The Ethical Patiency of Cultural Heritage

Robert Francis John Seddon

Current treatments of cultural heritage as an object of moral concern (whether it be the heritage of mankind or of some particular group of people) have tended to treat it as a means to ensure human wellbeing: either as 'cultural property' or 'cultural patrimony', suggesting concomitant rights of possession and exclusion, or otherwise as something which, gaining its ethical significance from the roles it plays in people's lives and the formation of their identities, is the beneficiary at most of indirect moral obligations. In contrast, I argue that cultural heritage, as something whose existence can go well or badly, can itself qualify as a moral patient towards which we may have obligations which need not be accounted for in terms of subsequent benefits to human beings. Drawing inspiration from environmental ethics and suggesting that heritage, like an ecosystem, is a complex network of interrelations which invites a holistic understanding, I develop a framework for thinking about cultural heritage which shows how such a thing can feature in our ethical reflections as intrinsically worthy of respect in spite of its most obvious differences from the 'natural' world: the very human origins of cultural heritage and its involvement with human life in all its forms. As part of the development of this framework I consider the epistemic difficulties which arise when for all our holistic sophistication we do find ourselves in the predicament of having to judge the moral worth of some item of heritage, possibly someone else's heritage and possibly something which we find ourselves disposed to value more because of than despite any mysteries surrounding it. I conclude by offering some tentative illustrations of how such a framework might operate in the practical course of normative moral reasoning about what should be done with items of cultural heritage.

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The chart *The Flowering Staircase: 1435-1935* by Timothy Stotz (first published in Stotz, 2006) appears on p. 138.

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Timothy Stotz generously allowed me to include his chart *The Flowering Staircase* on p. 138.

Lastly, I should like to thank my family, and particularly my mother Madeline Seddon, who lives in the eternal hope that her son will do something useful with his life. Thank you for all your patience and support.

To the memory of my father; I hope it would have made him proud.

Nomenclature

The following terms are used throughout the present work. Readers are asked to note that my distinctions, in particular in employing references to culture and the cultural, may differ from other writers', including those quoted in the text.

Antiquity (When referring to an object) an <u>artefact</u> from the ancient world.

Artefact Any physical object of human manufacture, especially in an archæological context, and including but not limited to <u>antiquities</u>.

Association Between <u>cultural items</u>, any link such as e.g. that one book *inspired* another, or, that two paintings were produced *by the same studio.*

Cultural group A collective of people distinctively sharing some <u>culture</u> in common. (I invoke no especial subcategory of 'Indigenous peoples'.)

Cultural item A (roughly) discrete thing, concrete or abstract, or a group of related things considered as a discrete thing, or a practice or combination of practices, which is distinctively connected to one or more <u>cultures</u> for whatever reason. This may refer to either a token (an individual object, &c.) or a type (a class of objects; a repeating festival; the sort of propagating theme or idea sometimes called a 'meme';[1] &c.). Strictly speaking it is not quite true that the thing *qua* cultural item *is* the thing *simpliciter*; they may, for example, have different persistence conditions, such that an object may be destroyed but persist in the collective remembrance of a <u>cultural group</u>.

Cultural heritage One or more <u>cultural items</u> considered as a cohesive collection, either as a general phenomenon (what is sometimes styled the 'heritage of mankind') or as the specific cultural heritage of some <u>cultural group</u>. (In many cases my usages of <u>culture</u> and <u>heritage</u> come close to co-referentiality, but technically the two phenomena have some different properties: for example, cultures, but not heritages, may be 'living' or 'dead'.)

Culture An intersubjective context for meaningful activity, considered either as a general phenomenon ('culture') or as a distinctive whole within it ('*a* culture'; 'the culture *of*' some people). For a more discursive commentary see Chapter 5. Unlike some other writers on culture and cultures, I never use the word with the sense in which I speak here of a <u>cultural group</u>.

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[1]Although see Midgley, 1999, *contra* memetics.

Elgin Marbles Those of the <u>Parthenon Marbles</u> which were removed on Lord Elgin's orders.

Heritage The same as <u>cultural heritage</u> unless otherwise qualified.

Insider A member of whatever <u>cultural group</u> is under discussion.

Moral Patient An object of moral obligations. (What makes an obligation moral is a topic largely outside the scope of this document.)

Outsider Anyone not a member of whatever <u>cultural group</u> is under discussion.

Parthenon Marbles Any parts of the Parthenon frieze, including but not limited to the <u>Elgin Marbles</u>.

Part I.

These Things Called Culture and Heritage

...[A] curiosity,—a desire after the things of the mind simply for their own sakes and for the pleasure of seeing them as they are... This is the true ground to assign for the genuine scientific passion, however manifested, and for culture, viewed simply as a fruit of this passion...

Matthew Arnold

(2006, p. 33)

1. Introduction

It does not at first come naturally to speak of acting for the good of a cultural heritage, even where the heritage in question is in some sense one's own. Even if we are minded to expand the moral circle (Singer, 1985, pp. 9-10) to include some non-human animals; even if we endorse an 'ontocentric' ethics that accords some minimal worth to all things in existence (Floridi, 2004, p. 10), we shall ordinarily do so on the basis that these entities exhibit some morally salient features in their own right: if we admit certain animals into the moral circle, for example, it may be because we believe their capacity to feel pain makes them moral patients.[1] But when in addition to noting any inherent features a thing may have, we then observe that it qualifies as cultural heritage, one naturally supposes that what we are saying has *everything* to do with the interests of human beings. To be cultural heritage involves a relation, that of being the heritage of somebody; one no more expects to speak of the value of cultural heritage without reference to the people dwelling within cultures than one would look for value in a text without reference to readers.

Small wonder then that it is tales of clashing human interests that fill the ethical literature on heritage: we hear of disputes over the *ownership* of antiquities with murky pasts, or over whose practices should determine the fate of *human* remains. Sarah Harding has defended the claim that cultural heritage has intrinsic value and that there exist duties towards it (Harding, 1999), but (although she says much with which I am in sympathy) it turns out that her conception of the 'intrinsic value' of heritage is rooted in its role within a flourishing human life, and that the duties which it generates regarding heritage are grounded in human self-respect.[2] Since any world of which humans can conceive will be a world of human concepts, and since our concepts and our cultures are closely related, it is not surprising that when we ask what it is about heritage that animates our concern, we seem invariably to come back to the interests of human individuals.

It is not the act of imputing a potential for benefit and harm to the items a heritage may include that creates this difficulty in thinking otherwise. Items of

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[1] If one does go so far as to act 'for the sake of' inanimate things, perhaps out of a virtuously gentle character, one may still deny that they have 'moral status', a good of their own which could be a source of obligations (James, 2011).

[2] For discussion see Chapter 8.

human invention carry with them familiar teleologies, and so we may without obvious personification say that it is good for houses that they should be dwelt in and well maintained, bad for them to be left derelict and vandalised; good for stories if they are told and retold, bad for them to be forgotten, or worn so thin in the retelling that their themes are reduced to cliché; good for the library of some historical figure to be kept together as an aid to scholarly interpretation of the former owner, and bad for it to be broken up and dispersed without a trace. Yet the ease of this manner of speaking, which evokes echoes of the Aristotelian final and formal causes without any definite ethical implications in the modern mind, seems to fall swiftly away when we turn to consider buildings, stories and libraries as items of cultural heritage; for who but human beings has a culture or a heritage, and what else, therefore, could invest such a thing with the possibility that anything 'good' or 'bad' could befall it? More securely in the sphere of culture than anywhere else, we might well expect man to be the measure of all things.

The purpose of the following is not a call to abdication from concern for human interests but a defence of a certain general view of the place which cultural heritage should occupy in our moral landscape: that heritage itself counts as a moral patient, not *sui generis* but also not merely dependent on the aggregated needs, interests or preferences of human individuals. This does not diminish the interests that human beings do have in what happens to the heritage of their own and other humans' cultures; on the contrary, I shall argue that one of the tasks to be faced by an ethics of cultural heritage ought to be the reconciliation of our obligations to each other where they involve heritage, and our obligations concerning the treatment of heritage independent of any direct or indirect duties towards other people.

I shall not be laying out a complete and all-encompassing normative theory of heritage ethics; quite apart from the sheer scale of such an undertaking, it would inevitably balance on so many foundational premises as to become unsteady, or unwieldy, unless a basic framework should first be developed which grounds the core of such a theory with some measure of security. Suppose, for example, that I had approached the topic of æsthetic value in heritage by selecting my favoured accounts of the nature and value of æsthetic phenomena, and had woven these into my overall account of heritage ethics. (This would not have been an altogether senseless way to proceed, since the choice of which accounts of æsthetics, of history, of language, &c. to favour will affect the questions which arise when one comes to integrate them into a discussion of cultural heritage at large: for example, it is only if one affirms the autonomy of art that one might need to explain how autonomous art might be brought under the broad umbrella of heritage.) As a result the entire edifice would have been made a hostage to fortune: a new breakthrough or a change

of academic mood in the field of æsthetics might have cast sudden doubt upon my general account of cultural heritage in the field of moral philosophy, probably not fatally damaging it but forcing an expansive refit. This threat would have been mirrored in any incorporation of assumptions about law, religions, history, language, sports, cuisine, and myriad other relevant matters in which I am in no way expert. Far better, then, to ensure as best I can that as many assumptions as possible about such related phenomena can be plugged in and switched around without threatening the plausibility of the core theory; although it is inevitable that this core will not be wholly pure and independent of broader assumptions about the nature of culture and cultural heritage.

Since what I have to offer is a framework, a core theory with slots reserved for additional elements, in what follows I shall say little that is decisive about what our obligations concerning heritage precisely are, and still less in the way of exact and casuistical advice to moral agents grappling with planned alterations to some Grade II listed building, or squabbling over antiquities of murky provenance. Nevertheless, as usual in a work with the eventual aim of contributing to practical moral guidance, my argument will be heavily shaped by reflection on cases which exemplify the ethical difficulties that arise within the ambit of cultural heritage; and in the closing chapters I shall sketch, under certain broadly plausible assumptions, how a recognition of heritage as a moral patient might play out in some exemplary cases, showing how the present work can therefore be of assistance to more directly applied moral philosophy.

Meanwhile, in the second chapter I shall continue to set the scene by surveying the practical background to this enquiry: examination of a range of cases will illustrate the broad scope of 'cultural heritage' while starting to tell a story about why a moral philosopher might want to get involved, and why these fairly disparate cases might start to look related when we begin talking about cultural heritage. The third chapter shifts to the philosophical background, situating my work in the context of the existing literature and introducing some critical discussion of current approaches to thinking normatively about heritage, principally the influential model of 'cultural property'. In Chapter 4 I offer further consideration of what criteria a theory of the ethics of cultural heritage, and more specifically a theory that advertises itself as a framework, ought to fulfil in order to be considered successful.

If the Scylla for discussing this notoriously vague concept of 'culture' is terminological imprecision, the Charybdis, in light of my comments about the need for a minimal core with frugal assumptions, may well be excessive exactitude, for

> *culture* can mean anything. Different conceptions of the term are embedded in various disciplinary and national traditions. By 1952, the

> anthropologists A.L. Kroeber and Clyde Kluckhohn tracked down about
> 164 separate usages, and since then, needless to say, many more have
> accrued. (Jusdanis, 1995, p. 24)

Clearly it would be inviting trouble for me to rely on the applicability of any one of
the 164. No doubt discussion of cultural heritage has not confined itself neatly to any
single one; and so, with a neat and simple definition of culture not obviously within
reach, I must offer instead a philosophical reflection on what we may understand
culture, or *a* culture, to be when we need to grasp what it then means for something
to fall under the banner of cultural heritage. Chapter 5 therefore asks what it is
that we suggest when we declare, 'That's part of our culture!' What makes a culture
one's own, and what is involved when we consider items to be associated with one
culture or another?

Chapter 6 considers the identity of cultures, particularly over time: can cultures
split or merge, and if they can, what does that portend for questions of which items
are whose heritage? Can a culture become 'distorted' or 'inauthentic'? Chapter
7 addresses a different aspect of temporality: the role of origins and traditions in
debates about cultural heritage, the one concerned with tracing items' history back
to some critical point of emergence, the other with their gradual accumulation of
layers of significance. Some current disputes concerning the proper fate of objects,
particularly between archæological and museological perspectives on the custody of
unprovenanced antiquities, may be partly unravelled if we understand them to be
drawing on low-level conceptual differences; and in discovering two clashing ways of
seeing an object as existing in time, we have a further indication of what it might
mean to talk about 'heritage', a word inherently suggestive of acts of inheritance.

Chapter 8 moves to direct consideration of the moral salience of cultural
heritage, chiefly through the prism of *value*, which has previously been employed
philosophically by James O. Young (Young, 2007) and Janna Thompson (Thompson,
2003). Clearly many people think heritage is important, but are there solid grounds
for thinking that the interests we take in items of heritage tie together in some
philosophically interesting fashion into a question about 'cultural heritage' and
its moral importance in general? I begin to develop my position on the matter,
and distinguish it from earlier work by Sarah Harding on cultural heritage as a
repository of intrinsic value. Chapter 9 continues the discussion, developing the
claim that cultural items may possess what we might think of as quasi-intrinsic
value: although their moral standing is not intrinsic in the full sense in which we
might call, for example, human persons intrinsically valuable (and indeed their very
nature as cultural heritage is bound up with human deeds and concerns), I develop
the view that by virtue of participation in a wider phenomenon of culture they count

as bearers of moral standing and recipients of direct obligations: as constituents of a genuine moral patient.[3] Chapter 10 expands this theme in an exploration of the role played by categorisation: what happens when we consider the various ways in which we put items together and track their interactions and interrelations? It is plain enough that people are concerned with the literary genre, the artistic movement, the historical era, &c. in their evaluations of cultural items, but how are we to go about incorporating such things into our moral thinking? In the later part of the chapter I defend the view that cultures possess a patiency which is linked to their capacity for flourishing.

Given an account of heritage as a moral patient, then, Chapter 11 asks what we are to say about its interactions with other moral patients and agents. If I should expand the group of patients with potentially conflicting interests without offering even a preliminary indication of how these conflicts might be resolved, that might be considered a somewhat regrettable outcome; but I shall contend that even at the framework stage there are reasons to be optimistic.

Chapter 12 returns to the topic of value, and explores the associated moral epistemology. Given that members of a given cultural group presumably have an epistemic advantage in discovering where value lies in their own culture's heritage, what kind of authority might they possess exactly, and what are outsiders to do if they disagree? Examining knowledge from a different angle, Chapter 13 then wonders: what about those cases where a sense of mystery and antiquity beyond our complete grasp, far from being inimical to it, seem central to our appreciation of some item of heritage? Does appreciation of the mysterious in heritage not sit awkwardly with the epistemological aspirations of the previous chapter? The more directly experiential and sometimes quite emotional ways in which we may encounter heritage are further pondered in Chapter 14, which cautiously suggests that these may be a source of morally salient understanding; or at least, that they are aspects of our lives with which he have got to deal.

The concluding chapters pull the threads together and demonstrate how they might be applied to some practical examples, before finishing with a reflection on how this enquiry might be expanded or refined if I or anyone else were to build on the ideas presented herein.

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[3]We would not, of course, say that anyone had duties towards my arm not to harm it, or that it was possible to act for the good of my arm; but it might not sound so strange to say that my arm participates in my moral patiency. Similarly, cultural items might derivatively be called moral patients, although the patiency in which they participate is in fact a broader one, and the same is true of any 'good' which they possess or 'flourishing' of which they are capable.

1.1. The Development of the Project

Those ideas did not, of course, come into being in the order in which they are presented here, and it may help to account for them if I briefly explain their genesis. Their roots most clearly lie with the environmental ethics of 'deep ecology'; like Harding, I am much impressed by the work done by environmental philosophers to extend our understanding of what can possess moral standing. For J. Baird Callicott, the very possibility of a distinctive domain of environmental ethics depends on the possibility of nonanthropocentrism, of discovering an intrinsic value[4] in the environment and an ethics which could not be reduced to human-to-human obligation (Callicott, 1995).

At around the same time I was reading items by two legal scholars based in the U.S.A., Lawrence Lessig and James Boyle, who were raising concerns about the duration of modern copyright,[5] and its effects on the preservation, dissemination and creation of cultural items. Since 'the vast majority of our film heritage remains under copyright... general freedom to build upon the film archive of our culture... is now a privilege reserved' for those who can afford to clear the rights (Lessig, 2004, p. 107). Copyright law can uselessly leave creative works without continuing commercial value to sit 'in vaults gathering dust' (ibid., p. 224), or even to be lost altogether:

> [B]y the time the copyright for [films from the early decades of cinema] expires, the film will have expired. These films were produced on nitrate-based stock, and nitrate stock dissolves over time. They will be gone, and the metal canisters in which they are now stored will be filled with nothing more than dust. (ibid., p. 225)

Copyright can thereby become a self-defeating institution, and a culture-defeating one, even given the capacity for storage and transmission of which we have become technologically capable:

> Now that technology enables us to rebuild the library of Alexandria, the law gets in the way. And it doesn't get in the way for any useful *copyright* purpose, for the purpose of copyright is to enable the commercial market that spreads culture.[6] No, we are talking about culture after it has lived its commercial life. (Lessig, 2004, p. 227)

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[4]For discussion of this term see Chapter 8.

[5]Fourteen years for authors, renewable once, under the 1710 Statute of Anne, compared to a minimum of life plus fifty years for signatories to the 1908 Berne Convention. Meanwhile Lessig, 2004, p. 134 outlines thirteen extensions of U.S. copyright terms from 1831 to 1998.

[6]I concur with this view of what it takes to justify copyright, but other putative

Where Lessig uses the language of culture and heritage,[7] Boyle has advocated a rhetoric drawn from the language of the environmental movement. The difficulty for intellectual property minimalism was in conceptualising the 'public domain', the space of intellectual material which is *not* subject to division between intellectual property rights holders: how do you frame a negative concept so as to proclaim its positive value? Do you perhaps speak of a commons, as Boyle sometimes has, and compare intellectual property maximalism to the enclosure movement (Boyle, 2003)? Then you must be ready to explain why the 'tragedy of the commons', in which the uncoordinated exploitation of a shared resource results in its depletion and everyone's disadvantage, does not apply (ibid., pp. 35-6). What sort of commons do you mean, in any case: would you sooner conceive of this intellectual commons as commonly owned, thereby possibly encouraging its common owners to oppose raids on it (Drahos, 1996, p. 66), or as truly unowned and in that sense free? Or shall we speak of the commons as a resource, 'an unusual resource in that it grows in strength through use and exploitation', to which duties of preservation and nurture relate (ibid., pp. 63-4)?

