexts is meant to justify or excuse specific actions. If we are unsure what precisely heritage is, then we are left without the resources to evaluate the success of such arguments.

A complete investigation of this topic would require a much longer treatment. For the purposes of this essay, I will focus on a distinctive feature of a common view of heritage (in the West, in particular), endorsed and promulgated by many official organizations and institutions, and which consequently shapes public moral and political discussion in an especially pervasive way. I will refer to this as the Positive View of heritage. According to the Positive View, whatever else heritage is, it is an aspect of our cultural past that we regard as good. This is of course not to deny that we sometimes recognize "bad" aspects of our heritage: the Positive View is not the only conception of heritage on offer, as I will discuss in the next section. Indeed, insofar as I will be arguing that we should embrace a conception of heritage that allows for the inclusion of negative aspects of our past such as historical injustices, it is important that there are demonstrable instances of such a conception: arguing in favor of a conception of heritage that has no traction in public discourse would be a tall order.

However, the pervasiveness of the Positive View, and the specific practical contexts in which it is often deployed, render it an important target of philosophical analysis. For instance, Donald Trump, the 45th President of the United States, has consistently invoked the Positive View of heritage in criticizing the removal of Confederate statues. On October 26th, 2017, tweeting in support of Virginia gubernatorial candidate Ed Gillespie, Trump wrote that Gillespie "might even save our great statues/heritage" (Mathis-Lilley 2017). A range of anthropological, sociological, and

ethnographic studies and observations confirm the prevalence of the Positive View. As Sharon Macdonald observes: "The word for 'heritage' in many languages has an overwhelmingly positive public connotation" (Macdonald 2009: 9). Raphael Samuels suggests that while "intellectually" (i.e. academically) heritage has been roundly criticized, it maintains its celebratory character in public use (Samuel 1994: 259; See also Harrison 2013: 5; Samuels 2015: 113). This same idea is captured in Lindsay Weiss's ethnographic study of heritage sites in South Africa, where she asks why less glamorous or positive, yet nevertheless important, aspects of history are not included: "As one heritage worker suggested to me, sites like that of the Half-Way House were 'just *history*' – that is, something to be known, not something to be celebrated under the banner of heritage" (Weiss 2007: 421). The ubiquitous use of the very *word* 'heritage' in contemporary marketing speaks to how entrenched this positive valence is: items are branded as "heritage" varieties specifically in order to invoke positive associations in consumers (Harrison 2013: 5).

In this article, I critique the Positive View of heritage and formulate an alternative, which I call the Ownership View. Focusing on the moral psychology of heritage, I demonstrate that the exclusively positive valence of the Positive View constructs a morally objectionable relationship to historical injustice. The argument proceeds as follows. In section II, I show how the Positive View promotes at least two morally objectionable ways of relating to historical injustice: Disowning Historical Injustice and Embracing Historical Injustice. I use this discussion to motivate the importance of the Ownership View, which I outline in section III. I argue that we should conceive of heritage as the object of a certain evaluative attitude towards the past, namely, regarding the past *as one's own*, which can have either a positive or negative valence, but is in either case characterized by an emotional identification with the past. This account explains the prevalence and influence of the Positive View of heritage, but also opens up conceptual space for a morally preferable way of understanding our relationship to historical injustice that capitalizes on the internal logic of the

heritage concept and its emphasis on the idea of inheritance: in a nutshell, we can inherit debts as well as benefits. Section IV concludes.

Though my argument concerns the concept of heritage, I am not engaged in traditional conceptual analysis aimed at revealing the one descriptively true heritage concept (I doubt such a thing exists). Rather, I will be evaluating conceptions of heritage in terms of their moral and political implications. One might think of this in line with the distinction between the concept of justice and particular conceptions of justice discussed by Rawls (e.g. the utilitarian conception of justice is found lacking because of its moral and political implications; namely, not taking seriously the distinction among persons) (Rawls 1971: 22ff). It could also be considered part of the task of conceptual ethics, the inquiry concerning what concepts we ought to use (Burgess and Plunkett 2013a, b).

Finally, two notes about terminology. First, heritage can range in scale from the individual, to the familial, to the national, to the global, though there is of course significant overlap among the various ways we might carve up these categories. 'Cultural heritage' is often used synonymously with 'heritage,' and can likewise have a relatively narrow or wide focus (referring to a family culture, an ethnic culture, a national culture, etc.). I will follow the practice of using 'heritage' and 'cultural heritage' as general terms, specifying the scale in question where I aim to make a point particular to it (e.g. 'national heritage' to refer to the heritage of a nation, specifically). Though some of what I say about heritage in general will be more fitted to some scales than others, I suggest that it will apply *mutatis mutandis* to the others. Towards the end of the article, I will be focused especially on the idea of national heritage, though as we will see, that discussion is importantly informed by thinking about heritage at the individual level, especially with respect to the evaluative attitudes of individual agents.

Second, it is commonplace to distinguish between 'the past' (the events that occurred in earlier times) and 'history' (the narrative that we use to give meaning to the past) (Carr 2001; Danto 1965). However, for reasons of style and simplicity, I will use these terms synonymously here, with

heritage as the contrasting concept. The distinction between 'history' and 'heritage' in the literature is typically made with respect to the difference in their aims: whereas history is, purportedly, concerned with offering a truthful explanatory narrative of past events, heritage explicitly involves the use of the past for present purposes (Lowenthal 1985). While I agree that heritage is certainly concerned with how we navigate our relationship to the past in the context of contemporary needs and circumstances, by the end of the article I suggest we will have arrived at a conception of heritage that is more concerned with the truth than this distinction might initially suggest.

II. The Positive View

According to the Positive View, heritage should be understood in terms of a range of features, united by their positive associations, which pick out important aspects of the cultural past. It has become common in the heritage literature to distinguish between "official" and "unofficial" heritage, where the former in particular is associated with a positive conception of heritage (Harrison 2013: 14-15). Official heritage is the kind of institutionally endorsed perspective on heritage typically found at museums and monuments, and embraced by governments and cultural institutions. This view is aptly captured as follows: "This dominant Western discourse stresses materiality, monumentality, grandiosity, time depth, aesthetics and all that is 'good' in history and culture" (Smith 2010: 63). So, for instance, paradigmatic examples of heritage according to this conception would be the Pantheon, the Bamiyan Buddhas, Stonehendge, as well as artifacts and objects of diverse kinds. If you are visiting an art museum, a history museum, a monument, or a ruin, you are likely in the presence of official heritage. In recent decades, this material focus has given way to a broader understanding of heritage that includes "intangible" elements of the cultural past as well, such as practices, traditions, and languages, while often maintaining the celebratory emphasis of the Positive View (Bauer 2015; Prott and O'Keefe 1992). The point is not that all instances of official

heritage rely on or endorse the Positive View, as wee will see, but that official heritage is especially likely to have a positive character.

Unofficial heritage, in contrast, typically concerns the grass-roots ways in which individuals negotiate their relationship with the past, processes which may end up picking out or emphasizing aspects of history that can be in tension with the vision of heritage endorsed from the "official" perspective (Harrison 2009: 8). Unofficial heritage can include, for example, festivals, destinations, and practices that are off the map of officially recognized heritage activities and places, or the ways in which individuals respond to and interpret for themselves officially endorsed heritage narratives. It is often in the domain of unofficial heritage where we find versions of the heritage concept that depart from the Positive View. For instance, consider these remarks from a visitor to Montpellier, Virginia, the home of President James Madison, a slave owner: "I'm a southerner (sighs). We rebelled against our own nation to preserve state's rights. *Slavery was a big part of my family's heritage* and to see it abolished is a great joy. But to learn how it was conducted, you see very little of that in any other tour you get" (Smith 2017: 32 emphasis added). Here, the visitor identifies slavery as both part of her heritage and as explicitly negative (though it is worth remaking that she nevertheless mentions the joy of seeing slavery abolished, thus arguably still fitting slavery into a positive narrative). She also gestures at how uncommon it is to see the realities of slavery captured in official heritage discourses, reinforcing the prevalence of the Positive View in that domain.

In contrast, though, due in part to the power of official conceptions of heritage to shape public perception, it is also not uncommon to find the Positive View espoused in unofficial conceptions of heritage as well. For example, consider this response from a visitor to an exhibit titled "Slavery at Jefferson's Monticello: Paradox of Liberty," at the National Museum of African American History, which, among other things, discusses how Jefferson had fathered some of the enslaved people he owned: "Yes, he gave the slaves a chance and that is what this country is about,

giving people a chance and creating equality" (Smith 2017: 33). Despite the fact that this official heritage display is explicitly grappling with the tension between positive and negative conceptions of heritage, and thus offers an example of official heritage that departs from the Positive View, the visitor insists on fitting Jefferson's participation in slavery (and rape) into a positive narrative, suggesting that it should be excused, if not justified.

This widespread use of the Positive View of heritage results in at least two moral problems, which we are now in a position to characterize. First, there is the problem of Disowning Historical Injustice. Because the Positive View requires first-order positive evaluation of the past, it rejects the potential for negative aspects of the past, such as historical injustices, to be regarded as heritage. Citizens of the United States who are beneficiaries of historical injustices do not often conceive of slavery or the eradication of Native Americans, for instance, as part of their heritage. Democracy? Yes! Baseball and apple pie? For sure! Enslavement and genocide? That's in the past. As Ta-Nehisi Coates puts it: "'The past' is whatever contributes to a society's moral debts. 'Heritage' is everything else" (Coates Oct. 22, 2013). In other words, the heritage concept on this reading conceptually precludes histories of injustice, relegating them to a separate domain: they may be part of history, but not part of our heritage. The visitor to the Jefferson exhibit discussed above highlights this problem: even when confronted with evidence that Jefferson had raped his slaves, she molds these facts into a perverse narrative about providing opportunity and equality. Even efforts to reconcile with aspects of the past can ultimately result in disowning them, as in the example from Macdonald's work, discussed below, where histories of injustice are confronted for the sake of being washed away.

Second, there is the problem of Embracing Historical Injustice. Because the Positive View construes heritage as an exclusively good thing, historical injustices can sometimes be swept up along with all the positive associations that heritage is heir to on this view. This is the phenomenon

we see when people flying the Confederate battle flag proclaim in their defense: "Heritage, not hate!" (Jones June 19, 2015; Petri June 19, 2015). If it's part of our heritage, it must be something good—that is the logic of the concept on the Positive View. Or consider recent debates about how universities and cities honor figures who championed slavery, racism, and colonialism (Rini 2015), a topic thrust into the public eye again following the demonstrations by white supremacists in Charlottesville, VA on August 11th and 12th of 2017. Independently of how these cases ought to be adjudicated, the exclusively positive valence of heritage does not leave conceptual space for sorting through the complexities involved in taking up a heritage that is entangled with a legacy of injustice. The logic of the concept on the Positive View entails that if something is part of our heritage, it must be protected, preserved, celebrated, etc., as in Trump's call to protect our "great heritage," the heritage of the Confederacy.

To be clear, the problems of Disowning and Embracing Historical Injustice describe extreme attitudes that the Positive View of heritage can engender, and there is certainly room to have more complicated and nuanced understandings of heritage that don't embrace the Positive View wholesale: for instance, a kind of ambivalence about the evaluative relationship between heritage and historical injustice, perhaps carefully individuating the good dimensions from the bad (Adams 2006). However, it is philosophically useful to consider the extreme cases, not only because they are in fact manifested in the world, as some of the examples considered so far indicate, but also because they aid in characterizing the persistent moral problems with certain construals of heritage that might at first glance seem to step away from the Positive View.