In searching for an analogy for the public domain, for a way of talking about why it matters, Boyle looked to environmentalism:

> Why talk of 'an environment' or 'environmental harm?' Why not simply list the pros and cons of each particular piece of development, type of technology, aspect of land use? ... Why reify these individual loci of potential harm into a single entity called 'the environment?' Part of the answer, of course, *is* rhetorical. The idea of the environment seems to add a moral overtone to the discussion, to counterbalance the arguments about 'progress' and 'growth' and 'modernity.' And this is hardly an unimportant function.
>
> But that is not all there is to it. The environmental movement also gained much of its persuasive power by pointing out that [in existing legal and scientific] conceptual systems, the environment actually disappeared; there was no place for it in the analysis. Small surprise, then, that we did not preserve it very well. In other work, I have argued that the same is true about the public domain... The idea of the public domain takes to a higher level of abstraction a set of individual fights—over this chunk of the genome, that aspect of computer

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justifications have been defended. For comparison with an account inspired by John Locke's theory of property, see Hettinger, 1989. For comparison with the *droit d'auteur* prominent on the Continent, see Goldstein, 2003, p. 135*ff*. I comment further on this topic in §3.1.

[7]Admittedly I have just quoted his sole use of the word 'heritage' in the entire book.

> programs, this claim about the meaning of parody, or the ownership of
> facts... The concept of the environment allows, at its best, a kind of
> generalized reflection on the otherwise unquestionable presuppositions of
> a particular mode of life, economy, and industrial organization. At their
> best, the commons and the public domain can do the same in helping
> us to reimagine creation, innovation, and speech on a global network.
> (Boyle, 2003, pp. 70-4)

Part rhetorical armament, part conceptual model: it seems improbable that
Boyle's 'environment' is also Callicott's. Yet suppose we try pushing the model
further than Boyle himself might wish to: suppose we ask ourselves whether some
of the methods and ideas of environmental philosophy might in fact be applicable
to a concept like 'the public domain'. Suppose we go further, and take Lessig at
his word when he writes of 'unintended consequences for the cultural environment'
(Lessig, 2004, p. 129). Suppose we note that Michael F. Brown has recommended 'an
"ecological" approach, one that moves constantly between specific problems and the
larger whole' (Brown, 2010, p. 570), when considering 'the links between indigenous
rights in heritage and parallel debates about the future of the public domain' (ibid.,
p. 570):

> Analogies between culture and the problem of environmental contam-
> ination are not as implausible as they might seem at first glance.
> Molecules are often mobile, combining readily with air and water,
> thereby incorporating themselves into living things. So, too, do elements
> of culture – memes, if you like – which subdivide and spread via global
> media and informal personal contacts in ways that are not readily
> subject to collective control... No society can accurately be said to enjoy
> "autonomy" over its cultural resources, although communities do have
> a modest ability to encourage and defend elements of culture that they
> value highly. The limits of this control are evident in the declining use of
> many Native American languages despite the unstinting efforts of tribal
> governments to preserve them. (ibid., p. 571)

Might this cultural environment too be a candidate for moral patiency, a possible
object of moral obligations in its own right? Recall that Callicott was anxious
to discover a *nonanthropocentric* moral worth in the natural world; and recall my
earlier remarks about how very anthropocentric the notion of a culture or a cultural
heritage looks. The difficulty has perhaps been best expressed by Holmes Rolston
III, in whose view 'culture' is precisely what is to be contrasted with 'nature', if the
latter term is to be employed in a sense of interest to environmental ethics (Rolston,
1999, pp. 151-2).

Rolston, like Callicott, believes that value exists in the natural world prior to the arrival of any human valuers. This holds, he argues, for plants as well as animals:

> We are misled to think that all the value of the tree, instrumental or intrinsic, must be subjectively conferred, like the greenness, a secondary quality, or even a tertiary one. A simpler, less anthropically based, more biocentric theory holds that some values, instrumental and intrinsic, are objectively there, discovered not generated by the valuer... Even those who think that all the tree's intrinsic value has to be conferred by humans still think that matters can be better or worse for the tree, and this amounts to saying that the tree on its own has its goods and harms. (Rolston, 1994, p. 19)

Organisms act to sustain themselves, and so we may say that they value themselves (ibid., p. 15*ff.*). In somewhat like fashion, species propagate themselves (ibid., pp. 20-2); in ecosystems we encounter 'a spontaneous order' (ibid., p. 23); and even at the planetary level what we find is a biosphere, a self-sustaining planetary ecology (ibid., p. 26).

One respect in which Rolston's views differ from Callicott's, however, is in his disinclination to naturalise culture (Rolston, 1999, p. 153).

> Wild animals do not form cumulative transmissible cultures. Information in nature travels intergenerationally on genes; information in culture travels neurally as persons are educated into transmissible cultures. The determinants of animal and plant behaviour are never anthropological, political, economic, technological, scientific, philosophical, ethical, or religious. (ibid., p. 152)

Living organisms and ecosystems are one thing, lifeless cultural items another:

> We can value collections, as of stamps, but this is just the aggregated value of individual stamps. Still, an ecosystem, if it exists, is rather different. Nothing in the stamp collection is alive; the collection is neither self-supporting nor self-maintaining. Neither stamp nor collection is valuable on its own. (Rolston, 1994, p. 22)

This in turn is where my thinking parts company with Rolston's. To be sure, the creation and maintenance of a stamp collection depend wholly on human actions; the collection itself engages in no *activity* which we might interpret as self-valuation. However, it 'isn't at all clear why there is anything special about life... Perhaps only living things can be injured, but non-living things can quite easily be damaged' (Christopher Belshaw, quoted in James, 2011, p. 389), and when it comes to cultural

items we need not even characterise this damage in terms of their strictly physical properties, and also need not be concerned by the thought that from 'the point of view of the Universe (if such a phrase has meaning), the event of the chipping [*sc.* of a vase] would seem to constitute not *damage* but simply a value-neutral *change* from one state of affairs to another' (ibid., p. 390). A stamp collection has a structural integrity both as a collection and as an instance and a part of a wider milieu of philatelic practices. The creative human input which allows us to see *a stamp collection*, not just an assortment of brightly coloured sticky things, is itself responsive to this structure and this milieu, filling in gaps in the collection or sorting stamps according to rarity.

Now of course, it is human beings who decide to prize certain kinds of postage stamp and adopt certain approaches to arranging them. There are, as Michael Flanders observed in *At the Drop of Another Hat*,

> only two kinds of stamps. *English* stamps, *in sets*, at the beginning of the album; foreign stamps, all mixed up at the other end. Any Gibbon can tell you that.

The philatelists of other nations, however, may recognise different taxonomies. Nevertheless, the possibilities for organisation of which they make use – notably suitability for being arranged in sets, but also unplanned features such as printing blemishes – are discovered in the stamps themselves. Collector and collection act upon each other.

As I discuss further in Chapter 10, our talk of cultural heritage is frequently concerned with quite overt examples of collection and categorisation: the literary genre, the artistic movement, the museum exhibition, and so on. Indeed, in calling something an item of cultural heritage one implicitly relates it to other such items, all set against a common cultural backdrop. Perhaps, I thought, if there is value for the moral philosopher to discover in cultural heritage it lies only derivatively in the individual items which sometimes become objects of controversy, and should in the first instance be sought in the various clusters which these form: in precisely the structures of our cultural worlds which we presuppose when we ask what would be the right and best thing to do with respect to some item of cultural heritage.

2. The Practical Background

The design of my desk (functional, mass-produced, flat-pack self-assembly); the construction of my shoes (rugged-soled, suitable for the great outdoors, imperfectly comfortable because of my uncommon size and fitting); the sound in my earphones (a classically styled remix of some decade-old videogame music): each of these falls readily under the grand banner of the *cultural* in its widest sense, a heading so expansive that it engulfs positively all human activity. Indeed, one of the benefits of the intellectual work discussed in the next chapter has been to show how ostensibly diverse and distinct ethical problems, such as those concerning the ownership of archæological finds and those involving outsiders' copying of indigenous peoples' artistic motifs, may be fruitfully brought together under such headings as 'cultural appropriation'. In the present chapter my purpose is not to embark at once on any systematic treatment of the various manifestations of the cultural (for which see Chapters 5 and 6), but to give an early and broad indication of how the language of culture and heritage can start to look applicable to a considerable range of morally salient topics.

For this reason, some of the following cases will be familiar to and expected by anyone broadly familiar with the contexts in which 'cultural heritage' and 'cultural property' are discussed, while others with which they rub shoulders will be less predictable: the Elgin Marbles commune with amateur software modification, and language conservation sits alongside the flavour of New Coke. Beginning in the most familiar of territory, I discuss controversies over the market in antiquities without archæological provenance, drawing particularly on the sometimes antagonistic positions of James Cuno, until recently President and Director of the Art Institute of Chicago and now President and C.E.O. of the J. Paul Getty Trust, and the archæologist and peer Colin Renfrew (§2.1). This is a debate conventionally framed in terms of 'looting', but it turns out to be a disagreement about whether there is much left to appreciate once an antiquity's archæological context is lost; here I prise open the question, which will occasionally hover over later chapters, of whether such a proprietorially tinged term as 'loot' is conceptually helpful.

If proprietorial thinking is questionable where physical objects are concerned, it is even harder to say in what senses intangible heritage belongs to a culture (§2.2): cultures lack obvious boundaries within which a story or an artistic motif might

be kept. Moreover, if we did somehow manage to assign every cultural item in the world to the culture to which it principally belongs (a fanciful task in itself), our labours would still not be over: as the case of 'fan culture' demonstrates (§2.3), it is in the nature of cultural items that they occasion new creativity and new forms of cultural participation, to the extent that we may wish to say that new cultures and subcultures are emerging. In later chapters I shall speak of the flourishing of cultures; here, then, are some of their buds.

2.1. 'Looting' and The Market In Antiquities

'Why focus on looting? Because it is believed possible to stop it.' (Cuno, 2009, p. 3) These words were written by a museum director, but the 'looting' in question does not involve the stealthy pillaging of art museums after hours. It involves digging antiquities out of the ground: 'what today we would often call *looted*' objects (ibid., p. 7) are those which have been subjected to 'the illicit, unrecorded and unpublished excavation of ancient sites to provide antiquities for commercial profit' (Renfrew, 2000, p. 15). To speak of the clandestine excavation, sale and export of antiquities as illicit acts, as 'looting', has become commonplace, and it is worth asking at the outset why this should have been so. The mystery is not that it attracts condemnation when artefacts are unceremoniously pulled from the soil in pursuit of a ready profit, but that excavation of objects from vanished civilisations and long-forgotten generations, of objects which can with no exaggeration be called abandoned, should be spoken of with a vocabulary suggestive of theft.

The word does not always refer to freshly excavated objects, of course, and its usage has not been forever unchanged and uncontested. The Elgin Marbles had long stood in public view when they were removed from their monument, and their removal may have been given official sanction (Williams, 2009, p. 71, but see Rudenstine, 2002); nevertheless, one legal commentator has felt quite able to write that 'Great Britain shamelessly looted and exported much of the sculptured integrity of the Parthenon' (Kelly, 1995, p. 34). Meanwhile Kwame Anthony Appiah, commenting on 'the looting of the palace of King Kofi Karikari' (Appiah, 2009, p. 72) which was undertaken by British troops in 1874, notes that the officer overseeing the deed regarded it quite differently:

> it was done honestly and well, without a single case of looting. Here was a man with an armful of gold-hilted swords, there was one with a box full of trinkets and rings..., yet in no instance was there any attempt at looting. (Robert Baden-Powell, quoted in ibid., p. 72)

Looting is an illicit activity, the reasoning must have gone, and the routine actions

of the military could not therefore be looting. These examples highlight another aspect of the word 'loot' which is even less obviously applicable to illicit excavation: its potential to suggest 'that objects were taken by the victors of battle (physical or ideological)' (Glass, 2004, p. 119; see also Merewether, 2003, p. 87).

Perhaps this apparent mystery is little more than a lexicographical puzzle; perhaps, if we may fairly use the language of plunder to refer to the 'grave robbers' of any place and time, then to employ such a word as 'loot' even when less deliberately deposited artefacts are taken is merely pragmatic and convenient. Archæological condemnation of looting has been centrally concerned not with the fact that objects have been carried away but with damage to archæological sites, and with the destruction of the contextual information contained in them.

> Whenever we archæologists speak to the general public, it is important for us to stress that the purpose of archæology is not just to recover pretty objects from the ground; it is to reconstruct the history of the human past. Indeed, some of the most useful information for archæologists comes from items that have no monetary or æsthetic value at all: pottery shards, pieces of charcoal, human and animal bones, even seeds and pollen. Through the scientific study of a site, we can learn what people ate, what type of houses they lived in, which diseases they died from. We can learn about their social organization, their religious beliefs and rituals, and patterns of trade and migration.
>
> All the information that could be obtained by scientific excavation is irreparably destroyed every time an archæological site is plundered. At best we are left with a few objects, beautiful but silent. (Papa Sokal, 2006, p. 2)

No clearly proprietorial attitudes are evident here, unless they concern the lost information as a common good which has been snatched from all of us. James Cuno concurs that 'the archæological context is, like any other, important, and anything that causes its destruction should be discouraged. Museums and archæologists agree on this.' (Cuno, 2009, p. 3) As we saw above, the language of looting and plunder sits comfortably in his vocabulary too. Somehow, whether through linguistic accident or through tacit sympathy, museums and archæologists alike are speaking as though the sites of buried objects were merchant ships fleeing pirates off the Spanish Main (*cf.* Renfrew, 2000, pp. 77 & 79), when in fact they are alike concerned with the preservation of information, the only difference in emphasis being Cuno's worry that a purely archæological perspective disregards other ways in which antiquities can be meaningful (Cuno, 2009, p. 5*ff.*).

2. The Practical Background

Pause. As everyone knows, this isn't how the script is supposed to play out; everyone knows that when the chairs are laid out for great debates about the custody of sites and the transfer and acquisition of antiquities, Cuno should be seated on one side of the table, an archæologist on the other. Cuno will criticise archæological collusion with 'nationalist retentionist' (Cuno, 2008, p. xxxii) political schemes that employ archæological finds in the service of governments' myth-making (ibid., pp. 9-13), all at the expense of encyclopædic museums and the public they serve (ibid., pp. xxxi-xxxii & 123-4). Archæologists will counter that if looting is to be prevented, the market in antiquities must be controlled so as to prevent the sale of items without a demonstrably legitimate provenance (see below). Tables will be pounded. Books will be sold. Everyone knows this.

What everyone knows is substantially correct: there are genuine problems, and genuine differences of opinion over the solutions. Cuno, with other museum curators, has put much energy into demonstrating both the narrowness of calling decontextualised antiquities 'silent' and the length of the spoon required when inviting regulation by national governments. He observes that there are contexts other than the archæological which invite study and veneration: that a piece of ancient craftsmanship may remain fit for appreciation as an æsthetic object (Cuno, 2009, p. 7) (whatever happens to Marina Papa Sokal's charcoal and pollen), or may possess a history which enlightens us regarding the interplay of cultures (Cuno, 2008, p. xxxi), most effectively when displayed in a universal museum wherein the ingenuity of these different cultures may be compared (ibid., p. xix*ff.*).

He warns us, too, that the interests of the governments that (to greater and lesser degrees) regulate archæological digging and the export of finds are not grounded in the priorities of archæological science, and that these governments may prove false friends. Looting is a problem, he agrees, but restricting the legitimate market in antiquities simply loses unprovenanced objects to the black market (ibid., p. 127). States have ulterior motives in asserting proprietorial interests in the objects discovered in their soils: archæological objects may prove useful in massaging popular sentiment, folded into domestic political narratives intended to present modern nation-states as the rightful and proper successors of the regimes of antiquity (Cuno, 2009, p. 28). Or a narrative of cultural patrimony may simply help to 'retain cultural property within the territorial boarders of the nation-state for the benefit of the nation and not to share it with the world for the benefit of the world' (Cuno, 2008, p. 126). In Cuno's judgment this way of approaching antiquities misrepresents the historical importance of cultural cross-pollination (2009, p. 27); and when states prove willing to impose strict policies of retaining antiquities found on their lands within their borders, indulging politicians' willingness to make use of archæological

objects becomes injurious to the comparative and universal understanding of human culture which is embodied in the encyclopædic museum.

There are archæologists, and others, who put no less vigour into defence of positions unsympathetic to Cuno's. For those concerned primarily with the preservation of the archæological record, the matter is pragmatic: looting must be prevented, and since demand drives the market, demand for unprovenanced antiquities must be checked. If only items known to have been scientifically excavated are in demand, then only these will be supplied. It is necessary to place restrictions upon the antiquities trade simply because, as Lord Renfrew has put it,

> to diminish or eliminate clandestine excavation in the country of origin... is no easy task. It is desirable that each nation should have strong laws protecting its antiquities and a sound and well-informed antiquities service... [but] in many countries this desirable infrastructure is lacking...
>
> The second approach to the problem is to tackle the distribution and consumption of illicit antiquities. The role of the academic community... is to persuade the informed public that the purchase of unprovenanced antiquities has the inevitable consequence of funding the ongoing looting process. (Renfrew, 2000, p. 16)

Antiquities may of course be valuable as works of art, but looters are poor custodians of art history, willing to reduce a coherent assemblage to 'a number of isolated... items occurring individually on the market' (ibid., p. 24).

> It is irrelevant from such a point of view [as Renfrew's] whether [looting] is carried out in Italy by professional *tomboroli*, by amateur treasure-hunters in the U.K. or by local community pot-hunters in Bolivia. It is equally irrelevant whether the material retrieved belongs to the state as in Italy, to the landowner as in the U.K., or to a commune as in Bolivia. All are equally guilty of damage to the archæological record. (Carman, 2005, p. 18)

Where information has been wilfully destroyed (and sometimes it is more than information which is destroyed in the search for marketable antiquities buried in the ground), it is irrelevant even whether items were excavated for the export market or whether they ended up in domestic national museums; Renfrew is scarcely more inclined than Cuno to approve of 'the chauvinism which besets many national governments' (Renfrew, 2000, p. 62). Indeed, he writes that 'in the archæologist's book "looted" is worse than "stolen" precisely because it means that the excavation has been clandestine and unrecorded' (ibid., p. 58; see also p. 79, on which a similar

distinction is drawn between *stolen* and *illicit* antiquities).[1] Ownership, in all its forms, is a secondary concern: Renfrew is prepared to write that 'in a sense' it is not *looting* 'when a landowner [in the U.S.A.] leases his own land out to a professional pot hunter and allows an ancient site to be bulldozed for profit. But the effect is the same.' (Renfrew, 2000, p. 81)

We cannot, then, accuse Lord Renfrew of thinking too much in proprietorial terms. If anything he says too little about private property: the privacy of private owners through whose hands antiquities may pass carries little apparent weight with him even as an argument to be countered (ibid., pp. 33 & 37). Which makes it no less curious that in his vocabulary, as in Cuno's, the destruction that contrasts with common-or-garden theft is called *looting*. It may be that questions of custody lend themselves readily to proprietorial language; this may also explain the popularity of the term 'cultural property', which I discuss in the next chapter.