To see this, consider that apparent critiques of the Positive View are not new to the heritage literature, or even official heritage practice. There are a range of documented sites and relics of past atrocities that are sometimes referred to as negative, difficult, or dissonant heritage, terms that seem to challenge the idea that heritage must be a good thing (Meskell 2002; Samuels 2015; Jones and

Birdsall-Jones 2008; Logan and Reeves 2009; Sandis 2014). However, many sites of "difficult" heritage, which we might at first glance expect would subvert the positive valence of the Positive View, still tend to tilt toward the problem of Disowning Injustice. For example, consider the case of Robben Island prison in South Africa, where Nelson Mandela was imprisoned, now a UNESCO World Heritage Site. Ashworth, Graham, and Tunbridge describe this as a site where "South Africa's conflicting myths of heroic resistance, in particular Afrikaner versus African, might finally be brought into a common focus of ultimate triumph over injustice" (Ashworth, Graham, and Tunbridge 2007: 198). The authors read the dissonance of the site with respect to conflicting narratives, but ultimately couch the site in terms of a celebratory overcoming of the past. Indeed, it seems that the dissonance of the site is in fact framed in terms of how to reconcile a negative past with an otherwise positive concept (even the conflicting narratives are each described as "heroic"), rather than explicitly concerned with the possibility that the perpetration of injustice might be construed as part of one's heritage (Tunbridge and Ashworth 1996; Cf. Harrison 2013: 192-94). This understanding of heritage, which shares some similarity with the German notion of *Vergangenheitsbewältigung,* ("overcoming" or "mastering" the past), thus ultimately maintains the positive valence of heritage (Cf. Macdonald 2009: 9; Neumann and Thompson 2015: 5). While it may make room for some explicitly negative appraisals of the past, it foregrounds the positive valence of heritage by subsuming injustices in a triumphal narrative, thus ultimately reasserting the Positive View.

Sites that focus on memorializing past injustices may step further away from a positive construal of the past, but insofar as they represent an injustice as heritage, they often do so for victims as opposed to perpetrators, such as the Hiroshima Peace Memorial (Beazley 2010). Even public acknowledgement of injustice by the state or a complicit organization can maintain this positive gloss. For instance, in discussing an exhibition put on by the Austrian National Railway to

acknowledge their role in the Holocaust, Macdonald observes: "Openness about the past is here depicted as a kind of purity rite or act of absolution—a means not simply of acknowledging a past wrong but in a sense of divesting onself of it…By facing up to difficult heritage, it was no longer a sullying presence in the present: it had been cleaned away from the present by the act of public acknowledgment. Rather than posing any further problems for the present, the difficulty of the heritage was in effect regarded as being washed away by the very act of its recognition" (Macdonald 2016: 17).[2] Thus, this variety of remembrance seems to be an effort to move past the past, so to speak, rather than regard it as one's heritage.

Finally, there are some rare official representations of heritage that do focus on negative aspects of the past without trying to fit them into a triumphal narrative, but they are the exception that proves the rule. For instance, the National Parks Service has recently begun designing a site that will commemorate Reconstruction for the *first* time in its history, in contrast with countless Civil War memorials. As two commentators note, this move is "Departing from the convention of marking only those events that can be narrated as positive or heroic…" (Downs and Masur 2015). As this comment suggests, loosening the grip of the Positive View promises to make room for official representations of new aspects of our heritage, in particular those that resist a celebratory narrative.

---

[2] Macdonald also notes that acts of public acknowledgment can provide an outlet for "expressing contrition" that is not necessarily given the same positive construal as the case discussed above. However, I would suggest that public acknowledgment is not itself what makes these aspects of the past count as heritage: as I argue below, seeing them as heritage involves regarding them in a certain way, and apology or other forms of public acknowledgment might represent or express this, but can also be part of a process of divesting oneself of the past, which is antithetical to the notion of heritage.

Looking at work on the closely allied concept of nostalgia can fruitfully elucidate the different ways in which a positive evaluation of the past can enter our thinking about heritage. The first mode of evaluation involved in nostalgia is a first-order evaluation of the past that is internal to the concept. For instance, Ray Cashman's definition of nostalgia builds on the work of Stuart Tannock, who writes that "Nostalgia...invokes a positively evaluated past world in response to a deficient present world... The 'positively evaluated' past is approached as a source for something now perceived to be missing; but it need not be thought of as a time of general happiness, peacefulness, stability, or freedom" (as quoted in Cashman 2006: 138). Thus, on this definition, it is internal to the concept of nostalgia that it treats the past as, if not good in itself, then at least as good for a purpose.

This first-order evaluation internal to the concept needs to be contrasted with a second-order evaluation, where it is the concept itself, not the past, which is the object of evaluation. For instance, after presenting this definition, Cashman makes the qualification that "the contemporary definition of nostalgia used here is intentionally value-neutral" (Cashman 2006: 138). The concept is presented as value-neutral in the sense that the concept itself is not evaluated as positive or negative (in contrast with a long history of criticism that has given nostalgia a negative connotation, as Cashman notes). This second-order evaluation of the concept is distinct from the internal evaluations constitutive of how the concept operates.

We can make the same kinds of distinctions concerning heritage. On the Positive View, it is internal to the concept of heritage that it involves first-order positive evaluations of the past, if not as good in itself, at least as good for a purpose (e.g. it is not good in itself to be a victim of injustice, but aspects of it, such as culture arising from it, or common experience, can be evaluated positively for the purposes of promoting solidarity and a sense of identity). We can then ask the second-order

question about whether a concept that operates in such a way should be evaluated positively or negatively.

So, for instance, Cashman ultimately offers a positive evaluation of the concept of nostalgia in virtue of its potential for critiquing modernity through its positive evaluation of aspects of the past: hence the idea of "critical nostalgia" at which he arrives. However, note that this is a second-order evaluation of the concept, and moreover, a critical or negative outlook is not part of the first-order way in which the concept itself operates: nostalgia does not construe the past itself in critical or negative terms (Cf. Dawdy 2016). By comparison, my concern with the Positive View is precisely this: that, like nostalgia, it does not account for maintaining first-order negative evaluations of the past, and thus can lead to Disowning or Embracing Historical Injustice.

The problems of Disowning Historical Injustice and Embracing Historical Justice are significant. They both represent morally and politically undesirable relationships with the past. The first encourages us to deny or ignore our connection to historical injustice, foreclosing on potential avenues for education, reconciliation, and reparation. Independently of where one stands on these issues, the Positive View tends to put the very prospect of considering them off the table by making engagement with historical injustice optional—they are not part of our inheritance. The second encourages us to foster a positive connection with historical injustices, viewing them through a rose-colored lens that can cause new harms in the present, reinforcing or perpetuating legacies of injustice. Insofar as the Positive View of heritage facilitates these problems, it is subject to moral and political criticism. We thus have reason to rethink the relationship with the past that such a conception of heritage engenders.

III. Owning Up to the Past

At the heart of our common thinking about heritage is the core notion of inheritance: indeed, this is the etymological root of the word (Harrison 2009: 9). The result of an inheritance is something that is yours; hence, heritage might be glossed as a history of one's own. The Positive View of heritage is so common because it gets something right about how we relate to the past as an inheritance. We tend to think about inheritance in positive terms: as the receipt of something valuable from the past, perhaps even something that we have a right to, and so the Positive View captures this important dimension of how we experience and think about heritage (Cf. Shelby 2007: 172-176). The problem, as I have detailed above, stems from emphasizing this aspect of heritage to the exclusion of all others. In response, I now want to demonstrate how focusing on this more fundamental element of heritage, as a past that we regard as our own, in fact allows us to reject the common assumption that heritage must always have a positive valence, and offers avenues for avoiding the problems of Disowning Historical Injustice and Embracing Historical Injustice. I call this the Ownership View.

The Ownership View emphasizes that heritage is a past that we regard as our own.[3] To regard something as one's own can have at least three dimensions: cognitive, evaluative, and affective. In the case of heritage, these dimensions will typically be linked together, but the cognitive dimension, at least, is necessary: to regard something as one's own requires believing the proposition that it is one's own. So I cannot regard a particular past as part of my heritage if I don't believe that it's mine, broadly construed: part of my past, my story (a range of examples will be discussed below). If it's not mine, it's not heritage: it's just history. I take this to be a restriction on the concept of heritage that follows from its inextricable link with the idea of inheritance: it is a feature that the

[3] As should be clear, by ownership I do not mean "property." For more on distinctions between ownership and property in a cultural heritage context, see (Coleman 2010: 90).

Ownership View shares with the Positive View. Further cognitive dimensions of regarding something as one's own may also be fitting in response to the evaluative features that something may have. For instance, following Raz, we might think an appropriate kind of "psychological acknowledgement… regarding objects in ways consistent with their value, in one's thoughts" is part of the correct cognitive response to valuable things (Raz 2001: 161).

Typically, regarding something as one's own will have an evaluative dimension. However, to regard something as one's own is not necessarily a positive attitude; rather, it can have different evaluative valances. For the purposes of exposition, we can begin by treating the attitude of regarding as one's own as straightforwardly bivalent. I will call positively regarding something as one's own *valuing it as one's own*. I will call negatively regarding something as one's own *owning up to it*. This is not to suggest the impossibility of heritage that is evaluatively neutral, that we regard as our own without evaluating as positive or negative. Perhaps some quotidian aspects of our heritage are like this. But, lacking value or disvalue, I assume these pieces of our heritage will be of little practical importance to use. So we can begin with the positive valence. What does it mean to value something as one's own?

Consider, for example, valuing a child as one's own. To value a child as one's own typically involves a concern for that child that goes above and beyond one's concern for children in general. It does not, imply, of course, that you do not value other children: I do not think the distinction here is simply the distinction between the things that you value and the things that you believe are valuable, but do not value yourself (Scheffler 2010; Raz 2001). There are children who I certainly value, but do not value as my own. Nor do I think valuing as one's own is just the attitude you take towards things that have what philosophers sometimes call "personal value." This term often mistakenly conflates claims about the scope of personally valuable things with the *way* we value such things (e.g. assuming what I value sentimentally is only valuable to me). For this reason, I think we

do better to think of personal value as concerned only with scope (redacted citation). But even on this reading, it is an inadequate analysis of valuing as one's own. There may be things that only I have reason to value, but which I do not value as my own, and there may be things that everyone has reason to value, that all might value as their own (the earth, for instance).

This brings us to the affective dimension (Cf. Smith and Campbell 2015). To value something as one's own, I will suggest, involves a special degree of emotional identification. Following accounts of the emotional vulnerability involved in valuing proposed by, for instance, Elizabeth Anderson, Sam Scheffler, and Niko Kolodny, we might think of those things that we value as our own as those to which we are especially emotionally vulnerable; roughly, to the extent that we are emotionally vulnerable regarding things that happen to ourselves (Anderson 1995: Chapter 1; Scheffler 2010: 23ff; Kolodny 2003). The more we value something as our own, the more we identify with it. If something like these accounts of valuing is correct, then the difference between valuing as one's own and valuing in general is a difference in degree rather than kind. This kind of emotional identification is characteristic of disputes over heritage, as evidenced, for instance, in the intensity of battles over control of heritage, and the kinds of rhetoric concerning the link between heritage and identity deployed in arguments over its possession (Coleman 2006). Consider, for example, a recent quote from Hermann Arnhold of the Westphalian State Museum for Art and Cultural History, in response to government-mandated de-accession of museum holdings. "Would you sell the story of your family?" he asks. "If you sell important artworks, that means selling a part of your history" (Carvajal 2015). Here we see the idea that we should identify with and care about our national heritage in the same way we identify with and care about our family.

However, what we regard as our own need not have a positive valence. I suggested above that valuing something as our own is characterized by a strong degree of emotional identification. This is also true for those things that we regard as our own in a negative sense. The same cognitive,

evaluative, and affective dimensions are present as in cases where we value something as our own, but the valence of the evaluative dimensions is flipped. Yet, these burdens are often foisted upon us. We often acquire them through family and affiliations that we have not chosen (Scheffler 2003). Siblings and ancestors commit wrongs; cities and nations are mired in structural injustice.