In neither Cuno's nor Renfrew's thinking, however, is this term 'loot' unambiguously being used as though by analogy with *private* (or state) property. Rather, each of them seems to have in mind something which can be plundered, through being wrongfully depleted, but something more like a resource (and a public one at that) than like somebody's estate. For Renfrew the resource in question is the archæological record, the 'historic heritage' which is the 'world's archæological resource, ... our principal source of knowledge about the early human past' (ibid., p. 9). For Cuno, it is the visible antiquities market from which museums acquire their collections for subsequent display and mutual loan, contrasted with the underground market into which artefacts may disappear when the visible market shrinks. In both we encounter visions of a fragile whole, something vulnerable to depletion; in fact, with Renfrew in particular we may have found ourselves further from private property than from Boyle's 'information commons' (Boyle, 2008, p. xv). This is what the language of loot partly obscures; and in later chapters I shall be suggesting that the holistic language of cultural heritage might have brought it forth more fully.

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[1]See also p. 37: 'I do not doubt that nearly all dealers genuinely try to avoid selling objects that have been *stolen*—that is to say removed from the collection of an individual owner or a museum. The case of looted objects is very different, however: these have been clandestinely removed from the ground and have never had an effective owner, even if the landowner at the time of the removal is in a legal sense the owner of such goods. In many countries the law determines that it is the state itself which is the owner of buried antiquities, but the state as rightful owner is the last to hear of it when they are illicitly exported.'

2.2. Stories, Styles and Symbols

If the author is indeed dead, one may sometimes have the sense that the cultural group from which his work emerged would like to replace him. Sometimes the author in question is both identifiable and literally deceased: the papers of Franz Kafka, for example, have been the subject of a long-running legal battle for possession. The office of the Israeli Prime Minister contends against other claimants that they are 'valuable for the history of the Jewish people and the State' (Schneider, 2010); one infers that in its judgment Kafka, a Czechoslovakian Jew who wrote in German, was more critically a Jewish than a Czechoslovakian or European or global literary figure. The case of folklore, in contrast, offers one in which there is often no known author and no fixed and final form of a work, which develops within the ongoing life of a community (UNESCO/WIPO, 1999). The impossibility of identifying individual authors of what are sometimes styled 'traditional cultural expressions'[2] (including stories, symbols, ceremonies, designs and other intangibles) has not impeded claims that their use by cultural outsiders may in some cases constitute an invasion of privacy (Brown, 1998, p. 193), a source of offence (Young, 2008, p. 129*ff.*), or a threat to the source people's distinctive existence as a cultural group (Coleman and Coombe, 2009, pp. 178-9). In some cases recognisably culture-based arguments cut both ways: news reports in 2006 of legal action by the Chilean Mapuche people against Microsoft, arising from Microsoft's production of a version of its Windows operating system in the Mapuzugun language of the Mapuche, had the complainants stating that 'Mapundungun is a fundamental part of [their] culture and it is [their] right as an indigenous nation to preserve and develop [their] cultural heritage' (Oiaga, 2006), while Microsoft had sought to 'open a window so that the rest of the world can access the cultural riches of this indigenous people' (Reuters, 2006).

Intangible cultural items introduce distinctive complications. Tangible cultural heritage – such as Kafka's *papers*, considered as unique physical objects distinct from whatever their *contents* may be – can likewise be subject to claims of continuing interests by the cultural groups within which they originated, or by people claiming close association with those groups (for example, because of lineal descent; for more on the identity of cultures over time see Chapter 6). The archæologist Zahi Hawass, formerly Secretary General of Egypt's Supreme Council of Antiquities and later a Minister of State with the corresponding portfolio, has repeatedly called for the repatriation of the Rosetta Stone to Egypt from the British Museum, not because of concerns about present-day looting (the Stone was removed from Egypt in the Napoleonic era) but in explicit service of the Egyptian nation: 'It is an

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[2]A term favoured in the WIPO literature; see http://www.wipo.int/tk/en/folklore/ (retrieved 24th January 2010).

icon of our Egyptian identity and its homeland should be Egypt.' (Quoted in Bradley, 2009.) A similar line of thinking about national identity animates Greek demands for the return of the Elgin Marbles to Athens (Gillman, 2006, p. 15). In the case of intangibles, however, there are no discrete objects to possess or surrender: appropriation need not involve expropriation. When the artistic style of an Australian Aboriginal artist is appropriated by someone outside the Aborigine's cultural group, if it is done skilfully enough 'there is no reliable way for viewers to tell, just by looking at a painting, whether it is by a member of an aboriginal culture or by an outsider' (Young, 2008, p. 39). The Aboriginal artist does not lose the ability to produce artworks in this same style; if something is lost to the Aborigine and his cultural group, it is the distinctiveness of the style *as* a style of that group.

The idea that an individual creative can be plagiarised, and thereby wronged, is familiar enough; it is when collectives claim to have been wronged or harmed through outsiders' use of their intangible cultural heritage that controversy may arise. Examples may be found of claims that if all and sundry are permitted to represent a cultural group in their writings (for example, in a novel whose characters are members of the group), then market saturation will deprive its members of an audience when they try to tell their own stories (ibid., pp. 114-8); or that inaccurate representation by outsiders may afflict insiders' own understanding of their culture, weakening its distinctive identity (ibid., p. 118*ff.*); or that appropriation and commercialisation by outsiders threaten to dilute the significance, including any religious significance, of cultural items, converting the sacred and hallowed into mere commodities (Osborne, 2003, pp. 205-6). The various suggested mechanisms of collective harm have been assessed by other commentators, and their plausibility does not directly concern me in this discussion; indeed, in some of these cases it is not immediately obvious whether anything notably distinguishes harms to cultural groups from harms to, for example, racially defined groups, which might also be subject to representation which is offensive or a source of market saturation. Why then do we find people writing about *cultural* appropriation, or about the representation in the arts of *cultural* groups in particular?

Some conflicts are no doubt partly rooted in conceptual differences and misunderstandings between cultures: for example, authorship and ownership may turn out to be understood differently within different cultural groups (Nicholas and Bannister, 2004, p. 329, although see Young, 2008, pp. 76-7). Thus disputes may arise in which the dividing lines are most clearly drawn in cultural terms. If, say, some cultural group lays claim to collective ownership of a tangible or intangible item, and thereby to the rightful authority to restrict cultural outsiders' access

to or use of it, through appeal to 'laws or traditional practices' which 'are said to make ancient (unattributed) works collective property' (ibid., p. 74), then the difficulty arises that the outsiders whose actions the law or traditional practice aims to restrict are precisely those who do not participate in the culture within which the law or traditional practice exists. They may have reasons for respecting the insiders' wishes, but they cannot share the insiders' own reasons; and an outsider cultural group without great sympathy for collective ownership of artistic styles, for example, will not necessarily be inclined to make exceptions as a principle of charity to cultures other than its own (ibid., p. 81).

On other occasions, the active concern appears to be for the viability of the culture and, accordingly, of the cultural group in question: here the thought is that a culture is something which can be susceptible to assimilation into another, more widespread, more powerful culture, and that when this occurs, even if it should occasion some great outburst of creativity in which elements of the donor culture find themselves invigorated through mingling with elements of the engulfing culture, nevertheless something is lost when the smaller culture loses its distinctiveness and integrity.[3] Such concerns are not limited to indigenous peoples in Australasia or the Americas, as long-lived British anxiety about Americanisation demonstrates. Sometimes specific aspects of certain cultures are the objects of concern, as for example when language extinction is presented as a problem because it represents the loss of information encoded within linguistic conventions (F.f.E.L., §1.2); but one also encounters suggestions that culture is itself a human good (Appiah, 2005, pp. 120-30).

It is in the context of such concerns as these that intangible cultural heritage tends to loom large: the Rosetta Stone or a Kafka manuscript can be only in one place at a time, and consequently is readily treated as property, but no such natural restrictions prevent an artist from happening (not necessarily even consciously) to draw some stylistic inspiration from another culture's traditional artistic forms, or even from independently happening to reinvent them by chance. If we regard cultures as capable of possessing boundaries (which would be a controversial view in itself; see Chapter 6), we shall have to acknowledge that such boundaries are porous in the extreme. Somehow, we need to be able to talk not only about cultural heritage at large, the cultural heritage of mankind, but also about the heritage of distinct cultures, even as we question what makes one culture distinct from another. Somehow, moreover, we need to be able to talk about one culture or another without artificially reifying cultures into rigidly bounded blocks, and

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[3]For discussion of what it means for the identity of a culture when it merges with another, see Chapter 6.

likewise without implausible reification of intangible heritage in its various and often amorphous forms.

2.3. Fan Cultures

The cases discussed in the previous two sections have tended to take cultural identity as more-or-less given and then concern themselves with what it portends for cultural items: we want to know whether the Egyptian origins of the Rosetta Stone can form the basis of a sound argument for its repatriation, and what we should make of Israeli claims on Kafka's papers given that Kafka was a Jew but not an Israeli. However, things do not always happen this way round: sometimes the item comes first (as a product of one or more cultures), and subsequently a new and distinctive cultural group forms around it, often producing further cultural items in turn. This is most clearly so in the case of fan culture: fandom

> selects from the repertoire of mass-produced and mass-distributed entertainment certain performers, narratives or genres and takes them into the culture of a self-selected fraction of the people. They are then reworked into an intensely pleasurable, intensely signifying popular culture that is both similar to, yet significantly different from, the culture of more 'normal' popular audiences. (Fiske, 1992, p. 30)

Moreover,

> fans often turn [their] semiotic productivity into some form of textual production that can circulate among – and thus help to define – the fan community. Fans create a fan culture with its own systems of production and distribution that forms... a 'shadow cultural economy' that lies outside that of the cultural industries yet shares features with them which more normal popular culture lacks. (ibid., p. 30)

It is with respect to these forms of fan activity that controversy sometimes arises. Take the case of fan-fiction, the simple act of telling and sharing stories using settings and characters from a favourite novel or film or other authored source:

> there are many writers who hate fanfic. Some argue that fans have no business appropriating their characters and situations, that it's disrespectful to imagine your precious fictional people in sexual scenarios, or to retell their stories from a different point of view, or to snatch a victorious happy ending from the tragic defeat the writer ended her book with. (Doctorow, 2008, p. 90)

Look, but don't touch: instead of claims made by a cultural group on its products, here we have claims by individual creatives about the proper limits of cultural activity forming around their creations, about what a fan culture may include. This is a fairly striking form of interaction between producers and customers; compare the disastrous introduction of New Coke in 1985, when the Coca-Cola Company decided to change the taste of Coke. 'Half a million letters and telephone calls later, Coke bowed to consumer demand; under the circumstances, pretty quick timing for a gigantic organization previously convinced that *it* controlled the brand. Coke Classic was back just sixty days after New Coke was introduced.' (Biel, 1997, p. 201)

Perhaps the 'sublimated essence of America' (quoted in Chidester, 1996, p. 750) attracts a devotion more powerful than fandom; perhaps different industries simply have different approaches to customer relations. In either case, no culture of Coke-drinkers is noticeably involved in the account (although we *may* wish to talk about the place of Coke in American culture). It would perhaps be rash to deny outright that 'the Coke-drinkers' as a cultural group exist and were culturally affected, but the story is first and foremost one about individuals' gustatory experiences and their reactions. The case of fan-fiction is different, at any rate once it is distributed among fans: writing presupposes an audience, and fan-fiction not written purely for one's own amusement is consequently born into an environment of cultural interchange between the fans whose shared love of whatever it draws inspiration from enables them to interpret and appreciate it as fan-fiction. Changing the taste of Coke produced dissatisfied customers; if the fanfic-hating authors to whom Doctorow refers were granted their wish, the activity of entire (albeit small) cultural groups would cease. The moral questions which arise are not only those of business ethics, authors' rights, and so on; we have to talk about cultures.

Let me illustrate the point with a specific example: one which blurs the distinction between initial authorial creation and fan modification even more than the case of fan-fiction does. When you count yourself as a fan of something translated from a foreign language, and no official translation of its sequel proves forthcoming, what is to be done? If any members of the fan community are competent to produce a translation of their own, the solution is obvious. Western fans of anime (Japanese animation) were trailblazers here, developing elaborate production and distribution networks for 'fansubs' (recordings subtitled by fan translators) to provide where the market did not, with schemes of 'fansub ethics', admittedly contested and often honoured in the breach, to distinguish the practice from ordinary copyright infringement (Hatcher, 2005, pp. 531-3). (This has not always resulted in success in avoiding legal entanglements (Clements, 2009, p. 102).) One writer has noted with retrospective approval that 'unlike other crazes that grew out of clever, professionally

guided merchandising concepts, anime [in the West] is a phenomenon that was discovered by the fans, nurtured by the fans (despite professional dismissal), and firmly established by the fans' (Patten, 2004, p. 45).

What if the foreign object of desire is not a video recording but a piece of software? This was the problem facing the *EarthBound* video game fan community in recent years, as it became gradually apparent that the only English version of the sequel *Mother 3*,[4] and therefore the only opportunity for Anglophone players to uncover its narrative, would be one they made themselves.

The scenario was far from unprecedented: ROM hackers trace the history of their translation projects back to 1993[5]. Some computer games have been designed to facilitate and encourage modification (Kushner, 2003, pp. 165-9 & 193), but others are editable only as blobs of binary numbers extracted from the physical storage medium (the ROM, for 'Read-Only Memory') on which the game was sold. Many ROM hacks, like fansubs, provide otherwise unavailable translations (or aim to offer more faithful translations than the official ones); some fix bugs or add functionality; and some make sweeping changes to create parodies, fan-sequels, &c. By their nature, however, they all require a copy of the original commercial ROM's data (which can then be modified and played, usually using computer emulation[6] of the hardware for which the ROM was made); usually the hacks themselves are distributed as 'patches' to be applied to the ROM data by users, so that distributors avoid liability for unauthorised distribution of copyrighted ROMs.

The effort required is considerable: making a translation patch for a ROM involves working out how it stores its text data, creating a full translation into a language which may have a wholly different writing system from the original (*Mother 3* was originally scripted in Japanese), then devising a means of neatly inserting the new text and making it display correctly. All of this has to be done by reverse-engineering an agglomeration of numbers: viewed in a hex editor (hexadecimal, i.e. base sixteen, being often more manageable than binary), program code and data alike have all the obvious meaning of 74-68-65-73-65-20-77-6F-72-64-73. During the development of the hack, http://mother3.fobby.net/ would regularly broadcast status reports

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[4] *EarthBound* is the name under which *Mother 2* was released in North America. The first game in the series (supposedly named in reference to a John Lennon song) was, like *Mother 3*, never released outside Japan.

[5] http://www.romhacking.net/transhistory/ (retrieved 1st February 2010)

[6] The programming of emulators also poses challenges; http://arstechnica.com/gaming/news/2011/08/accuracy-takes-power-one-mans-3ghz-quest-to-build-a-perfect-snes-emulator.ars (retrieved 10th August 2011) offers comments on the difficulty of accurately replicating the performance of the original hardware, which is particularly important if the emulator is being written with preservational purposes in mind.

concerning the arcana of proportional fonts. A considerable effort presumably entails considerable perceived value, but what value might that be?

There is of course the straightforwardly Utilitarian account: a view concerned with the effects on happiness at large, treating the game as a repository of instrumental value. Or the translation project could be regarded as action to put the culmination of a series into the hands of those who have an emotional investment in it, and whose affection gives them interests of some sort in it; under this interpretation the focus shifts to the fans in particular. Or it could be considered an effort to ensure that a worthy creation receives the international appreciation it deserves (and on this account the focus shifts from gamers' benefit to that of the game and its creators)—if we are agreed that anything can be meaningfully said to be 'good for' a creative work.

No doubt a mixture of those things is involved, and perhaps more besides; but our understanding of the project would be clearly lacking if we did not take into account that it was the concern of an established *EarthBound* fan community: one whose dedication to maintaining visible interest in the series, when a Western release for *Mother 3* still seemed possible, had extended to compiling and circulating a 268-page printed book of commentary and fan-art, with accompanying DVDs, in a bid to reignite the curiosity of the specialist press.[7] And we cannot consider such a fan community without recognising that through such activities it both shares and sustains the fan culture which defines it.

If, then, we want to ask about the ethics of appropriation by fan communities that take it upon themselves to translate or expand upon other creators' output, we cannot avoid talking about the fan cultures which are nourished by their own cultural activity in its various forms. We need, in fact, to possess an account of how culture assumes a place in our moral landscape in order to arbitrate not only between the competing demands of separate cultures, as in the previous section, but also between culture and subculture. In addition to sometimes having to ask just whose heritage an object or practice is, we shall also have to take into account the potential of cultural items to foster the development of new and different cultural forms.

Shortly after the *Mother 3* translation was completed, another hack by other people turned out to enjoy less toleration, or to have less luck: *Crimson Echoes*, intended to be a fan-continuation of the largely dormant *Chrono* series, was stopped in development by a cease-and-desist letter from the copyright holders of the *Chrono* franchise. There is a point of view from which this is nothing more than the law acting as intended; but from another perspective it may seem that the flourishing of

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[7]http://starmen.net/ebanthology/ (retrieved 2nd February 2010).

subcultures, and the viability of fan cultures, risk bring left out of the analysis and of policy considerations, much like Boyle's public domain. The language of rights and permissions does not always fit easily together with the shared dynamism of culture; and who would ever have thought that items of any sort of *property* could inspire the germination of new and creative cultural enclaves?

3. The Philosophical Background

In thinking about the ethics of cases such as those cited in the previous chapter, the available philosophical literature itself stands against and interacts with a much wider legal, political and professional backdrop. One cannot reasonably claim that within this broad intellectual milieu there is nobody thinking philosophically, and accordingly not every name in which I shall draw in this chapter (or elsewhere) is that of someone predominantly purporting to be, or employed in academia as, a philosopher; but the suggestion may still be and is sometimes made that dedicated, specialist philosophers have a distinctive contribution to make, the absence of which is still too often felt. The editors of *The Ethics of Archæology*, for example, observe that

> there has been much good and innovative writing on the ethics of their discipline by archæologists themselves... That is just as it should be, since ethical problems in archæology are the problems of archæologists... But whilst archæologists may have the advantage of relevant experience, few are also moral philosophers, with the conceptual tools and analytical skills that have been developed in that tradition over centuries. (Scarre and Scarre, 2006, p. 1)

When it comes to the ethics of cultural heritage in general, similar and starker comments may be found:

> The last decades have seen an improvement in awareness about these ethical problems, and there has been a corresponding increase in the number of publications dealing with these issues.
>
> However, a sizeable proportion of output has been unsystematic, *ad hoc* or little better than special pleading, and most display scant knowledge of current work in theoretical ethics. There are few dedicated research centres in the area of archæological and cultural heritage ethics, though the need for them is great. (C.E.C.H., 2009)

This chapter must therefore survey both the contributions philosophers have made to the field and, to some extent, the intellectual context in which they have done so. Aspects of this intellectual background inevitably seeped into the previous chapter,

but here the focus shifts from the kinds of problem that emerge to the conceptual apparatus which has been developed to address them.

Some topics will be more fully developed in later chapters: in particular, discussion of the nature of culture(s) will take place mainly in Chapters 5 and 6, while value is explored in Chapters 8 and 9. My first concern in the present chapter (having already struck some cautionary notes about proprietorial thinking) is to examine what is probably the predominant scheme for organising our thoughts about ethics, law and politics concerned with cultural items, that of 'cultural property'. Its ubiquity is demonstrated by, to give just three noteworthy examples, the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, and the *International Journal of Cultural Property*. Since so many disputes involving cultural items are concerned with control and who should have it, it is hardly surprising to see them analysed in terms of 'property'; but when emphasis is placed, like mine, on a holistic conception of cultural heritage which refuses to begin with discrete cultural items, the atomising implication of property, of division into lots subject to rights of exclusion, is at the very least worthy of a closer and quizzical look.

If 'cultural property' arouses my suspicions, what then of the term I prefer to use, 'cultural *heritage*'? Heritage by implication is *somebody's* heritage: have I not let propertisation slip in through the back door? I will agree that a measure of caution is needed, although I remain inclined to think that talk of heritage does at least sit more comfortably with the conceptions of holism and moral patiency which I seek to develop.

3.1. 'Cultural Property'

> Unlike real, personal, or intellectual property..., cultural property is a descriptor or a valence rather than an exclusive label. Property belonging to any other established category can concurrently be cultural, and its status as cultural property can develop or fade over time... Nevertheless, in some disputed cases political pressure and moral persuasion have been effective in restoring property to claimants offering superior cultural arguments. (Scafidi, 2008, pp. 684-5)

'Cultural property' as a term of art was born with the 1954 Hague Convention (Mezey, 2007, p. 2009), making it an instrument of legal and diplomatic thinking from the (quite recent) outset; but its use has spread, and in the hands of philosophers outside the legal academy it has offered a starting point for critical

reflection. Karren J. Warren has expressed misgivings about 'so-called "cultural properties"' (Warren, 1999, p. 1), contending that 'it is at least an open question' whether concepts of property and patrimony capture 'the relevant information about the relationship of all people to their cultural history' (ibid., p. 15). (I am unconvinced, however, by the stronger claim that since 'there are alternative ways to conceive the debate and to resolve the conflicts over cultural heritage issues, the dominant perspective [*sc.* of "cultural property"] seems inadequate by itself' (ibid., p. 21); it is unclear to me why the existence of multiple possible frameworks, even where they hold different details to be relevant, should automatically entail a need for synthesis.) Janna Thompson, in 'Cultural Property, Restitution and Value', has taken the cautiously phrased line that 'there is a plausible conception of cultural property which can be used to justify some restitution claims' (Thompson, 2003, p. 252). James O. Young, in 'Cultures and Cultural Property', takes the 'notion that a culture can be the collective owner of cultural property' (Young, 2007, p. 111) initially as a given, in order to examine what might or might not offer a basis for a justifiable claim on some item by a cultural group. It is worth noting that in the paper in question Young introduces 'what may be called the *cultural significance principle*' (2008, p. 122; italics in original), defined in terms of cultural property, in order to address claims of ownership through the prism of *value* (for more on which see Chapter 8); but in an earlier publication of the same period, concerned more specifically with the ownership of archæological items, this was the 'cultural property principle', then defined in terms of archæological finds (Young, 2006, p. 25). 'Cultural property' is thus present in both permutations, but its shifting presence gives the impression that Young does not consider it definitionally central to his principle or principles; it serves, perhaps, to characterise the principle's scope of application.

Indeed, recent work by Young has tended to emphasise not so much the state of being cultural property as the *appropriation* of cultural items and the various forms which it may take (Young, 2008; Young and Brunk, 2009; Young and Haley, 2009). In his taxonomy, acts of cross-cultural transfer of physical objects, of stories or songs or other 'content', of styles, or of motifs can, though clearly different and demanding different analyses, all be understood as falling into subcategories of 'cultural appropriation' (Young, 2008, pp. 5-7). Even the depiction of members of one cultural group in artistic works by members of another (fiction or non-fiction) counts as a form of such appropriation (ibid., p. 7). The consequent impression is of a concern for the aspects of possession involved in the very concept of ap*propri*ation, but with the possession under discussion being a decidedly diverse and manifold phenomenon.

If philosophical reflection has sometimes made pragmatic use of 'cultural property', more as a useful piece of terminology or as a starting point for ethical reflection than as a perfect fit for any gap in our moral vocabulary, it may be that this pragmatism has been for the best. 'When we're trying to interpret the concept of cultural property,' writes Kwame Anthony Appiah, 'we ignore at our peril what lawyers, at least, know: property is an institution, created largely by laws' (Appiah, 2009, p. 82). Moreover, the term's application has not been restricted to clearly fixed boundaries:

> When comparing today's discussions of cultural property with those taking place only two decades ago, one is immediately struck by the radical broadening of the field's scope. Prior to the early 1980s, 'cultural property' was invoked largely to denote portable works of art and architectural monuments that embodied the history and identity of particular peoples or nation-states. Today the expression is applied to things as disparate in their scale and characteristics as human remains, art genres, and regional landscapes. Indigenous-rights advocates have gone so far as to identify biological species (as distinct from plant or animal *populations*) as items of cultural or intellectual property. (Brown, 2005, p. 40)

If we want to know what cultural property is, we cannot analyse it like a natural kind; however, this is not to say that it must go unscrutinised, or that even pragmatic use necessarily carries no hidden complications. In the judgment of one legal commentator, the yoking of 'culture' to legalised 'property' is itself not without cost:

> The problem with using ideas of cultural property to resolve cultural disputes is that cultural property uses and encourages an anemic theory of culture so that it can make sense as a form of property. Cultural property is a paradox because it places special value and legal protection on cultural products and artifacts, but it does so based on a sanitized and domesticated view of cultural production. (Mezey, 2007, p. 2005)

What Naomi Mezey considers paradoxical, John Carman criticises in stronger terms:

> It is by treating the heritage as an object of *ownership* that its reduction to a commodity is effected and the gift increase that represents the creation and maintenance of the community is thereby taken away. If 'Property is Theft'... then the category of Cultural Property should be considered no less than the theft of culture. (Carman, 2005, p. 44)

Carman is drawing here on Lewis Hyde's conception of an opposition between 'gift' and commodity: 'art is in danger from economics' (ibid., p. 42) because the 'value[1] of a commodity is fixed by the value given for it, while gifts are bound to increase in value as they move, especially when a circulation of gifts creates community out of individual expressions of goodwill' (Carman, 2005, p. 43). Thus commoditisation devalues the 'gift' element in artistic creation, and may in turn undermine its role in the generation and sustenance of communities. For both Carman and Mezey, in somewhat different respects, there is something in the very idea of 'property' which is fundamentally unsuited to being applied to culture.

Elsewhere, though, one sees it questioned whether 'cultural property' is in fact a wholly unitary concept: the legal scholar John Henry Merryman is willing enough to employ the term, but in his 1986 paper 'Two Ways of Thinking About Cultural Property' he sought to draw a distinction between *cultural nationalism*, with its emphasis on control of cultural items by source nations, and 'cosmopolitan' *cultural internationalism*, which is 'protective' but not 'retentive' (Merryman, 1986, p. 846).

> Both ways of thinking about cultural property are in some measure valid.
> There are broad areas in which they act to reinforce each other's values.
> Those are the easy cases. The interesting ones arise when the two ways
> of thinking lead in different directions. Then distinctions have to be
> made, questions require refinement and it becomes necessary to choose.
> (ibid., p. 852)

Merryman's worry that debate about 'cultural property' has tended to tilt excessively towards cultural nationalism (ibid., p. 850), and his 'regulatory imperatives' of 'preservation, truth and access' (quoted in Cuno, 2008, p. 13) – in which 'truth' is concerned with 'historical, scientific, cultural, and æsthetic truth' (quoted in ibid., p. 13) – have been an influence on James Cuno, whose edited volume *Whose Culture?* concludes with a reprint of one of Merryman's papers. It may therefore occasion surprise to see *Renfrew*, not a man one might expect to see set alongside one of Cuno's heroes, sharing the criticism of John Carman:

> In attempting to resolve the problem of the illicit trade in antiquities
> and the 'retentionist' policies of states, Merryman does not challenge the
> basis on which these phenomena operate but instead responds in kind:
> to a problem of ownership he responds with an increase of ownership
> opportunities. By the same token, Renfrew responds to a problem of
> ownership by placing ownership in the hands of a single authorised entity.

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[1]Elsewhere Carman distinguishes between several different kinds of value; but I defer discussion of the topic of value to Chapter 8.

> [In reality,] it is the notion of ownership itself which is the problem in
> our treatment of ancient remains. (Carman, 2005, pp. 27-8)

I suggested in §2.1 that Cuno and Renfrew were in fact united by the proprietorially tinged language of 'looting', and indeed Carman regards Merryman's enthusiasm for a licit international market in antiquities not as an internationalist corrective to excessive nationalism within the space in which the 'interesting' debates happen, but as little more than proprietorialism in another form.

I have little more to say about 'cultural property' in this discussion, since much of what has been written on it is chiefly of legal (or sometimes political) rather than *directly* philosophical interest, but I must close the present section with a nod towards what is sometimes called 'cultural *intellectual* property'. I noted in §2.2 that abstract items, being naturally nonexclusive and nonrivalrous, pose especial difficulties for parties who would rather see some of them more tightly controlled; and where control *can* be asserted, questions of who may permissibly wield it may arise. 'Acts of taking and using traditional knowledge beyond the cultural context where it originated have become increasingly complex and contested, particularly when commercial exploitation is involved' (Bannister and Solomon, 2009, p. 143):

> opponents of appropriation argue that knowledge and resources are being 'stolen' from indigenous communities, eroding their cultures and the ecosystems on which they depend, interfering with cultural responsibilities (e.g. to past and future generations) and undermining Indigenous rights to traditional resources, intellectual property and cultural heritage. (ibid., p. 144)

In response to controversies concerning control over 'traditional knowledge' and 'traditional cultural expressions' (see also p. 35 above), we see movements towards the adoption of what are in effect intellectual property regimes in which cultural groups become recognised as rights-holders; and this development in turn has begun to generate theoretical critique. The journal *Current Anthropology*, for example, has carried articles with titles one might have expected to find instead in the speculative corners of the legal academy: 'Can Culture Be Copyrighted?' (Brown, 1998) and 'Copyrighting the Past?' (Nicholas and Bannister, 2004). As the former points out, while such measures may have been proposed with the aim of benefiting indigenous peoples – for example, as an attempt to undo the coercive information-gathering which characterised the ethnography of the colonial era (Brown, 1998, pp. 199-201) – it is unclear how a line could neatly be drawn around 'designated folkloric populations' and 'certified indigenous peoples' (ibid., p. 203). At worst (recalling Boyle), the outcome might be a hyperparochial 'impound[ing of] knowledge in a

new reservation system: reservations of the written word, an apartheid of the mind' (ibid., p. 204).

Among philosophers there has been discussion (for example, by Will Kymlicka, noted for his work on social minorities and 'group-differentiated rights') of whether members of certain cultural groups possess 'cultural rights', and whether culture is in some sense a good which may be due to them (Appiah, 2005, pp. 120-30), but less on the specific theme of cultural groups' control over their members' intellectual products. Young has addressed the matter in the course of his *Cultural Appropriation and the Arts*, dismissing objections to the appropriation of stories or songs in broadly economic terms:

> When a corporation patents a medicine or crop varietal they are profiting at the expense of the culture in which the patented item originated. The insiders have been stripped of the opportunity to patent something. On the other hand, we see a Pareto improvement when artists appropriate a story or a song. That is, the outsider artists (and their audiences) benefit, but the insiders are not made worse off. (Young, 2008, p. 94)

Conrad Brunk is more open to the idea that it is a peculiarly post-Enlightenment 'knowledge paradigm', a particular conception of the nature of knowledge and its universality, that leads people operating within it to conclude that 'anyone who claims that a bit of knowledge about the world is their domain, or "property", over which they have exclusive rights of revelation and control, appears to be claiming the indefensible, if not the incomprehensible' (Brunk, 2009, p. 163). (Similar doubts about whether the assumptions undergirding current intellectual property regimes are anything but parochial animate Rosemary Coombe's criticism of 'the imperialist claims of the Romantic author' (Coombe, 1997, p. 78).) Brunk draws on a Lockean conception of property (Brunk, 2009, p. 163), and by implication, I think, on a Locke-inspired way of thinking about intellectual property, to claim that according to a 'scientistic-rationalist paradigm' much knowledge is 'owned by no-one, because it is not knowledge that has had "value added" to it' (ibid., p. 165). It is unclear to me whether his pluralistic stance on different cultures' conceptions of knowledge is supposed to cast doubt on not only Locke-inspired but also what are sometimes called utilitarian justifications of intellectual property (which I myself favour over the Locke-derived, as mentioned in note 6 on p. 24); these appeal more to pragmatic considerations, to the *usefulness* of limited intellectual property regimes in enabling profit to act as an incentive to publication, than to any supposed natural right. Locke's place in the history of not owning intellectual items is less clearly significant than Thomas Jefferson's much-quoted observation:

> If nature has made any one thing less susceptible than all others of
> exclusive property, it is the action of the thinking power called an idea,
> which an individual may exclusively possess as he keeps it to himself;
> but the moment it is divulged, it forces itself into the possession of
> every one, and the receiver cannot dispossess himself of it. Its peculiar
> character, too, is that no one possess [*sic*] the less, because every other
> possess [*sic*] the whole of it. He who receives an idea from me, receives
> instruction himself without lessening mine; as he who lights his taper
> at mine, receives light without darkening me. (Quoted in Boyle, 2008,
> p. 20)

On a view of intellectual property grounded in public utility, the objection to
recognising a cultural group's claims to proprietorship over such knowledge as an
understanding of the medical potency of local plants is not that 'Indigenous peoples
clearly have not "mixed their labour" with this knowledge in a way that "adds value"
in the Western sense of the term' (Brunk, 2009, p. 165). It is that the optimal
length of an intellectual property right is precisely that duration which will act as
an incentive to intellectual work and its publication—and no longer. It does of
course follow that the knowledge which a cultural group has brought forth is *not*
in any way still undiscovered and available for, say, a multinational pharmaceutical
corporation to close off and monopolise; and so Brunk still has a point when he
questions whether, when a cultural group already has knowledge of the medicinal
benefits of a given plant, the conversion of this knowledge into a *scientific* form is
such as to warrant the granting to those performing the research of an intellectual
property right in the results (ibid., pp. 165-6).

Despite his overemphasis of the Locke-derived tradition in intellectual property,
Brunk does in fact recognise the Jeffersonian contention that intellectual items are
nonexclusive and nonrivalrous (ibid., p. 167). His reply is that the appropriation
of 'traditional knowledge' *can* amount to a depletion of a culture or cultural group
itself: of 'the security of the culture and the landscape or ecosystem that has been
shaped by the culture, and upon which the identity and very existence of the culture
and its people depend... In this respect there is a definite "taking" of something to
which the culture has a rightful claim, insofar as it has a right to its cultural identity'
(ibid., p. 167). I do not know what a right to cultural identity might be (though I
suspect the influence of Kymlicka), or whether this is supposed to be a universal right
rather than a parochially post-Enlightenment, Lockean natural right; the nature of
cultural *identity* still awaits my analysis, and must continue waiting until Chapter
6.

3.2. 'Cultural Heritage'

What, in the meantime, of those who prefer to speak not of cultural *property*, but of cultural *heritage*?[2] Derek Gillman, in the opening paragraphs of *The Idea of Cultural Heritage*, sees no apparent difficulty in simply drawing on Merryman's 'Two Ways of Thinking About Cultural Property': Merryman's cosmopolitan internationalists (see p. 47) are those 'who seek to promote the idea of "the heritage of all mankind"', and they are contrasted with 'cultural nationalists for whom art, architecture, theatre, music and food are always a part of someone's particular heritage' (Gillman, 2006, p. 1). In the quoted passage Gillman apparently regards Merryman's comments on cultural property and his own work on cultural heritage as wholly compatible parts of the same conversation. The full story, however, may be less simple. Gillman writes that 'two parallel debates have occurred with respect to public policy on heritage. The first has involved cultural officials, museum administrators, archæologists, anthropologists, collectors and lawyers.' (It is with this debate that he associates Merryman.) 'The second debate takes place between political philosophers – especially liberal and communitarian thinkers of various shades – who argue about human agency, and which has primacy in the political arena: the individual or community.' (ibid., p. 1)

Merryman's own stated view is that 'cultural heritage' is a loaded and nationalistic term which is consequently inferior to what he takes to be the comparative neutrality of 'cultural property':

> Partisans, secure in their cause, substitute romance for reason and advocacy for scholarship. The resulting literature is liberally salted with prejudicial terms like 'patrimony', 'repatriation' and 'heritage'... To assert that an object is part of the cultural 'patrimony' of Peru or Greece or Indonesia implies, since Byron, that it has a 'patria', a homeland, a nation to which, and in which, it belongs. If found abroad it should, accordingly, be 'repatriated', returned to the national territory... To suggest that an object is part of the cultural 'heritage' of a nation has a similar paralytic effect. (Merryman, 1990, p. 521)

In order to retain terminological neutrality,

> such terms as cultural 'object' and cultural 'property' – neither term is ideal, but the English language lacks a better equivalent for 'beni culturali' – are preferable; they do not assume the answer to the question. (ibid., p. 522)

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[2]I largely gloss over the third term one typically hears, 'cultural patrimony', since it does not strike me as having any particularly distinctive features in its own right.

3. The Philosophical Background

Now what are we to do? In the last section I noted claims to the effect that it amounts to distortion to shoehorn culture into a property-based model; now we hear that 'cultural property' is as close to a neutral terminology as we can hope to get, and that it is talk of cultural *heritage* that threatens to smuggle bias into our thinking.

We should note at once that the cultural objects which Merryman has principally in mind are antiquities, artworks, and so forth; it seems unlikely that he intended his criticism to catch, say, Janna Thompson's conception of 'Environment As Cultural Heritage' (Thompson, 2000).[3] (Sometimes one does see the term 'heritage' employed in a strongly restricted sense: for example, in Avishai Margalit's assertion that 'shared memory can be expressed in a *legacy* – that is, a memory of abstract things such as attitudes and principles – or in a *heritage*, which consists of concrete objects such as buildings and monuments' (Margalit, 2002, p. 61).) One finds it contended by other legal scholars that 'the existing legal concept of "property" does not, and should not try to, cover all that evidence of human life that we are trying to preserve: those things and traditions which express the way of life and thought of a particular society; which are evidence of its intellectual and spiritual achievements. [Moreover,] "property" does not incorporate concepts of duty to preserve and protect.' (Prott and O'Keefe, 1992, p. 307) Others in turn have replied that what we really need is 'a stewardship model of property' (Carpenter, Katyal and Riley, 2009, p. 1022, abstract).