If these burdens are beyond our control, why not simply disown them? Why do we need to regard them as our own in the sense that I have described? The problem is that these burdens are tethered to things that we *value* as our own, that we do not want to give up. You love your brother, you are attached to your city. So we find that we cannot simply walk away from them. This may incline us to ignore the negative aspects of these associations, to disown them, but then we open ourselves to justified moral criticism. The source of these criticisms can be diverse, ranging from violation of associative duties to failures of virtue.[4] But, perhaps more significant than these external criticisms, is the internal discord that histories of injustice create when we are attentive to them. How do I reconcile my love for a sibling with their terrible act? How do I embrace my city when it harms so many? If I cannot disown or embrace the injustice, then what do I do with it?

One possibility is to engage in a kind of evaluative bifurcation, valuing the good aspect of a thing and condemning the bad, what Robert Merrihew Adams calls a "*purely particularist* way of valuing that would refuse to make 'all things considered' evaluations, or to set a value on complexes that include both goods and evils" (Adams 2006: 247). However, while this view is not without its attractions, I am in agreement with Adams about its significant costs. As he puts it, such an approach ends up "leaving our loves surrounded with a cloud of attitudes that are consistent with

---

[4] There is obviously a connection here with the literature on moral luck, but I put that aside here in order to focus on the more intimate cases of emotional identification discussed. The original problem is posed in (Williams 1981). Wolf offers a virtue-based solution in (Wolf 2001). For a discussion that pushes beyond issues of moral luck to examples similar to those I mention above, see (Enoch 2011).

them, not in substance, but only in being kept out of reach in a sort of emotional *apartheid*" (Adams 2006: 251). Beyond the struggles that might attend maintaining such an evaluative and emotional division, this approach can quickly come to seem morally repugnant when the positive and negative dimensions of the object are not just causally connected, but parts of a whole. Adams is concerned with the kinds of connections that one often sees invoked in discussion of the non-identity problem: he discusses the feelings it would be appropriate to have towards the First World War for instance, if the war was a necessary causal antecedent to one's own birth.[5] But the problem of emotional apartheid that Adams identifies seems all the more grave when considering the evaluative acrobatics involved in separating the "glory" of the Civil War from the fact that it was a war to defend slavery. Here, the "positive" and the "negative" are not merely causally connected.

The Stoic philosopher Epictetus was sensitive to this conundrum and the difficulty of resolving it. In an evocative passage from *The Enchiridion*, he writes: "Everything has two handles: the one by which it may be carried, the other by which it may not. If your brother acts unjustly, don't lay hold on the action by the handle of his injustice, for by that it cannot be carried; but by the opposite, that he is your brother, that he was brought up with you; and thus you will lay hold on it, as it is to be carried" (Epictetus: 43).

The passage is metaphorical, and thus open to interpretation, but I see it like this. It is difficult to acknowledge that it is your brother who has committed a grave injustice if you focus only on the injustice itself. However, if you focus on the fact that it is *your* brother who has committed the unjust act, recognizing how you are already entangled with it through your emotional identification with him, then you open the door to owning up to that injustice—that is, regarding it as your own. Epictetus thus offers a model for how we can approach the negative aspects of those

[5] For further discussion of the attitudes it is appropriate to hold in this kind of causal antecedent case, see Smilansky (2005); Wallace (2013: Chapter 3).

things we value as our own. By focusing on the fact that they are already unavoidably ours in a descriptive sense, given that we already identify with the source of the injustice, we can come to resolve the resistance that we naturally (and justifiably) feel toward identifying with injustice by rethinking our attitudes towards it. We cannot identify with the injustice as an injustice, or "carry it by that handle," for this would be to *embrace* injustice (erring in the evaluative dimension); and we cannot simply ignore it, *disowning* the injustice (erring in the cognitive dimension), because it is part of a whole with something that we value as our own (the two handles belong to the same thing!). Thus, our association with the injustice will persist so long as we are associated with its source. But rather than making the mistakes of embracing or disowning the injustice, we can own up to it, or carry it, as Epictetus would have it, by recognizing that it is already ours, part and parcel with something with which we emotionally identify.[6] Taking that relationship seriously will thus involve emotionally identifying with the injustice as well, lest we trivialize it and fail to adequately recognize its inextricable link with what we value as our own (erring in the affective dimension). Owning up is thus ultimately about a shift in attitude—regarding what is ours as ours in the right way: cognitively, evaluatively, and affectively.

We can now see the power of a broader conception of heritage that need not have a positive valence. When we open up conceptual space to regard slavery, for instance, as part of United States heritage, we (that is citizens of the US) offer ourselves a handle by which to carry it. Slavery is an atrocity, and so it is no surprise that most would disown it and prefer to ignore it or wash our hands of it, leaving it in "the past," as Coates puts it. But if heritage must have a positive valence, then if we do acknowledge that it is part of our heritage, we risk embracing it, like the antebellum atavists

---

[6] There is a certain affinity here with Christine Korsgaard's account of the source of obligation in Korsgaard (1996). But I am not offering a general account of obligation, and the view I present here is compatible with other non-constructivist approaches to normativity.

who rally behind Confederate symbols. In contrast, by adopting a conception of heritage as a past we regard as our own, we provide a framework for regarding slavery as our heritage—not as a good, but as a burden with which we emotionally identify, something we need to own up to in order to reconcile it with the other aspects of the past that we embrace. Return to the case of Confederate monuments. The problem with Confederate monuments is not that they are *about* the Confederacy, but rather that that they overwhelmingly present the Confederacy as a positive aspect of American heritage, promoting the dismissal or embrace of the injustices of slavery. Opening up conceptual space for seeing the Confederacy as an important part of American heritage, but one with a decidedly negative valence, suggests not that there shouldn't be official heritage sites devoted to the Confederacy, but rather, that they should have a very different character than the current offering of Confederate monuments, one oriented towards owning up to the past, rather than valorizing it.