Heritage may imply ownership inasmuch as it suggests in*herit*ance (though insofar as we concern ourselves with the import of English terms, we may note that traits or characteristics as well as possessions may be inherited), but arguably it lacks some of *property*'s connotations of division and allotment: one might speak of a wilderness, a local festival, or an attitude towards one's neighbours as cultural heritage, but conceived of as property they emerge as land, 'traditional cultural expressions' and the sheer implausibility of claiming restricted English ownership of jokes made at the expense of the Welsh. I agree, accordingly, that heritage is in part a romantic notion, but am not immediately persuaded that the stuff of culture is *un*romantic.

What then *is* it, this phenomenon styled 'cultural heritage', if the term is intensionally and perhaps extensionally unlike 'cultural property'? Atle Omland, examining conceptions of 'World Heritage' as enshrined in the work of UNESCO and its list of World Heritage Sites, regards even this more specific term as ambiguous: emphasis may be placed in its interpretation on 'global obligations to preserve or on rights of access [or on] our shared world history' (Omland, 2006, p. 249). In this

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[3]One does, of course, also see 'cultural' and 'natural' heritage elsewhere presented as contrasting categories.

third interpretation the 'World Heritage is taken to consist of memorials to historical periods and events that connect the people of the earth, past and present' (ibid., p. 249).[4] Dušan Pokorný strikes some related notes:

> Speaking of a nation, the reference [of 'cultural heritage'] is essentially to the cultural objects created by its members, found on its territory, or lawfully acquired elsewhere. In addition, objects of a state's cultural heritage that are of 'outstanding universal value' become part of the 'world's cultural heritage'...[5]
>
> In turn, 'heritage' evokes continuity and succession. The artifact is seen as testifying to the historically developed, and developing, identity of a human group. But '*world* cultural heritage' quickly reminds us that a cultural object does not bear witness only to the identity of its creators. it also sheds light on 'who were' – and, therefore, on 'who are' – their neighbors, the communities or societies with which the producers exchanged ideas and techniques; and the more contacts are established among previously isolated groups, the wider the circle of 'co-creators' becomes. On a rebound, as it were, the object contributes to the formation of identity on the part of the beholders, be they of the same culture or a different one. Ultimately, the artifact testifies to the identity of mankind. (Pokorný, 2002, p. 356)

Sandra Dingli associates the notion of 'the common heritage of mankind' precisely with what is not open to claims of ownership, drawing on Grotius's conception of the seas as open to common use but not to appropriation (Dingli, 2006, p. 222). 'If the past can be considered to be owned by no one, it could be seen as representing the cultural heritage of *all beings who have ever lived on earth or will live on it in the future*' (ibid., p. 223, italics in original). I am not sure I wholly follow this inference (even if we assume that in referring to 'all beings who have ever lived on earth' Dingli in fact has only humans in mind); it seems to suggest that there is a connection between the negative state of being unowned and the ostensibly positive state of being (representative of) everyone's cultural heritage. Compare Drahos, 1996, pp. 65-6 on positive and negative conceptions of community and the commons (including the sea-bed as common heritage): that which is open to anyone's appropriation versus that which is held jointly. Perhaps, though, the difficulty lies precisely in my taking 'common heritage' to imply something like a stake in the commons; perhaps the idea is that cultural items are everyone's *responsibility*, even – or especially – if nobody has staked a claim of ownership. Dingli

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[4]I discuss heritage in relation to temporal continuity in Chapter 7.

[5]Here Pokorný is referring to the UNESCO Conventions.

comments that Emmanuel Agius 'draws attention to the fact that the concept of common heritage does not involve a new theory of property but implies the *absence* of property. He views the key consideration as being *access to common resources* rather than to ownership.' (Dingli, 2006, p. 235)

Certainly one routinely encounters the language of *stewardship*, particularly in archæological contexts (Bendremer and Richman, 2006, p. 100; Groarke and Warrick, 2006, p. 163). Dingli endorses it, citing Warren (Dingli, 2006, pp. 235-6). Michael Brown agrees that 'the most promising approach' to some disputes over cultural items is that which judges that 'frameworks based on joint stewardship are preferable to models based on rights and rules', on the pragmatic grounds that joint stewardship 'implies a willingness to compromise, which is essential for hammering out workable agreements between parties who may hold incompatible attitudes toward the proper use of information' (Brown, 1998, p. 205).

A more sceptical note is struck by Yannis Hamilakis: while stewardship

> is commonly accepted (and enshrined in various archaeological codes of ethics and practice) as the archæologist's primary ethical and professional responsibility, [it] is increasingly recognized as ontologically and epistemologically problematic and ethically self-serving. The 'record' has not been entrusted to archæologists, who then become its stewards; rather, archæologists are instrumental in *producing* that record out of the fragmented material traces of past social practices. Their self-appointed role as stewards of that record, therefore, is ethically spurious and may imply the desire to exclude others from engaging with the material traces of the past... If the concept of stewardship is therefore an inadequate basis upon which to discuss issues of ethics and responsibility, the notion of shared stewardship (involving various indigenous groups and publics as well as archæologists) that Nicholas and Bannister propose can be equally problematic. It simply extends the authority of archæologists' own problematic concepts to incorporate indigenous groups and publics rather than imagining new concepts and forging new modes of engagement. (Critical comment included in Nicholas and Bannister, 2004, pp. 343-4.)

Groarke and Warrick, meanwhile, contend that 'the principle of stewardship is an unsatisfactory basis for an archæological ethics because it: (1) is vague and difficult to apply in practice; (2) confuses ethical and political concerns; (3) has inconsistent implications in circumstances in which different groups vie for control of archæological resources; and (4) does not properly recognise those aspects of archæological ethics which transcend (and sometimes limit) stewardship' (Groarke

and Warrick, 2006, pp. 163-4). David Lowenthal, perhaps thinking less specifically of stewardship of the archæological record, adds a further complaint: 'Stewardship saves the past from decay—and robs it of majesty and mystery.' (Lowenthal, 1998, p. xvi)

For those of us who look with suspicion on talk of 'cultural property' and its owners, then, alternative models are available: we can speak of cultural *heritage*, even the cultural heritage of mankind or of the world, and we can speak of stewards where we judge questions of particular ownership to be doubtful. Yet such moves may in turn attract censure (and we may note in passing that at least one commentator has recommended extracting the *culture* from cultural property, replacing concerns about cultures with a stakeholder model (Wilk, 1999)).

Since the purpose of the present work is to defend an understanding of cultural heritage itself as a moral patient, the language of cultural property is, if not outright uncongenial, at least too limited; and accordingly I favour that of cultural heritage more or less by default. All the same, when I read Dingli calling for efforts 'to conserve and protect that which has become a rapidly diminishing resource' (Dingli, 2006, p. 238), or when it is suggested that the 'shared global responsibility' implied by the World Heritage concept 'reveals itself as an interest (in some cases as a right) of the world community to claim access to shared cultural resources' (Omland, 2006, pp. 246-7), I cannot escape the suspicion that in this 'resource' model we have a subtler and more cosmopolitan form of propertisation on our hands. Which is not to say that there is automatically anything wrong with being subtle or cosmopolitan; but in the end it remains unclear to me whether the differences between conceptions of cultural heritage and cultural property have tended in practice to be great or small.

4. What Is Needed

What a varied and complicated thing cultural heritage turns out to be: this thing called cultural heritage, which may or may not be equivalent to cultural property, manifests itself in items (concrete and abstract) which are owned by, or resources for, or embody or symbolise the spirit of, one or more cultural groups, or nations, or mankind as a whole, as a result of which they find themselves under the sometimes contested influence of states, or indigenous peoples, or private owners, or UNESCO, or some combination.

In spite of these uncertainties, that heritage benefits human beings seems to be widely agreed: 'our global cultural heritage strengthens identities, well-being, and respect for other cultures and societies' (Salzburg Global Seminar, 2010, p. 609); 'cultural heritage is a powerful tool to engage communities positively and, as such, is a driving force for human development and creativity' (ibid., p. 609); 'an appreciation of diverse cultural heritage and its continuity for future generations promote [*sic*] mutual understanding between people, communities, and nations' (ibid., p. 609); 'parts of the cultural or natural heritage are of outstanding interest and therefore need to be preserved as part of the world heritage of mankind as a whole' (UNESCO, 1972); 'intangible cultural heritage [is] a mainspring of cultural diversity and a guarantee of sustainable development', and is 'invaluable... as a factor in bringing human beings closer together and ensuring exchange and understanding among them' (UNESCO, 2003). Accordingly, 'deterioration or disappearance of any item of the cultural or natural heritage constitutes a harmful impoverishment of the heritage of all the nations of the world' (UNESCO, 1972). With all this eulogistic effusion for the capacity of heritage to bring human beings 'closer together' in 'mutual understanding', one could be forgiven for wondering how it can be that there are still ethical controversies to write about. Nevertheless, the previous two chapters have noted profound differences in both practical judgment and conceptual understanding of cultural heritage.

If a litany of ways in which heritage benefits humans has not calmed all storms, what then can a moral philosopher hope to offer; and what will be my criteria for success or failure? You will recall from Chapter 1 that I propose to defend a conception of heritage not primarily as a source of benefit to human beings but as itself a moral patient, and thereby to offer a framework (see p. 20) for thinking

about what our moral obligations are towards cultural heritage, and what it means for things to go well or badly for it. Since my intention is to develop a framework which will require supplementary theorising before any casuistical conclusions can be drawn in any given case, I do face the question of how to tell whether the framework actually works. In Chapter 16 I shall sketch out some possible scenarios given plausible-looking assumptions about the sort of supplementary principles that might be employed; but this will demonstrate (1) that what I propose can give rise to action-guiding results, and (2) that these are not obviously misconceived, i.e. they collectively possess cogency. Whether these prescriptions are *right* or not will remain open to challenge.

The problem of how to tell when a theory's prescriptions get it right (or, perhaps more problematically, wrong) is of course a standard one for moral philosophy. Intuitions have their defenders as a court of moral appeal (and their critics, e.g. John Cottingham (2009, p. 243) on the risk that intuitionism robs moral reflection of any truly transformative potential), but I rather take it that there is no shakier ground for intuitionistic thinking than that which occupies the borderlands between cultures, as so many debates over cultural heritage do. (See also Chapter 12 on the difficulties of cross-cultural moral epistemology.) Neither does extrapolation from 'easy' cases seem promising as a method; it is unclear that where heritage is concerned there *are* any thoroughly non-trivial cases of settled consensus from which to argue by analogy, and indeed the cases that come to the attention of moral theorists are bound to be the 'hard' ones on which no general consensus has been forthcoming at all.

For me the difficulty is compounded by the fact that what I am trying to put together is (and for reasons of time and space must be) less than a complete normative system: formal cogency (what one might style an 'internal' success criterion) will not confirm that I am moving in a productive direction. I noted earlier that the present work on its own is not intended to be a complete philosophical kit for arriving at casuistical conclusions about moral problems concerning heritage; but in the absence of a definitively chosen collection of the other parts of such a kit, I risk ending up with the perhaps unsatisfying conclusion that mine is a grand project only partway to completion when this thesis is done, and that only in a future in which I possess the complete kit will I be able to prove the proverbial pudding and say with certainty whether my framework is 'externally' successful, i.e. whether it is helpful in solving moral problems.

Let me try a different tack. Whom am I trying to convince? Is it someone (let us imagine) who does not already possess some sense of cultural heritage as a repository of worth, and therefore as morally salient? Someone who (prior to receiving the

enlightening ministrations of philosophy) sees nothing in culture(s) but means to his present ends? Imagine a complete and utter philistine: a being who perceives in culture (in all the diverse senses of the word) absolutely nothing of any value that is not merely functional value as a means to obtain whatever such a being may be assumed to want. Not merely an entity who disregards 'high' culture in favour of binge-drinking culture, say, but one for whom all forms of human communion and creativity are of no more than pragmatic interest. I confess myself inclined to doubt whether such a being could exist in human society; or, if indeed anyone *could* live with such a minimal sensibility, whether philosophers of psychiatry might not be better placed to understand him. Perhaps the complete and utter philistine inhabits the same regions of thought as the complete amoralist who denies that moral claims have any hold on him, or even the philosophical zombie. It may be possible to make the c.a.u.p. slightly less of an unattractive and two-dimensional prop if we imagine him to be still receptive to *natural* wonder, some combination of feral child and Rousseauesque 'natural man' for whom the mediations of Wordsworth are simply a useless encumbrance when looking at daffodils; but to imagine this being divorced from all appreciation for 'culture' in its wider senses, as well as from 'civilisation',[1] would nevertheless require us to imagine an unsettlingly alien sensibility towards all human concourse: a kind of psychopathy for the arts, for language, for human artifice at large.

Is the c.a.u.p. the limiting case whom I should be seeking to (imagine that I) persuade? It is not clear that the challenge need be so strong. The figure of the amoralist casts a shadow over moral philosophy precisely because the authority of ethics is not transparently obvious (Williams, 1985, p. 25) *and* because the attractions of immorality are easily catalogued:

> Suppose now that there were two... magic rings [*sc.* conferring invisibility], and the just put on one of them and the unjust the other; no man can be imagined to be of such an iron nature that he would stand fast in justice. No man would keep his hands off what was not his own when he could safely take what he liked out of the market, or go into houses and lie with any one at his pleasure, or kill or release from prison whom he would, and in all respects be like a God among men... For all men believe in their hearts that injustice is far more profitable to the individual than justice... If you could imagine any one obtaining this power of becoming invisible, and never doing any wrong or touching what was another's, he would be thought by the lookers-on to be a most

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[1] I do not necessarily mean the words to be taken in the senses given by Johann Gottfried Herder to *Kultur* and *Zivilisation*.

> wretched idiot, although they would praise him to one another's faces,
> and keep up appearances with one another from a fear that they too
> might suffer injustice. (Plato, 1888, pp. 39-40)

Perhaps the praises sung to cultural heritage which I quoted earlier owe something
to the attitudes of these 'lookers-on', inasmuch as diplomacy such as that practised at
the United Nations is never far from self-interest; but it is doubtful in the extreme
that a disinclination to care for cultural heritage typically carries an attraction
comparable to theft. There is simply no systematic profit in it. There *are* profits
to be had in certain specific cases, and here we certainly do encounter, for example,
the illegal looting discussed in §2.1. A subtler profit motive is in play when people
neglect (to employ an admittedly loaded term) their ancestral languages in favour of
more widely spoken tongues that might more easily gain them employment. What
we nowhere see, however, is a systematic and comprehensive disregard for culture
and cultural heritage in all possible respects. The closest we might come would
be those cases where one cultural group has attempted to destroy the culture of
another by forcefully imposing its own: the imperial Japanese occupation of Korea,
for example, or former Australian governments' abduction of Aboriginal children.
Certainly these demonstrate that it is disturbingly possible to bear ill will towards
a whole culture, which is something even stronger than a disregard for it; but we
are still some way from an encounter with the complete and utter philistine. If the
c.a.u.p. is such an unlikely threat, then, need we, even we philosophers, be troubled
by the thought of him?

> It is not obvious what a justification of the ethical life should try to
> do, or why we should need such a thing. We should ask a pretended
> justification three questions: To whom is it addressed? From where?
> Against what? Against what, first of all, since we must ask what is
> being proposed as an alternative to the ethical life. It is important that
> there are alternatives to it. 'The amoralist' is the name of somebody.
> (Williams, 1985, p. 23)

Applying Bernard Williams' three questions to the more specific case of the ethics
of cultural heritage, and having cast some doubt already on the possibility of a
being living a recognisably human life who presently sees only functional value in
culture, how might we answer the other two questions? My work is not, of course, in
practice addressed to a c.a.u.p.; it is most immediately addressed to my examiners,
and more widely to philosophers at large and to anyone interested or embroiled
in moral problems concerning heritage. Cuno and Renfrew, for example, evidently
see enough value in antiquities to disagree passionately about just what aspects of

them are truly valuable: Cuno finds a plurality of values where for Renfrew the informational value of a contextualised archæological artefact is what matters, but we can hardly call either of them a philistine. Neither sees cultural items simply as means to his own or his party's own satisfaction; and neither, it seems, sorely needs to be told that heritage possesses value.

'From where' am I speaking? Presumably I am speaking from the position of someone already thinking there are ethical questions in need of answering about how we should act towards cultural heritage (hence not from the position of a c.a.u.p.); but if I am trying to justify a particular approach to thinking about cultural heritage in moral terms 'from the ground up, what is the ground?' (ibid., p. 28) What can we take for granted? Presumably that cultural heritage (their own and the world's at large) is something about which a great many people are immensely concerned, albeit in a great variety of ways and not always for the same reasons: that human life, everywhere, takes forms within which culture matters to us, and so its custody and transmission matter to us too.

Consequently, I need not undertake to produce a rigorous demonstration from first principles that culture ought to matter to anyone; if *ought* implies *can*, then *cannot* nullifies *ought*, and it is reasonable to suppose that culture cannot but matter to us. Yet it is no less plain that not every aspect of a culture will be felt to be something that matters by every participant in that culture: not every participant in British culture cares a whit for trainspotting on Britain's railways, for example. Observing that culture matters does not permit me to take it as a given that any particular aspect of culture matters, or ought to matter, to anybody. This is a difficulty faced both by my attempt to cast cultural heritage as a moral patient and by anyone preferring a purely anthropocentric approach towards a general view of heritage ethics: to get from the observation that culture (in general) matters to people to any prospect of drawing specific ethical advice out of this starting point requires, at a minimum, an account of how the cultural specifics of, say, British trainspotting relate to British culture considered as a totality.[2]

So: to return to this chapter's original questions, what is needed from a framework such as mine, and how will I know when the needs are met? The problem is not predominantly one of showing that my approach is more helpful (that is, that it produces the foundations of clearer or otherwise better moral guidance) than some alternative: if I can show with reasonable plausibility that cultural heritage is a moral patient, then that becomes one of the basic data which work on heritage ethics ought to take into account (or to undertake to refute), and so it counts as no genuine advantage to some account which limits itself to considering *only*

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[2]On the relations of constituents of cultures to cultural wholes, see Chapter 5.

human patiency if it should lead to clearer or more intuitively correct or otherwise more palatable guidance, since this would come at the cost of overlooking the actual moral standing of our topic, cultural heritage. A revised answer to one of Williams's questions would therefore be: there *is* an alternative to what I am peddling, namely an anthropocentrism which assumes that all the moral patients an ethics of cultural heritage need take into account are human beings (and hence that whatever value cultural heritage may possess boils down to human interests), but if I am correct then its prescriptions will simply be grounded in mistakenly narrow assumptions.

All the same, it is of course not sufficient just to contend that heritage is *a* moral patient and leave it at that, since it is clearly one of a somewhat different sort from human moral patients. I should have created something very ragged-ended if I were simply to announce that the patiency of heritage must perforce be taken into account, but to drop the requirement into other philosophers' laps without giving them some reason to expect that the framework will deliver practical efficacy. What is needed from me, in substantial part, is therefore an exploration of cultural heritage which helps to show how it could fit as a moral patient into the sort of ethical landscape suggested by Chapters 2 and 3. The 'fit' may well be as sketchy as the landscape, since it is obviously not my intention to suggest that thinking of heritage in this way is without implications for the moral prescriptions we expect a framework for heritage ethics to help to generate. Consequently I do not anticipate some kind of seamless fit that changes nothing. What is needed is more an elaboration of the moral status of cultural heritage by means of which we can start to make sense of the very possibility of taking heritage into casuistical account when we are trying to address particular ethical questions concerning it.

What counts as success for an elaboration? Given how many assumptions must be involved in even the most intentionally minimal of frameworks (see p. 20), there is already worryingly little to prevent my simply tweaking the parameters into whatever constraints I might desire. If I conscientiously manage to impose constraints that guard against that possibility, might the result not be that we end up with either results which are too rigid and artificial to reflect the complexities of the real world (and not much of an elaboration after all, perhaps), or results too vague to be of any evaluative use? Including examples of how the framework might operate in practice (in Chapter 16) will be of some help in demonstrating its practical efficacy, but will not prove it to be *generally* efficacious (and in any case it will not be a complete and free-standing toolkit). This means that I find myself having to demonstrate the *potential* for efficacy: to show that my line of thinking is *promising*. But what does 'promising' work look like? What systematic methods exist for determining whether a line of philosophical thought is moving in the right

direction?

It seems reasonable to suspect that 'promising' belongs with 'interesting' and 'important' in the category of terms of approbation which are either outright subjective or most securely applied in retrospect. (At least one philosophical journal overtly declares itself to have the aim of selecting submissions based on their estimated long-term significance. I have no idea what method of estimation is used.) Yet we cannot simply give up hope, since after all, every completed piece of philosophical work was once an incomplete one whose author had to judge how best to continue; every well-trodden area of research was once virgin territory which somebody realised was worth exploring; and every ostensibly completed work of philosophy is, no doubt, capable of extension or embellishment in some respect, when somebody realises how it might be made use of. The very fact that we can go about doing philosophy indicates that we can, however imperfectly, perceive where the fertile soil is and in which directions one might set about ploughing it.

A happy thought, but imperfectly so given my scepticism about intuitionism on p. 58. I am reluctant to cross my fingers and simply hope that my readers share my perceptions of what is philosophically promising. On the other hand, I am also reluctant to devote yet more space to metaphilosophical reflection. What I shall perhaps have to do is indicate the parsimonious appeal of a way of thinking about cultural heritage which at least fleshes out how 'heritage' can emerge as a morally salient idea, and which can still promise to escape fragmentation and serve us as a *general* account when we try to apply it to moral reflection about the variety of domains within which we talk about 'cultural heritage'.

5. 'Part of Our Culture'

It is probably impossible to come up with an account of cultural heritage which would satisfy all the various ways in which people have spoken of 'culture' and 'heritage'. Simply in asking what kinds of phenomena are to be counted as cultural heritage, for example, we would arguably have already distanced ourselves from a view like David Lowenthal's, of heritage as a *way* of engaging with the past which complements the practices of the historian but remains strictly distinct from them: 'not an inquiry into the past but a celebration of it' (Lowenthal, 1998, p. x) which, 'no less than history, is essential to knowing and acting' (ibid., p. xv). Then, of course, there are the 164 different usages of the word 'culture' (recall p. 21). We can find disagreement over usage even within a specific domain of enquiry; as long ago as 1944, David Bidney observed that some anthropologists

> maintain that culture consists of acquired capabilities, habits or customs and that culture is a quality or attribute of human social behaviour and has no independent existence of its own. From a philosophical point of view, this position may be designated as realistic since culture is regarded as an attribute of actual or real individuals and societies which exist independent of the observer. Other anthropologists... tend to define culture in terms of 'communicable intelligence', 'conventional understandings' or 'communicated ideas'. Their implicit presupposition seems to be that the distinguishing feature of culture is the fact that it is communicated knowledge. Philosophically, this position may be described as epistemological idealism, since those who hold it maintain that culture is to be defined primarily in terms of ideas. (Bidney, 1944, pp. 30-31)

He went on to note that while the 'realists' 'hold that culture consists of the body of material artifacts and non-material customs and ideals', some 'idealists' 'maintain that the social heritage is a "superorganic" stream of ideas and that any particular culture is an abstraction from the historical complex of ideational traditions' (ibid., p. 31). Faced with such a cornucopia of semantic variation, what is a poor moral philosopher to do? I cannot uncontentiously select any one conception of culture to depend on, and it would be difficult if not impossible to establish what all

these different conceptions of 'culture' have in common. Still, my project is not anthropological, or lexicographical; I need to know not so much how to classify cultural heritage as what place it is fitted for in our moral lives. When we speak, often so passionately, about cultures and their heritage, what kind of thing is it that our words evoke?

It is perhaps doubtful that labelling something as somebody's cultural heritage can be a purely descriptive act. Of course, there must be *some* descriptive aspect, since claims about whose heritage some item is invite defence (and attack) by means of appeal to facts about the world: who descends from whom, where an item was made, and so on. (The difficulties inherent in pinpointing origins are discussed in §7.2.) So initially it may look as though identifying what counts as a cultural group's heritage should be a matter of applying the concept of 'heritage' with exactitude, having first arrived at some sort of consensus on how the word should be applied with the specificity of a term of art. The task of the moral philosopher would then be to establish what ought to follow from identifications of a cultural item as someone's heritage: firstly, to work out what *prima facie* moral demands these identifications might place on us regarding who (if anyone) should own the item, whether the owner might permissibly destroy it, and so on; and secondly, to determine how these *prima facie* demands might interact with others, such as those implied by legal ownership. An 'ethics of cultural heritage', on this account, would take its subject matter already as a given.

The complication for the moral philosopher, however, is that ethics must take account of the first-personal predicament of the moral agent as well as the third-person viewpoint of the neutral observer; and as agents we not only do things but make commitments and projects of what we do. An ethics of parenthood, for example, may well consider 'being somebody's parent' not only as a biological relationship between organisms and as a matter of social expectations, but moreover as a part of life which someone can commit to doing well. More generally, we speak not only of being alive but of leading our lives; not only of being ourselves (and already we think that 'to be oneself' is to opt to *do* something) but of making something of ourselves. And this business of living is the stuff from and in which culture emerges: Alasdair MacIntyre, discussing those especially pronounced fusions of personality and social role which he calls *characters*, writes that

> the culture of Victorian England was partially defined by the *characters* of the Public School Headmaster, the Explorer and the Engineer; and that of Wilhelmine Germany was similarly defined by such *characters* as those of the Prussian Officer, the Professor and the Social Democrat.
>
> Characters have one other notable dimension. They are, so to speak,

the moral representatives of their culture and they are so because of the way in which moral and metaphysical ideas and theories assume through them an embodied existence in the social world. *Characters* are the masks worn by moral philosophies. (MacIntyre, 1982, p. 28)

Far from having to be sorted out prior to the work of moral philosophy, 'culture' as MacIntyre speaks of it turns out to have moral philosophies already incorporated into it and made concrete through it; and if we accept that ethics manifests itself as a part or aspect of culture, then the prospects for sorting out what cultures and their heritages are before we begin to do any moral thinking suddenly start to look shaky. Any ethical conclusions I might eventually draw, after all, will not so much operate *on* cultures as (should they be remotely influential) be propagated into and through them.

What then *is* it exactly that will hopefully receive my conclusions: what is the nature of the cultural environment with which an ethics of cultural heritage must be concerned? And what does it mean to belong to, or to be part of, a culture?

'Exorcisms are part of our culture' (John, 2005); 'Foie gras is "part of our culture", declare the defiant French' (Ganley, 2005). We sometimes say a practice is 'part' of someone's culture, or that an item is 'part' of somebody's cultural heritage, and perhaps both we and 'the defiant French' have in mind something more action-guiding than a strictly descriptive claim—since presumably we say such things without meaning to imply that a culture is readily conceived of as a mereological sum. But what exactly might we mean by it?

If you ask a simple question such as 'is toothpaste part of culture?' then [Johann Gottfried] Herder would say 'definitely not, though maybe it is part of civilisation'. [Matthew] Arnold would also say no, adding, however, that the toothpaste deployed by Pam Germ in her prize-winning 'Portrait of a Tape-Worm' is part, though perhaps a regrettable part, of the national culture. The professor of cultural studies will probably reply 'of course toothpaste is part of culture', since after all toothpaste is a way in which people form and express their social identity and the decision to use or not to use it is a decision directed towards others. (Imagine America without toothpaste!) (Scruton, 2005, p. 4)

Even if we posit *arguendo* the idea (*pace* e.g. Seyla Benhabib, who regards cultures as 'complex human practices of signification and representation, of organization and attribution, which are internally riven by conflicting narratives [and] are formed through complex dialogues with other cultures' (Benhabib, 2002, p. ix)) that cultures are things of a kind which can have rigid boundaries, we do not seem to speak of

them as things which are capable of division: what on Earth would half a culture look like? Cultures may be capable of *impoverishment*, of a diminution of the sum total of those things which may be considered to make up their heritage; but while there are no doubt viable alternative ways of making possible sense of 'That's part of our culture!' as a descriptive statement, such as by drawing on the sense in which we can identify an item as 'part' of a shop's inventory, or on the sense of 'part' which we use when speaking of a mixture of one part cordial to five parts water (take a glass of liquid, pour out part of it and you're left with less liquid, without ever having to worry about 'half a liquid'), the sort of interpretation we are left with leaves us some way short of understanding why a defiant cry of 'x is part of our culture!' should qualify as headline material.

Consequently I am inclined to suspect that in practice such a claim typically is not purely descriptive, but more like a warm reference to someone who has become a close friend as 'quite part of the family now', with all the tones of value-laden endorsement and human affection that involves. To label an item part of one's culture accordingly looks like an evaluative act, and typically (though this need not be so[1]) it conveys the thought that for the culture to lose the item, as when anything loses an integral part, would be felt as *loss* rather than mere lack and would amount to damage to the integrity of the culture.

5.1. Loss

If we conceive of a culture or cultural heritage as simply an aggregation of practices or objects, as a kind of inventory (which arguably is implicit in the label 'cultural property'), then we may find ourselves doubting whether cultures can ever suffer *loss* of items other than in the routine sense in which property can be lost. Yet this routine sense does not exhaust the ways in which the possession of cultural items can be a salient matter for us: Young writes, for example, that

> Stonehenge is what is sometimes called the 'mana' of the English. It is part and parcel of who the English are as a culture and they ought to have it. Its sale to an American businessman, and relocation to Druidworld in Southern California, would have been scandalously wrong. (Young, 2007, p. 121)

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[1]I remark on the possibility that some aspects of a culture may be morally unpalatable and best abandoned in Chapter 11.

If this 'mana' has anything to do with common-or-garden property and its potential for loss, its possessor seems more closely to resemble the sentimentally valuable family heirloom[2] than whatever other items a person may happen to own.

If we are properly to understand what it is to be part of someone's culture, then, we may take it that a successful account will pay heed to this potential for loss of a 'scandalously wrong' variety. But what exactly does it mean for a culture to suffer loss? There is of course a perfectly routine sense in which a cultural item can drop out of existence: the world's culture has suffered the loss of most of the plays of Sophocles, for example, in the straightforward sense that none of us has them or has access to them, because no known copies exist anymore. Practices, similarly, can die out when people cease to participate in them. What we must note, however, is that these lost plays *do* play a cultural role for us: not the roles they could if they survived, to be sure, but a role which enables us to think of them precisely as objects of cultural loss. The things themselves are gone, but as cultural items they seem to enjoy a kind of subsistence: they retain their associations with other cultural items, and can even acquire new ones, such as the link I just created to the lost Sophoclean plays by employing them as an example.

If we take '*x* is a part of culture *c*' to mean something like '*x* plays a role in culture *c*', then it turns out to be entirely possible to be part of a culture without actually existing in the world. Other things play cultural roles by *possibly* still existing: the legends surrounding the post-Biblical fate of the Ark of the Covenant, for example, gained one fairly concrete instantiation in our cultural life with the production of *Raiders of the Lost Ark*, while in the real world Ark-hunters have followed possible leads indicating a resting place in Ethiopia (Raffaele, 2007) or Zimbabwe (van Biema, 2008). The religious importance of the Ark assures its cultural significance; the absence of the physical object affects the role it plays for us, making it a mysterious thing of ancient worshipful repute rather than another artefact available for museum display and examination, but in a very real sense the absent Ark does play a role in our culture. The Holy Grail, meanwhile, inspired a large portion of Arthurian literature, and entered cinematic culture through both Indiana Jones and Monty Python; the crown jewels King John is supposed to have lost in the Wash are the stuff of national legend; and so on.

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[2]It need not follow that we can always pinpoint exactly which items are at stake; we can regard as a cultural loss the destruction by fire of roughly 500,000 volumes in the Bucharest University Library during the revolution of December 1989 (Raven, 2004, p. 5) without having at hand a list of precisely what books were lost. Some of them might indeed be replaceable, non-unique tokens (copies) of a given type (edition); but in such a case as this, it is not only certain individual volumes which are lost but the painstakingly accumulated *collection* and the institutional memory it embodies. To replace a substantial library collection from its catalogue is no trivial task.

All of these, of course, are nonetheless quite definitely 'lost' in the bluntest of senses. Other items may be said to have been lost in the sense that they have been expropriated, but here, too, they can continue to play a cultural role; it is precisely *because* he claims that the Rosetta Stone is an 'icon of... Egyptian identity' (quoted in Milmo, 2009) that Zahi Hawass has previously demanded its repatriation to Egypt from the British Museum. This is not a question of the Stone's survival, or to a large extent of access (since it can be viewed by any Egyptian able to travel to London), but of possession. But possession of what? Not merely of the Stone *qua* stone, but of a particular item of importance in the history of Egyptology: the Stone *qua* cultural item (and, according to Hawass, *qua* icon). Yet it is precisely the Stone *qua* stone that is clearly in the possession of the British Museum; whereas it is not at all clear that the Stone *qua* cultural item is altogether in its grasp.

I have already noted that the persistence conditions of a cultural item do not seem to be limited to those of the actual thing with which we should ordinarily take the cultural item to be identical. The persistence of a cultural item as such depends on memory; this is most obvious in the case of events, which, having passed, play their cultural roles purely through the recollection that they once occurred. (Strictly speaking, it is perhaps an act of convenient reification to speak of them as 'cultural items', but for our purposes as moral philosophers it does appear reasonable to speak of one or another more-or-less distinct event and of its roles within the recollections of a culture.) Another thing which is made plain by abstract cultural items (remembered events, artistic styles, and so on) is that cultural items need not necessarily have any definite location; and while concrete objects clearly do for as long as they persist, when we consider them as *cultural* phenomena, embedded into one culture or another by virtue of the roles they play within this culture at large, what we have in mind is precisely a sphere of influence exerted beyond the objects' physical bounds. It is trivially true, of course, that the Rosetta Stone is extended in space, composed of granite, and located within a certain building in London; but we need hardly say the same thing about the *iconicity* of the Stone in which Hawass is interested. The Stone is iconic precisely because its image is so widely recognised: the Stone in this sense is everywhere.

It is nevertheless the case, of course, that people go in droves to see the physical stone directly; evidently its omnipresence as an icon in no way eclipses the object itself. *Something* is understood to be important about actual places and actual things; and an encounter with this something, whatever it is, is removed as a possibility when an object is 'lost' in any way, in spite of the persistence of the object's cultural presence. Without the object itself, we have a kind of echo, with a reduced productive potential: we can have various thoughts about the ancient

comedy *Margites*, not least the thought that it's a great pity we know it only through fragments, but we cannot even arrange a performance of the work, let alone (for example) adapt it for cinema.

Practices, too, can cease to be living possibilities even as they are remembered: I can make a donation to a church, but I cannot genuinely pay tithes to it. Burke A. Hendrix observes that a cultural group, in seeking or being encouraged to maintain its practices, may nevertheless appear to lose 'authenticity' (though in his judgment this notion of 'authenticity' is in fact 'problematic' (Hendrix, 2008, p. 181)); he gives the example of the Pintupi people of Australia, whom the Australian government recognises as a distinct and semi-autonomous group. Among the concrete manifestations of this recognition is the gift by the government of four-wheel drive Toyotas to Pintupi men founding outstation communities (ibid., p. 190). 'Are the Pintupi still "authentically" different,' Hendrix asks, 'if state laws help to keep them that way?' (ibid., p. 190)

The idea seems to be this: political, legal and other circumstances may make it advantageous for a group for its culture to appear to have, and hence actually to take, a form which is held together through these external nudges as well as (or even instead of) through the persistence of any inner cultural life. When, for example, a regime which aims to help indigenous peoples, and consequently rewards the persistence of outward signs of traditional, indigenous distinctiveness, props up cultural forms or community boundaries which might otherwise have passed into history or developed differently, an examination of minority cultures existing as legally protected bubbles may begin to feel like a tour of Barn County. In effect, the culture itself becomes a sort of socio-legal theme park, whereupon it becomes questionable whether it is actually deserving of special preservation anymore.[3] Nothing has unambiguously been lost in such a scenario (and the Pintupi have gained some benefits), but the introduction of new incentives from outside portends an alteration in the reasons for which people act. The customary practices of a culture may be apparently unchanged (indeed, they may in effect be fossilised), but the rationales which formerly supported them will have undergone some degree of replacement. From one point of view, therefore, a practice may be continuously part of a culture, while from another (if we think that the same practice is persisting at all), it may effectively become moribund and lose its 'authentic' reality, leaving behind another kind of echo. In asking what it is to be part of a culture, it seems we must attend not only to practices themselves but (again) to the roles they play within a culture as a whole.

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[3]Of course, there is a danger that excessive concern for 'authenticity' might also have perverse results; one must be careful to avoid acting like a romanticising tourist in pursuit of the raw, authentically indigenous experience.

This is not to say that the 'parts' of cultures are cemented together into wholes entirely by reasons or roles; I said earlier that 'That's part of our culture!' seems to me to be as much endorsement as description, akin to being called 'part of the family'. Just as a loss experienced by a family is in no way a matter simply of biological and socially recognised associations, the loss of a culturally important artefact or social practice is not simply a matter of lost potential for role-playing to which we *react* affectively as emotion springs suddenly forth; rather, the social role played by the artefact or practice is already loaded with affective salience for those involved in the culture. As for 'cultural property'—the law recognises the family dog as 'property', but that fact is of little relevance when the dog is lost, and in no way precludes the dog's also and more significantly being 'part of the family'.