My focus here has been on the attitudes toward historical injustice that are precluded on the Positive View and facilitated on the Ownership View of heritage. What we ought to *do* once we find our way toward owning up to historical injustice is a difficult question, one beyond the scope of this article. But I would suggest that finding conceptual space to regard historical injustices as part of our heritage is an important antecedent to the possibility of reparative or reconciliatory action, whatever turns out to be appropriate—it is unlikely that people will seriously consider *what* they might or should do with regard to historical injustice if they have not yet come to regard that past as their own in the relevant sense. In virtue of the emotional identification that it is heir to, we typically regard what is our own, whether good or bad, as our responsibility, and so the Ownership View promotes the idea that dealing with the legacy if historical injustices might be our responsibility as well, even if we are not responsible for perpetrating them—the common use of "own up" or "take ownership" as synonyms for taking responsibility is not incidental. By analogy (again borrowing from Epictetus) you might find your brother to be a burden, constantly getting into trouble, but

because you regard him as yours, you feel moved to take responsibility for him, or "take ownership" for his mistakes, even though you are not literally responsible for what he does. So while the Ownership View does not require us to take responsibility for the past, it lays the appropriate emotional foundation for us to do so. We will plausibly be more sensitive and open to reparative or reconciliatory claims if we emotionally identify with historical injustices, independently of (though perhaps supplementary to) claims about our responsibilities for them.

Thus, approaching historical injustice via thinking about heritage, as opposed to by way of ancestral connections to perpetrators or providing justice for the dead, avoids some of the philosophical difficulties with which arguments about responsibility for reparations have struggled (Thompson 2001; Ridge 2003). It also offers a potential avenue for avoiding objections to reparations on the basis of supersession. For instance, Jeremy Waldron famously argues that claims for reparations can be superseded in favor of the current distribution of goods based on the centrality these goods have come to occupy in peoples' lives (Waldron 1992). In other words, the argument is based on emotional identification with certain goods that might otherwise be the object of reparative claims. However, the view I argue for here also endorses the emotional identification with historical injustices, regarding them as one's own in a similar way, but with a different valence. Claims against reparation based on coming to value and identify with unjustly acquired goods may be significantly tempered by owning up to and emotionally identifying with the injustice of their acquisition, taking the injustice on which access to them depends as seriously as one takes the centrality of those goods to one's life. It thus offers a counterweight of the same kind to the claims about the centrality of goods to one's life on which the supersession argument rests.

This is of course not to say that the *meaning* of regarding historical injustices as part of your heritage will not depend in important ways on various relations in which you might stand to the injustice (e.g. as a descendent of victims, as a contemporary victim of persisting injustice, etc.).

Indeed, it is perhaps no surprise that the victims of historical and persisting injustices have been more likely to regard those histories as part of their heritage than the beneficiaries (Cf. Darby 2010). Take, for example, the prominent role that slavery plays in the Black Heritage Trail in Boston, in contrast with the relative absence of slavery on the nearby Freedom Trail. This example also reveals why it is important that the Ownership View not be inherently tied to taking responsibility for the past: it must leave conceptual space for victims of historical injustice to regard that past as part of their heritage, a relationship in which taking responsibility would be inappropriate, to say the least.

To be sure, the approach to owning up to historical injustices that I present here is conditional. It says that *if* you identify with a certain history, *then* owning up to injustices in that history as part of your heritage offers a way of reconciling the tension between those positive and negative dimensions. Another solution, of course, would be to give up the antecedent understanding of your heritage that tethers you to historical injustice, no longer regard that history as your own. And my approach has little to say to those who do not emotionally identify with the past of a place/city/nation/etc. as their own. Some will find this disappointing. They will wish that I provided the resources to explain why everyone has an objective obligation to redress historical injustices, or at least take them seriously. However, the account of heritage that I present here is hopefully compatible with further arguments about obligations to redress historical injustices that may have a broader reach or alternative foundation.

Moreover, I want to emphasize the power of fitting our sense of ownership over historical injustices into the conceptual framework of heritage. After all, one might ask why we should not simply retain a narrowly construed understanding of heritage that has an exclusively positive valence, and argue that our reasons recognizing or redressing histories of injustice are separate and supplemental to what we regard as our heritage. Would such an approach be missing anything, normatively speaking, in comparison with the broader understanding of heritage that I endorse?

One response to this worry is to concede the point, and grant that nothing is lost, normatively, if we retain a positive view of heritage, provided that we also avoid morally objectionably attitudes towards historical injustices. The methodological approach that I adopt in this article is friendly to this reply: I do not think there is much point in insisting that heritage ought to be understood one way or another independently of the relationship that definition bears to its moral and political consequences, provided it doesn't completely contravene all the core aspects of common usage. So if a positive conception of heritage could be married with another relationship to the past that avoids the problems of Disowning Injustice and Embracing Injustice, then I could rest content with that, though I am skeptical about how such a relationship would not be in deep tension with the Positive View.

That being said, my preferred response is to argue that the power of heritage as a concept favors retooling it from within, rather than supplementing it from without, to achieve the desired moral and political improvements. As we have seen throughout this discussion, there is a prevalent view that what is simply "the past" is behind us and not in need of continued concern. In contrast, as we have also seen, inherent to the concept of heritage is the idea of an inheritance. An inheritance does not simply remain in the past: it follows you into the present. The concept of heritage thus has a built in mechanism for making the past significant and salient in the present. Once we dispense with the assumption that heritage must be positive, we can exploit the internal logic of the heritage concept for demonstrating why histories of injustice should matter to us, just like past cultural achievements should. What is simply "the past" can be acknowledged and then dismissed, arguments to the contrary notwithstanding, but to call something heritage is *ipso facto* to identify it as relevant in the present. Heritage, as some commentators have recently put it, "is one of the ways in which societies actively shape the meaning of the past in the present" (Ireland and Schofield 2015: 2; Cf. Harrison 2013: 14; Smith 2006: 44). The concept of heritage is thus inherently invoked in order

to indicate that some aspect of the past matters now, that it is an inheritance, whether of goods or, as I have argued, debts. That is a powerful aspect of how the concept is deployed that we would give up by sticking with the narrow, positive construal, and supplementing it from without. By rethinking the exclusively positive dimension of heritage itself, we can exploit the logic of the concept for moral and political gain.

Moreover, making more room for negative histories in our understanding of heritage begins to soften aspects of the traditional distinction between history and heritage introduced at the outset of this article. Heritage critics such as David Lowenthal are quick to distinguish history from heritage with respect to how they each handle the truth. He writes: "History seeks to convince by truth and succumbs to falsehood. Heritage exaggerates and omits, candidly inverts and frankly forgets, and thrives on ignorance and terror" (Lowenthal 1998: 121) However, on the conception I have argued for here, history and heritage have a more intimate and productive relationship than Lowenthal suggests. I have argued that our conception of heritage should accept the truth of historical injustice, and moreover, that it should do so in a way that recognizes how the pain and continuing consequences of historical traumas are relevant to our contemporary relationship with the past, not to mention each other. To give it a slogan: history can keep heritage honest; heritage can give history a heart. It is ultimately ironic that so many critics of removing Confederate statues object that such actions "erase history." The historical truth is that the erection of Confederate monuments peaked during the establishment of "Jim Crow" laws and during the Civil Rights Movement, symbols of oppression more than acknowledgements of the Civil War (SPLC 2017). More accurately, then, removal of these statues erases *heritage*; in particular, a heritage that embraced the injustice of slavery and used it for the contemporary purposes of continuing the oppression of Black Americans.

IV. Conclusion

People often appeal to the concept of heritage in making normative arguments with significant moral and political consequences, whether they are arguing for control of a site or possession of an artifact, or claiming that their display of hateful symbols is ultimately justified. As long as people employ the concept of heritage to do normative work in such arguments, then it matters how we understand that concept. I have argued that owning up to the past is the process by which we come to reconcile the aspects of the past that we value with the histories of injustice with which they are entangled. The Positive View precludes owning up to the past because it construes our heritage in exclusively positive terms. This is what leads to Embracing and Disowning Injustice. Broadening our understanding of heritage to the Ownership View, on the other hand, allows for owning up to the past, and it uses the logic of the heritage concept (a past that one inherits) to achieve this: rather than historical injustice being precluded by our view of heritage, it finds an appropriate home as a central aspect of the concept.

As I've presented it here, the relationship with the past that we cultivate through our heritage is a difficult affair. One might think of it on analogy with Edward Abbey's remarks on experiencing nature at Arches National Park: "In the first place you can't see anything from a car; you've got to get out of the goddamned contraption and walk, better yet crawl, on hands and knees, over the sandstone and through the thorn bush and cactus. When traces of blood begin to mark your trail you'll see something, maybe" (Abbey 1968: xiv). "Probably not," he concludes, but I'm more sanguine about the prospects for heritage. According to the conception I've argued for, heritage is inherently participatory: by regarding the past as one's own, you embroil yourself in all that is lurking there, and like the thorns and rocks along Abbey's landscape, it may leave you bloodied. But it also presents you with the opportunity to own up to aspects of history that, though difficult to confront, offer the promise of progress and reconciliation in the future.

References:

Abbey, Edward. (1968) *Desert Solitaire*. New York: Touchstone.

Adams, Robert Merrihew. (2006) "Love and the Problem of Evil." *Philosophia* 34 (243-251).

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

Ashworth, G. J., Brian Graham, and J. E. Tunbridge. (2007) *Pluralising Pasts*. London and Ann Arbor: Pluto Press.

Bauer, Alexander A. (2015) "Cultural Property." In *Heritage Keywords*, edited by Kathryn Lafrenz Samuels and Trinidad Rico. USA: University Press of Colorado.

Beazley, Olwen. (2010) "The Hiroshima Peace Memorial (Genbaku Dome) as World Heritage." In *Heritage and Globalisation*, edited by Colin Long and Sophia Labadi. USA and Canada: Routledge.

Burgess, Alexis, and David Plunkett. (2013a) "Conceptual Ehics I." *Philosophy Compass* 8 (12):1091-1101.

Burgess, Alexis, and David Plunkett. (2013b) "Conceptual Ethics II." *Philosophy Compass* 8 (12):1102-1110.

Carr, E. H. (2001) *What is history?*: Palgrave.

Carvajal, Doreen. (2015) "Seeing a Cash Cow in Museums' Precious Art." *The New York Times*.

Cashman, Ray. (2006) "Critical Nostalgia and Material Culture in Northern Ireland." *The Journal of American Folklore* 119 (472):137-160.

Coates, Ta-Nehisi. Oct. 22, 2013. "The Selective Amnesia of Postwar Europe." *The Atlantic*.

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

Coleman, Elizabeth. (2010) "Repatriation and the Concept of Inalienable Possession." In *The Long Way Home*, edited by Paul Turnbull and Michael Pickering, 82-95. Berghan Books.

Danto, Arthur C. (1965) *Analytical philosophy of history*: Cambridge University Press.

Darby, Derrick. (2010) "Reparations and Racial Inequality." *Philosophy Compass* 5 (1).

Dawdy, Shannon Lee. (2016) *Patina: A Profane Archaeology*. USA: The University of Chicago Press.

Downs, Gregory P, and Kate Masur. 2015. "There's No National Site Devoted to Reconstruction-Yet." *The Atlantic,* .

Enoch, David. (2011) "Being Responsible, Taking Responsibiltiy, and Penumbral Agency." In *Luck, Value and Commitment: Themes from the Ethics of Bernard Williams*, edited by Ulrike Heuer and Gerald Lang. Oxford University Press.

Epictetus. "The Enchiridion." http://classics.mit.edu/Epictetus/epicench.html.