If any literalistic analysis of cultural parthood is indeed partly mistaken in something like the way in which it misses the point to point out that man and wife do not literally 'become one flesh', has it got me any closer to understanding what these things called cultures are to enquire what their 'parts' are and how these may be lost? (Or should I just sidle quietly away from the half-unwoven rainbow and wander off home, bearing a renewed suspicion about surface language?) Certainly I am barely closer to a totalising theory of culture, but I never intended to produce one, or even much of a demystification. What *has* come to the fore, I think, is the sheer difficulty of drawing any but a fuzzily definitive boundary around a cultural item: the very act of pointing out a piece of 'cultural heritage' to which some moral status or significance might be ascribed turns out to be far from a straightforward matter, precisely because of the associations with a culture at large which enable an item to be 'cultural'. Since the exact roles which an item plays within a culture may be obscure and mutable, it may consequently prove difficult to say precisely where the cultural item as such begins and ends. In part, of course, this follows from the myriad ways (themselves developed in culturally specific circumstances and possessed of histories of their own) in which humans have learnt to put items into categories; I discuss this further in Chapter 10. Shakespeare's *The Tempest*; D'Avenant and Dryden's derivative play *The Tempest, or, The Enchanted Island*; Peter Greenaway's cinematic adaptation *Prospero's Books*; 'Shakespeare's "problem plays"'; 'Elizabethan and Jabobean theatre'; 'English literature': all of these overlapping and interrelated things can be regarded as cultural items,[4] and

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[4]It is trickier to say whether principles of transitivity apply. It may be, for example, that a Titian painting is part of Renaissance art; Renaissance art is part of our culture; therefore a Titian painting is part of our culture. But of course I immediately face the objection that here I am simply using the word 'part' in two different senses: if being part of Renaissance art were qualitatively similar to being part of a culture, the question of what it is to be part of a culture would, we may suspect, not have occupied me for so long to begin with.

consequently none of them in isolation can be altogether adequately understood as such.

One further upshot is that there is limited scope for attempting any wholly ahistorical treatment of culture, as though, whatever being part of a culture meant, it had to depend purely on the formal properties of cultures, and not at all on how something might *become* part of a culture. Items insinuate themselves into our ways of life and thereby spread ripples beyond their immediate presence; and the network (to mix metaphors in anticipation of §9.3) which results from this acquires a shape which is not determined by any one of its nodes. We can speak meaningfully (though loosely) of 'Internet culture', for example. Web sites are constantly coming online and going offline, and in the face of these changes to the Web and the other parts of the Internet it remains entirely possible to refer to Internet culture as though to an undivided whole. What then might make a Web site part of Internet culture? Consider the quotation database at bash.org, which collects excerpts of conversations using 'chat' and 'messaging' software protocols which range from the humorous to the plain obscene (more of the latter, admittedly). An explanation of why it might seem natural and reasonable to call bash.org 'part of Internet culture' might have proceeded by noting that this website is part of the Internet (on the grounds that it is accessed through a public-facing Web server, is identified by a domain name, &c.) and that it collects and archives snippets from (among other protocols) *Internet* Relay Chat, so that its content comes from discourse elsewhere on the Internet. One might additionally note the existence of occasional references to the quotation database elsewhere on the Internet. The role of the quotation database in Internet culture has not, however, been simply a matter of the formal relations it exhibits with other parts of the Internet. Rather, the existence of the quotation database has given online chat discourse generally the potential to end up in the public database: the site's role in 'Internet culture' is grounded in what it portends for people who might find their (often unintentionally) humorous comments preserved on bash.org and in consequence readily available for reference by other people elsewhere. Here we see a history of growth and entanglement with the Internet at large which is obscured if we attempt to take a snapshot of Internet culture *today* and ask what might make a Web site a part of it.

5.2. Other Kinds of Cultural Item

Perhaps it is because cultures are so inescapably part of our lives (to employ possibly yet another sense of 'part') that we find ourselves so readily reifying them with our language. (Indeed, according to the anthropological theorist Ruth Benedict,

'cultures... have a distinctive essence because key values are learned by individuals as members[5] of particular cultures' (Moore, 1996, p. 63); though perhaps we ought to avoid reading 'essence' in the light of its fullest metaphysical connotations.) One has to wonder whether there is anything that is *not* part of some culture. If being part of a culture involves playing a role within it, am *I* part of a culture? Admittedly, when I try to bring to mind particular persons whom we might wish to say were partly constitutive of British culture, I find myself coming up with people whose 'cultural' credentials seem defined by their public roles: the Queen *qua* Sovereign; Churchill *qua* wartime Prime Minister; Shakespeare *qua* playwright; Morecambe and Wise *qua* performers; and so on. These people – like artefacts, practices and so forth – seem 'cultural' by virtue of the prominent roles they play for others, rather than on account of qualifying for a place in British culture simply through participating in it in the sense that Britons generally might be thought to—British culture being shared amongst the population at large, including the altogether less famous majority of us.

Yet on the other hand, the place of Morecambe and Wise in our culture is clearly bound up with their particular personalities and accomplishments in a way that cannot be reduced to the role of 'comedian': nobody would say that another professional comedy duo was interchangeable with Eric and Ernie. Your or my own particular personalities and accomplishments may be more narrowly broadcast, but we have them and they serve to bind us into our cultural networks through the ways in which we interact with other people who share in those cultures. Our local and everyday actions make up the aggregate demographic trends of which we take note when we recall how Hume's *Treatise* 'fell dead-born from the press' as most of the world ignored it, and how Goethe's *The Sorrows of Young Werther* was received with a 'Werther fashion..., a Werther fever, a Werther epidemic, a longing for suicide' (Unseld, 1996, p. 21). We look, in short, very much like cultural items.

Yet if the category of 'cultural items' breaks the common-or-garden bounds of 'cultural heritage' or 'cultural property' so that it is unclear what (or even whom) it does *not* encompass, where does that leave any effort to talk about ethics concerning cultural heritage? Of course there is a minimal sense in which everything (or rather, everything knowable) is cultural, in that the conceptual apparatus by means of which we can have any knowledge of things consists of hand-me-downs which have developed within certain cultural milieux. (I commit myself to no relativism here: we can speak perfectly well of scientific cultures or mathematicians' culture without any such implications.) There may consequently be a minimal sense in which everything

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[5]Recall that I prefer to say that cultural *groups* have members, but some writers are happy to speak of the members of cultures.

is cultural heritage (at least, insofar as we know about it); but this observation threatens to dilute rather than to heighten our grasp of what exactly we have in mind when we speak of 'the heritage industry', or of 'the culture sector', or indeed of an ethics of cultural heritage. Suppose that persons *can* be heritage; it seems unlikely, all the same, that we shall soon see Her Majesty's Government imposing an export ban on Alan Bennett, even though

> [h]e is, according to the papers, a national treasure. Also a 'national teddy bear' (Francis Wheen), 'prose laureate' (David Thomson), 'curmudgeon laureate' (Mark Jones), and Oracle of Little England (Matthew Norman). (Edemariam, 2004)

At least human beings share with artefacts the property of having an identifiable physical location. There are more abstract things which we may wish to call parts of cultures, and some of them carry the additional complication for moral philosophy that they are in some respect normative.

Entering the search term 'cultural norm' into Google Scholar reveals it to be in widespread use,[6] although I have experienced difficulties in locating a definition. In recent years there has been some political commentary on 'British values', which were even considered as a topic for the school syllabus (B.B.C., 2006). More recently still, the Abbot of Worth has stated in opposition to Disney that '[w]here once morality and meaning were available as part of our free cultural inheritance, now corporations sell them to us as products' (quoted in Wynne-Jones, 2008). Can such things – norms, values, moralities themselves – be considered parts of (a) culture?

It is certainly easy enough to think of rules and standards which we might associate with particular cultural backgrounds: bodies of laws; parliamentary rules; manners and etiquette (and British queueing practices); linguistic conventions and local variations on them; and so on. All these are parochially constructed rules, rather than universal 'laws of logic'; moreover, they developed gradually through co-operative processes, rather than being products of individual genius.

Often there are epistemic headaches to take into account, not least when we try to distinguish between a norm and an implementation or interpretation of a norm. It is probably correct to say that our culture includes rules themselves: that it is not only true as a matter of empirical fact that on British roads people drive on the left, but moreover it is the case that on British roads one follows the rule of driving on the left. Yet things begin to look awkward once one recalls that statutes require interpretation, languages require analysis for their grammatical structure to be discovered, and so on. (Is it a rule of Western storytelling that at the end of

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[6]http://scholar.google.co.uk/scholar?q=cultural+norm&hl=en&btnG=Search&as_sdt=2001 (retrieved 2nd August 2010) produced about 1,030,000 results.

modern fairy tales 'they all lived happily ever after'? A convention? A cliché?) We face not only an epistemological problem – how do we establish just what the rules are in any given domain of regulation (by applying higher-level rules?), and can we confidently identify them as parts of a culture if they persistently resist our certain knowledge? – but also a difficulty in identifying where there *are* determinate rules in play at all. This, however, is not a particular difficulty I propose to explore further (the Wittgensteinian tradition alone having produced a considerable volume of analysis of what exactly it might mean to follow a rule), although some of my general comments on epistemic matters in Chapter 12 will be of relevance.

Assume then that we are able to get some reasonable purchase on what norms are active within a culture. Take such rules governing general behaviour – morals,[7] manners and so on – as we might expect to be widely internalised, expounded and upheld against deviants. Such things possess an ostensibly public character, frequently made manifest through outright vocalisation: 'Thou shalt not kill', to take a famous and culturally loaded example of a verbal rule intended to govern moral conduct. As for etiquette, entire books are available for those needing to know the proper way to open a letter to the widow of the second son of a duke; and few things are more notoriously culturally specific than etiquette. If anything is part of a culture, these things look like promising candidates; but often it is at most in the latter case, that of a rule of etiquette, that the content of the rule stays comfortably within the bounds of the culture of which the rule is ostensibly a part. 'Thou shalt not kill' may originally have been understood to be part of a specifically Judaic covenant, but Christianity, as a missionary religion, ascribes to it a universal significance: its content, therefore, is supposed to apply outside Christendom. This has the upshot that for us to regard it as 'part of Judæo-Christian culture', as though it were as unassumingly parochial a thing as a letter-writing convention, looks rather strikingly at odds with the import attributed by believers to the commandment itself. We *can* adopt such a stance, for even someone who regrets the existence of any non-Christian cultures will accept that in fact there are some; but simply and without qualification to call such a commandment a part of Christian culture, as though it were some colourful local custom or item of regional cuisine, fails to acknowledge its universally normative import.

Once again, I find myself minded to draw the inference that the cultural items under examination cannot be strictly identified with their manifestations: that there is an Alan Bennettish nexus within British national culture, and that there is a vivid Decalogical tinge to the colour of Christian culture, but that in pointing to these

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[7]By 'morals' in this context I mean those things which are taken to be morally correct in a given culture, which are not necessarily identical with what *is* morally correct (given the assumption that cultural relativism in ethics is false).

we are reminding ourselves of what each portends for the form and development of its culture as a whole, and only indirectly to the actual Mr. Bennett or to a certain normative injunction. After all, while we cannot predict with certainty that Alan Bennett will be made immortal by his work, we can be confident that it, and consequently his cultural stature, will not be snuffed out when his life ends; and meanwhile 'Thou shalt not kill' comes as part of a pack of ten to begin with, and enjoys further and wider resonances with other parts of biblical exegesis and Christian practice.

The upshot for ethics of all this is that it becomes difficult to talk, except in the interests of convenience, about the cultural significance or value *of a thing* when the role which the thing in question plays within a culture is so vaguely and expansively bounded. This is not to say that there is no sense to be made of questions about what should be done with, for example, the Elgin Marbles. It is to say that we cannot escape the need for a holistic approach to cultural heritage which considers the value of a given cultural item to be derivative of what value we can ascribe to the wider cultural milieux and trends and genres in which it participates. I shall expand on this theme in Chapter 9; but in the meantime I want to address a few brief points concerning how it is, if we are to conduct our moral philosophy in light of a strongly holistic and contextual conception of what it is to be part of a culture, that we find ourselves able to disentangle and distinguish between different cultures at all, let alone discover any semblance of persistent identity in them as they mutate and blend and divide over the course of time.

6. The Identity of a Culture

One sometimes hears politicians, businessmen and others speak of the creation of a culture as an objective. What I think they have in mind in practice is something less grandiose: the alteration of some aspect of organisational, local or national culture by way of the endorsement of certain standards of behaviour, rather than the actual creation of a culture outright or even of a subculture contained within an existing one. Yet the language is telling nonetheless: culture emerges as a malleable thing in the service of administrative ends and policy aims, rather than as an environment within which living some human sort of life becomes possible. Here is a vision of 'culture' which has little to do with the inheritance of conceptual resources and their concomitant conceptual horizons, or with our profoundest sense of who we are and what shared identity envelops us: a culture, under this conception, is almost a sort of bureaucratic project, a thing which can be brought into being (and, presumably, dismissed from it again) through an act of organisational willpower.

> RCN general secretary Peter Carter said: 'It is up to child protection services to create a culture where it is acceptable for staff to express their concerns and reservations if they suspect a child is at risk...' (Ford, 2008)

> Though the amount of the awards are not so impressive (top prize is $500), the ministry still hopes to inspire young Christians to take up the pen and promote the Christian worldview through fiction and create a culture of quality writing reflecting that worldview. (Chan, 2008)

> The handbook, *Promoting Transformative Innovation in Schools*, aims to support education practitioners to create a 'culture of innovation' in schools by detailing resources designed to help teachers to be innovative, both in and out of the classroom. (Education Executive, 2008)

The people behind these statements clearly think that at least some things which can be brought under the word 'culture' are such that we can have fairly definite and considerable causal influence over the shape they take, and know when we have accomplished our aims in constructing them. Yet even if we are indeed dealing with a different and a narrower sense of the term 'culture' than is employed elsewhere in

this document (almost a given, given the difficulties in defining the word; see p. 21), questions nevertheless are already lined up to beset the creator of such a 'culture' which threaten ourselves to at least as great a degree. What could it mean to say that a distinct culture has been brought into being? What distinguishes a 'culture of innovation' from mere circumstances in which innovation is found to occur? What distinguishes one culture of innovation from another one? What links a culture of innovation found at t_1 with a subsequent culture of innovation at t_2?

These are not questions, in light of the very difficulty of agreeing upon a definition of culture in the first place, to which I shall be furnishing ready-made and all-purpose answers, even to assist those people for whom it can seem that 'culture' means something like 'working environment'. My comparatively modest objective in this chapter and the next is to continue with the emphasis on a holistic and contextual approach which was partly established in the last one, and to ask whether and to what extent it leaves us able even to speak of distinct cultures existing, at present or across spans of time. Suppose we allow the principle, defended in the previous chapter, that *qua* cultural item the Rosetta Stone exists not only in the British Museum but wherever it is acclaimed, discussed and otherwise held significant. What effective scope is left for drawing cultural boundaries, if the Stone can be so held not only in Britain or France or Egypt but moreover in Vietnam or The Gambia? Only flimsy epistemic limitations on how many things can be widely known would seem to prevent everything from ending up as part of the culture of the world at large; and while it is not immediately obvious that this should be an unacceptable conclusion, the very fact that we do routinely speak of different cultures should be sufficient to make us pause and draw breath.

Our position remains insecure when we contrast, for example, the culture of 16th Century and 20th Century England. Are we to consider these as two distinct cultures (for there are certainly differences between them), or as two phases of a roughly continuous 'English culture'? It is not even clear to what extent the term 'English' has a historically continuous meaning, given that the England of the 20th Century had become formally part of the United Kingdom, geographically much the same but politically rather different. Nebulous as they are, and capable of spawning offshoots and absorbing foreign influences, cultures compound the usual problems of identity through change because of their unsuitability for obvious metaphysical characterisation. What could we call the essential characteristics of English culture? Even the link to a presently existing England is inessential; if England should sink into the sea in some seismic cataclysm, we should hardly have warrant to infer that her survivors had undergone an instantaneous change of cultural identity. If the survivors were scattered in small groups all over the Earth, and formed separate

communities of which each developed its inherited 'English' culture in markedly different directions, none of them (after some time) looking closely similar to English culture as we know it presently, then at length we should probably find ourselves inclined to deny that English culture survived as a living phenomenon; but while cultural groups persisted that *looked* recognisably English in their ways of life, even if they did so in markedly different ways (we can imagine, perhaps, the Old Etonian exiles, the Mummerset exiles, and so on, with the appropriate cultural stereotyping), then we should not be in an obviously strong position to question their Englishness.[1] Presumably it is necessary that England should have existed – for one could hardly pretend that 'English' culture is only accidentally associated with the geography and history of England, and might conceivably, if impractically, have been otherwise instantiated in some other place and under different conditions – but this observation is of limited use: many different cultural phenomena can emerge (and many indeed have emerged) in such a place as England, and we are concerned not with all the English cultures that could have existed in alternative possible histories, but with English culture as it has in fact come down to us.

This is the tricky double aspect of such a phenomenon as 'English culture': it *is* contingently English, in that if the English tend to like X and the French typically prefer not-X then we call these respective traits of English and French culture *just as surely* as we should say the reverse if the English favoured not-X and the French X. Yet at the same time 'English' is in no way a purely geographical expression, and the culture of England can only with the utmost artificiality be abstracted from the settings in which it emerged and to which it has responded. (What 'English culture' would we be talking about if we tried to ignore any mention in its literature, history, folklore and so on of the actual geographical setting we call England? Taking the case of songs alone, off the top of my head I can bring to mind bluebirds over the White Cliffs of Dover, ferrying 'cross the Mersey and Mike Harding's complaint that 'It's hard being a cowboy in Rochdale'.) Should we then seek to distinguish cultures not in essentialist but in historical terms? If we do then we shall find ourselves grappling with the complexities of history. It may initially look attractive to draw parallels with memory-based theories of human personal identity, and to make some form of 'cultural memory' a criterion of cultural identity and its continuity, but while a human individual has one past and one future (except in split-brain thought experiments and the like), cultures are perhaps more closely

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[1]Unless, perhaps, they were to forget what the origins were that gave them their characteristics. In his book *Forgotten Fatherland*, Ben MacIntyre reports that the people he met in the Paraguayan colony of Nueva Germania, originally founded as a 'new Germany' by Elisabeth Nietzsche and her husband, retained some cultural differences from their neighbours but had largely forgotten the original ideological basis for them.

analogous to waterways, with multiple sources or tributaries and, perhaps, multiple outlets. Which aspects of the past can be remembered as 'our own' cultural heritage, and which are remembered as someone else's? To answer such a question we should need a prior conception of who 'we' are as a cultural group.