Harrison, Rodney. (2009) "Chapter 1: What is Heritage?" In *Understanding the politics of heritage*, edited by Rodney Harrison. England: Manchester University Press.

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

Ireland, Tracy, and John Schofield. (2015) "The Ethics of Cultural Heritage." In *The Ethics of Cultural Heritage*, edited by Tracy Ireland and John Schofield. New York: Springer.

Jones, Ben. (June 19, 2015) "The Confederate Flage is a Matter of Pride and Heritage, Not Hatred." *The New York Times*.

Jones, R, and C Birdsall-Jones. (2008) "The Contestation of Heritage: The Colonizer and the Colonized in Australia." In *The Ashgate Research Companion to Heritage and Identity*, edited by Brian Graham and Peter Howard. England and USA: Ashgate Publishing.

Kolodny, Niko. (2003) "Love as valuing a relationship." *Philosophical Review* 112 (2):135-189.

Korsgaard, Christine. (1996) *The Sources of Normativity*. New York: Cambridge University Press.

Logan, William, and Keir Reeves, eds. (2009) *Places of Pain and Shame: Dealing with 'Difficult Heritate'*. USA and Canada: Routledge.

Logan, William S. (2007) "Closing Pandora's Box: Human Rights Conundrums in Cultural Heritage Protection." In *Cultural Heritage and Human Rights*, edited by H. Silverman and D. F. Ruggles. Springer.

Lowenthal, David. (1985) *The Past is a Foreign Country*. Cambridge: Cambridge University Press.

Lowenthal, David. (1998) *The Heritage Crusade and the Spoils of History*. Cambridge: Cambridge University Press.

Macdonald, Sharon. (2009) *Difficult Heritage: Negotiating the Nazi Past in Nuremberg and Beyond*. USA and Canada: Routledge.

Macdonald, Sharon. (2016) "Is 'Difficult Heritage' Still 'Difficult'? Why Public Acknowledgment of Past Perpetration May No Longer Be So Unsttling to Collective Identities." *Museum International* (265-268):6-22.

Mathis-Lilley, Ben. (2017) "Trump Refers to Confederacy as "Our Great Heritage"." *Slate*. http://www.slate.com/blogs/the_slatest/2017/10/26/trump_praises_confederacy_in_ed_gillespie_tweet.html.

Meskell, Lynn. (2002) "Negative Heritage and Past Mastering in Archaeology." *Anthropological Quarterly* 75 (3):557-574.

Neumann, Klaus, and Janna Thompson, eds. (2015) *Historical Justice and Memory*. Madison: University of Wisconsin Press.

Petri, Alexandra. (June 19, 2015) "The trouble with 'heritage, not hate'." *The Washington Post*.

Prott, Lyndel V., and Patrick J. O'Keefe. (1992) "'Cultural Heritage' or 'Cultural Property'?" *International Journal of Cultural Property* 1 (2):307-320.

Rawls, John. (1971) *A Theory of Justice*. USA: Harvard University Press.

Raz, Joseph. (2001) *Value, respect, and attachment*. Cambridge: Cambridge Univeristy Press.

Ridge, Michael. (2003) "Giving the Dead Their Due." *Ethics* 114 (1):38-59.

Rini, Regina. 2015. "Should we rename institutions that honour dead racists?" *Aeon*.

Samuel, Raphael. (1994) *Theatres of Memory*. London and New York: Verso.

Samuels, Joshua. (2015) "Difficult Heritage." In *Heritage Keywords*, edited by Kathryn Lafrenz Samuels and Trinidad Rico. USA: University Press of Colorado.

Sandis, Constantine. (2014) "Culture, Heritage, and Ethics." In *Cultural Heritage Ethics: Between Theory and Practice*, edited by Constantine Sandis. Cambridge: Open Book Publishers.

Scheffler, Samuel. (2003) "Families, Nations, and Strangers." In *Boundaries and Allegiances*. New York: Oxford University Press.

Scheffler, Samuel. (2010) "Valuing." In *Equality and Tradition*. Oxford University Press.

Shelby, Tommie. (2007) *We Who Are Dark: The Philosophical Foundations of Black Solidarity*. Cambridge: Harvard University Press.

Smilansky, Saul. (2005) "On Being Sorry About the Morally Bad." *Philosophy* 80:261-265.

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

Smith, Laurajane. (2010) "Ethics or social justice? Heritage and the politics of recognition." *Australian Aboriginal Studies* 2:60-68.

Smith, Laurajane. (2017) "Heritage, Identity and Power." In *Citizens, Civil Society and Heritage-Making in Asia*, edited by Hsin-Huang Michael Hsiao, Hui Yew-Foong and Philippe Peycam, 15-39. Singapore: ISEAS Publishing.

Smith, Laurajane, and Gary Campbell. (2015) "The elephant in the room: heritage, affect and emotion." In *A Companion to Heritage Studies*, edited by William Logan, Máiréad Nic Craith and Ullrich Kockel. Wiley-Blackwell.

SPLC. 2017. Whose Heritage? Public Symbols of the Confederacy. Southern Poverty Law Center.

Thompson, Janna. (2001) "Historical Injustice and Reparation: Justifying Claims of Descendants." *Ethics* 112 (1):114-135.

Tunbridge, J. E., and G. J. Ashworth. (1996) *Dissonant Heritage*: Wiley.

Waldron, Jeremy. (1992) "Superseding Historic Injustice." *Ethics* 103 (1):4-28.

Wallace, R. Jay. (2013) *The View from Here: On Affirmation, Attachment, and the Limits of Regret*. New York: Oxford University Press.

Weiss, Lindsay. (2007) "Heritage-making and political identity." *Journal of Social Archaeology* 7 (413-431).

Williams, Bernard. (1981) *Moral Luck*. Cambridge: Cambridge University Press.

Wolf, Susan. (2001) "The Moral of Moral Luck." *Philosophic Exchange* 31 (1).

Young, James O. (2007) "Cultures and Cultural Property." *Journal of Applied Philosophy* 24 (2):111-123.