What are we to say of the elements which English culture takes from the classical world of the ancient Greeks and Romans, or those it has seeded in Britain's former colonies? There are causal, historical links here no less than between the cultures of 16th and 20th Century England herself; so it seems that either we allow the bounds of English culture to be drawn at an effectively meaningless level of indefinitude, or we make the perhaps arbitrary judgment that cultural identity should be subject to geopolitics, precisely contradicting Mary Midgley's contention that cultural boundaries cannot be drawn like those of nations (Midgley, 1991, p. 84). Now, if it is indeed possible for policymakers in some sense to ordain that a culture of innovation shall be created in schools, then it may be tempting to suspect that there *can* be an element of convenient pragmatism in the circumscription of cultures. Yet if it can *mean* anything in the first place to speak of the creation of one *sort* of culture or another, then the boundaries of that culture must be drawn at least partly in accordance with some criteria more principled than arbitrary human whim.

This is not, however, a promising juncture at which to delve into the question of whether culture is a natural kind; and even if it can be, we can hardly suppose that English or any other particular culture is of such a kind. The development of any culture clearly depends to a substantial degree on the choices individuals make: the choice of whether to write poetry or take up crochet; the choice of whether to publish a book of poems or reject the manuscript; the choice of whether to purchase such a book; and similarly through other threads of cultural life. A culture is voluntarily cultivated even in the sense that one can choose to *contribute* to one's culture with, for example, an entry into the traditions of English literature. To do this, of course, one must already believe that one belongs to or is otherwise in a position to contribute to the culture in question, and herein lies the rub: there is a voluntary aspect to the definition of a given culture, but the act of volunteering comes with certain presuppositions about who is and is not qualified to volunteer. What determines who may or may not volunteer? Why, the candidates' relation to the culture which we are hoping to see delineated; and so we had better hope that the circularity is of a virtuous sort.

6.1. Authenticity, Distortion, and Culture As Network

For my present concerns, however, the central point of interest is that if we cannot delineate a culture strictly by reference to features of the environment within which it exists and came into existence (that is, to features of the natural world and of what we are already certain are *other* cultures which differ from the one under examination[2]), then at least some of the criteria which we employ must themselves in fact qualify as features of the culture itself; and indeed, since cultures are inhabited by thinking human beings it is hardly surprising that a culture should incorporate resources for its own definition. What does it mean to be English? We can hardly avoid looking to the various English people who have addressed this question before us, be it with ardent patriotism or embarrassment or any other attitude; and though of course it must be grudgingly admitted that other and particularly neighbouring nations may also have something to say on the matter, the English inevitably are in a position to possess a certain expertise by default,[3] as well as the greatest power to determine what being English *shall* mean into the future.

What are the characteristics of these internal features that contribute to the identity of a culture? If practically anything can be 'part of' somebody's culture, then there is no evident reason to suppose that any of these parts is automatically excluded from contributing to the delineation of what that culture is. What form then does the contribution take? When Vergil identifies the Romans as the toga-wearing race (*Æneid* I.282), whether we understand him to be straightforwardly reporting a discovery or received opinion about what it was to be Roman, or whether we consider his words to play at least a partly stipulative role, what we can say with historical confidence is that his judgment itself, as part of the *Æneid*, forms a part of Roman culture and was propagated into it (and indeed has outlasted the Roman Empire). In short, it is *itself* a part of the very culture it seeks to characterise. As a part of a culture, it accordingly has the features of a cultural item discussed in the previous chapter: it consists not so much of a judgment in the long-dead Vergil's mind (and consequent act of poetic writing) that Romans can be identified as the

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[2]One easy case might be the germination of new cultures expressly based on earlier ones. A member of a philosophical reading group in one town who moves to another where there is no such group, and undertakes to start one, will model it in large part on that of which he has been a member, and may very well hope (whether consciously or not) that the culture of the new group shares characteristics with that of the older. The express aim, of course, is to found a society rather than a culture, but this is a case in which a desire to 'create a culture' may not appear so very implausible; it is fairly straightforward that there will be a culture of the new reading group, and that one can form certain desires about the characteristics which it will exhibit, some of which may include explicit reference to the cultures of other groups.

[3]See also Chapter 12 on the epistemic authority of a cultural group.

toga-wearers as it does of an indefinitely reduplicated slogan tied to no particular event or circumstances. If it follows from the indefinite nature of cultural items that parts of a culture cannot easily be kept within that culture's 'boundaries', then it becomes tricky to say that a certain culture exists to have parts in the first place.

Do we not care merely about whether Vergil was correct or not? We do of course care about that, which is why it concerns us that such a judgment can have the character of a self-fulfilling prophecy: it was with a quotation from Vergil that Augustus decreed that the toga must be worn to the Forum, according to Suetonius in his *Lives of the Twelve Cæsars* (*Aug.* 40.5). In the very act of making such a judgment Vergil commenced its influence on the subsequent development and self-reflection of the very culture it was a judgment about.

Perhaps, then, a decision to 'create a culture' is not so strange after all; perhaps our judgments about what defines a given culture – or at least one's judgments concerning one's own culture, or what one believes to be the identity of one's own culture – inescapably possess a creative element. We should certainly, I think, be reluctant to charge people with 'getting it wrong' in developing their culture in whichever ways they desired, although the question of 'authenticity' raised by Hendrix (see p. 71) indicates that we might not feel completely inhibited from so doing, at least when we come to consider the *temporal* continuity or discontinuity of a culture between two points in its history. Maybe the object of concern here is a thought that *somebody's* culture, as a form and expression of *somebody's* identity, is subject to the demands of *somebody's* collective autonomy: that the culture of group x ought, in order to qualify as such, to be really and deliberately endorsed by group x as its proper way of life, and that there are standards by which such a judgment may itself be judged. James O. Young, drawing on work by Thomas Hurka, considers the possibility that a culture might become 'distorted' through outside influence in particular:

> [Hurka] is particularly concerned about the danger that small, indigenous cultures will be overwhelmed by the voices of outsiders. He considers the case of a white author who writes about a First Nation culture and, through ignorance, distorts the culture's symbols. 'If the white's novel is read by Natives, they too may understand the symbols inauthentically. The Native artist then can't speak even to his or her own people.' Native artists will have lost some of their cultural identity. They and, perhaps, some of their audience will be partly assimilated into the majority culture. This strikes Hurka (and me) as objectionable harm. (Young, 2008, pp. 118-9)

At face value this suggestion seems problematic, in that it looks as though

it implies a kind of essentialism for cultures – those wildly mutable, endlessly permeable things – as though a culture were a phenomenon with some sort of natural and normatively 'correct' trajectory of development. (How, indeed, might we distinguish between cases in which symbols simply undergo changes in meaning, with or without external influence, and cases in which groups become collectively *mistaken* about their meaning?) The difficulty is compounded if, as I have just suggested, in looking for those features of a culture which can be judged to be definitive of it we find ourselves regarding a collection of cultural items. (Recall my suggestion in the last chapter that the indefinitude of cultural items rather calls for a holistic approach to understanding the roles they play.) If the roles of the parts are to be understood in terms of the whole, where are we to look in order to judge whether the whole has developed authentically and undistortedly, so as to have become 'actually different [*sc.* from other cultures] in the right kind of ways' (Hendrix, 2008, p. 191)?

Hendrix, at at least one point, seems to advance the suggestion that the identity of the agents originating changes to a culture is of greater significance than the changes themselves: 'Are the identities at stake merely political artifacts, created by "ethnic entrepreneurs" seeking wealth and political power, or are they "authentic" expressions of an ongoing collective life?' (ibid., p. 181) Yet his conclusion is that 'the real character of groups is generally difficult to recognize, and that "authenticity" is a problematic notion even in the abstract' (ibid., p. 181). I am not at all sure what a cultural identity that was 'merely' a political artefact could look like: to speak of such a thing conjures up images of people utterly duped or bewitched into believing themselves to be united by a cultural identity, without even so much wilful endorsement of their self-identification as is required for self-deception; but for whom is a sense of cultural identity a strictly passive affair? There can, perhaps, be a reasonable presumption in favour of frank collective self-examination and historical investigation, whereby we might be able to advance counterfactual judgments to the effect that *if* some cultural group had been better informed about what exactly it had inherited, its members might well have chosen to develop their culture differently. All the same, counterfactual speculation is risky, and if we do not rein in this criterion somehow it will lead us to conclude that in fact *all* human culture is distorted or inauthentic, on the grounds that our self-knowledge (historical and otherwise) is always imperfect.

As a moral matter, it may well be that a cultural heritage can in effect be tainted by the ways in which it is employed in the subsequent development of a culture, such that we might wish to say that it had been distorted. We might want to say, for example, that the Nazis' construction of a German race myth actually besmirched

German folklore, the history of the Teutonic Knights, and so on, not through making any retroactive changes to what had happened (which would be impossible), but through the way in which the Nazis appropriated and distorted historical treatment of German culture at t_1 in forming a mythology for their own unpleasant t_2 culture. (That the Nazis were themselves German – i.e. that these agents were very far from being cultural outsiders – may seem scarcely relevant; in this example, at least, no outsider/insider distinction seems to diminish the taint.) Yet this ethical observation is of limited import when we just want a way to tell whose culture is whose: Nazism and its cultural trappings simply *are* a tragic episode in German history. What we can perhaps say, however, is that the history of a culture's development is not straightforwardly cumulative: the Germans of today are free to repudiate the Nazis and their interpretations of Teutonic history and folklore, and to draw directly on those same cultural resources whilst rejecting their development through Nazism as a dead and disgraceful offshoot rather than part of an overall historical continuity.

It is exactly this, in part, which makes it difficult to formulate judgments about the 'continuity' of a culture. It is tempting to think, as beings which exist from moment to moment in linear time, that our cultural memory must develop like our mental recollections, imaginable as the steadily progressive narrative of a life.[4] Yet the indefinitude of cultural items is smeared across time as well as space: the conception of an item may long precede its inception (see the discussion of origins in §7.2), and an object may be long remembered after its destruction, or an event after its termination. Our age can still (just about) read Chaucer, and regards Shakespeare as a central element of its own curriculum, not as a matter of historical interest alone but as part of a living practice of æsthetic appreciation; a complaint that 'only the naïve or the unschooled can now engage in whole-hearted communion with folk from any past' (Lowenthal, 1985, p. 375) depends on a decidedly high (or low) expectation of what background familiarity must be in place for 'whole-heartedness' to be a possibility. Moreover, a modern interpretation of the *Æneid* need not be cumulative with Dryden's verse translation of 1697: historical and linguistic differences will blunt the immediacy of the encounter, to be sure, but Dryden acquires no priority as an interpreter over the classicists of our day. It is more the case that they undertake to reach back to Vergil than that his work exists for them as a thing of the present day (although of course there is a straightforward sense in which it does persist, and in which other creations do not). In relation to

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[4]Of course, cultures do come into being and develop within the course of human history, and so there *is* a narrative aspect to understanding what makes a given culture what it is. The strongest version of such an observation, which I associate particularly with the work of Seyla Benhabib, is of a sort which associates 'culture' with the construction of narratives contributing to what one understands to be one's identity.

the cultural resources out of which it continues to construct itself, our age is not so much the most recent layer of a palimpsest as the current configuration of a shifting network of jumbled cultural items (*cf.* §12.5).[5]

So far this has been a fairly inconclusive chapter, and as such it turns out to mirror its subject matter: it is not in the nature of cultures that they surge purposefully forward through their developing history like a military column. It is not invariably a criterion of philosophical success that the reader should be left feeling confidently enlightened, and hopefully any lingering perplexity about culture-spotting befits the scale of the difficulties involved; but if we do conceptualise cultures and cultural interchange after the image of a network, then where we see a striking density of interconnected nodes – that is, where a noticeable cluster of cultural items seems to emerge by virtue not of what items exactly they individually are but of their collective influences on one another, as we familiarly encounter in the artistic movement or the literary genre – then perhaps we have no worse a warrant for labelling this cluster as the culture of a coterie or a social grouping or even a whole nation than we do for looking at a confluence of narrowly separated contour lines on a map and applying the label 'mountain' as though mountains were neatly separated from the surrounding landscape. Imagine cultural items marked as points on some sort of geohistorical chart, with connecting lines wherever one item has influenced another: there will be lines all over the place, and some of them will be very long (reflecting cross-cultural influences remote in time and space), but it will be possible to pick out clusters of especial density, even if we cannot strictly *define* them.

To conceptualise time as another dimension across which nodes in the network may connect may demand some further imaginative effort, but it offers a potential characterisation of change within a culture which escapes a need to explain what it essentially is that persists while undergoing changes in its inessential aspects: instead of identifying English culture at t_1, and then asking what features of it might let us identify an English culture at t_2, we escape the metaphysical quandary by regarding English culture as a cross-temporal network of linked cultural items to begin with, i.e. as one which *already* incorporates nodes existent in different eras, with the present state of English culture amounting to a cross-section of a 'thing' which properly cannot be understood to exist in instants from moment to moment. (Again, contrast the case of personal identity: if I lose my sense of who I am by coming to suffer total amnesia, I nevertheless have a physical existence *right now* and can coherently believe that I exist right now. A somewhat less extreme case would be suggested by Galen Strawson's repudiation of any 'diachronic', as opposed to

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[5]Of course, items come into being predominantly under the influence of what counts as the past at the time of their creation, but they can also be influenced by anticipated futures: the case of science fiction most clearly illustrates this.

'episodic', sense of personal identity (Strawson, 2004): a sense of having a past and a future, he thinks, is simply not a requirement. But I am deeply uncertain what it would involve to conceive of a culture's existing in the moment, as it were.) It is not simply that Shakespeare's-works-now are part of our culture; Shakespeare's works *when he wrote them* are part of our culture, more precisely our cultural history. (And if it is the case that we can harm or wrong long dead *persons* at the time at which they were living, through a retroactive implication of our actions (Scarre, 2003, p. 240*ff.*), then it is worthwhile to wonder whether such a principle of moral community might be extended beyond the anthropic and directly person-affecting spheres of action.) Since duration, albeit a vague duration which can dwindle as the links become sparser, is built into our understanding of what to look for in a culture, and since at any temporal stage in its existence a culture can and will draw directly on the cultural resources offered by other stages, the question of continuity becomes in the first instance the epistemic one of exactly how to identify intra-cultural links across time.

This line of thinking also allows us to acknowledge that attempting to capture what it is for cultures to merge or diverge over time need not amount to saying that at one point we have a clearly unified culture and at another we have two quite different ones, and then trying to isolate the approximate period during which the branch or join occurs. Things need not be so straightforward: English culture can draw on its Roman influences even though 'the Roman world' no longer exists for it to be part of, and it can draw on more recent Italian influences too. Cultures for the most part do not so much join or separate as blur and smudge at the edges, and they can at once have both deep and shallow roots coexisting.

Can such a model capture distortion and authenticity, or must we conclude that we have to jettison the concepts? We can say, I think, that the influence of one cultural cluster upon another has a vector rather than a scalar character: influence, whether it is welcome or unwelcome, comes from somewhere and is received somewhere else. Import and export (of both material and intellectual cultural items) are indeed part of the ordinary life of a non-isolated culture, and we should not regard them as inherently suspicious. Neither is it automatically worrying when a cultural group's self-image is influenced by the thoughts of outsiders; indeed, especially when not trying to 'create a culture' from scratch we are always influenced by others, our predecessors, who are often but not necessarily our genetic ancestors. (If we do not think Vergil is a cultural outsider, it is presumably because his influence on English culture has been consecrated by the ages, and the Roman military conquest no longer upsets anyone.)

One of the capacities of a human cultural group is that of collective self-reflection,

in which the arrows of cultural influence are turned upon their own source as the group undertakes both to understand and to develop itself.[6] It would be too strong a requirement to demand that this practice should be fearlessly and invariably complete and accurate; if it is automatically a problem for a cultural group to possess a slightly rosier view of itself and a slightly more selective view of its past than might be strictly warranted, then we are probably all in trouble. Yet we might have cause for disquiet if, within a given culture, the practice of self-reflection came to depend so heavily upon imported intellectual resources that a recognisably home-grown cultural introspection became effectively impossible. Something like this disquiet, I suspect, underlies the concerns about both distortion and authenticity: the thought that perhaps some culture or other exists, as clearly and definitely as any culture exists, but its self-knowledge, and consequently the historical trajectory chosen for it, are pulled about so strongly by the 'gravity' of another culture that no unmediated self-reflection (or self-criticism) can realistically take place. It is as though we could know ourselves only through our reputation among foreigners; and if we agree with Socrates that it is a good to know thyself, then we are likely to take the same attitude towards cultural self-knowledge.

Thus a culture may remain distinctively identi*fi*able and yet lack the resources fully to appreciate and develop its own identi*ty*: what it will lack is not adherence to some supposed essential nature and trajectory, but a secure capacity for the people whose culture it is to employ self-examination and impose checks on its development. A cultural group may of course pick any course it sees fit—but it will need a corrective mechanism to ensure that the development of its culture is indeed on that course, and this mechanism too can be vulnerable. Here we have at least a possible approach to understanding how concerns about distortion and authenticity might reasonably be raised without any implicit appeal to cultural essentialism, and within a 'network' model of cultural identity as I have sketched it; although I make no claim to have set forth a grand theory of either, and indeed it seems reasonable to doubt that the terms in their broader usage admit of any very systematic treatment:

> Since this is a book about cultural authenticity, we knew that we would
> be expected to provide a foundational definition of cultural authenticity
> to frame the book. This undertaking seemed appropriate and important
> to us, until we attempted to draft a definition. We then realized why

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[6] I am reluctant to go so far as to say that a human culture *must* exhibit self-reflection, less still critical reflection; I do not think it is clear that this is implied by our (various) notions of 'culture'. However, I suspect that we should be hard pressed to discover a human cultural group (some subcultures perhaps excepted) which did not in some manner reflect upon its own nature as culturally constituted, whether or not it employed a concept directly resembling that of 'culture' in order to do so.

> so many authors and educators who discuss cultural authenticity are reluctant to define it in formulaic or prescriptive terms. We found ourselves agreeing with Rudine Sims Bishop, who argues that cultural authenticity cannot be defined, although 'you know it when you see it' as an insider reading a book about your own culture. (Fox and Short, 2003, p. 4)

7. Origins and Traditions

If the content of the last chapter had sketched out all that we needed to consider when enquiring into the nature of cultures as they develop over spans of time, we should have headaches enough; but there are two further aspects of temporality which demand especial attention. The first is that of tradition, in which the very fact of continuity becomes an arguable reason to hold whatever it is that is traditional in a particular esteem and, perhaps, to resist some forms of change in it. The second is concerned not so much with what happens to cultural items over time as with tracing them back to some definite point of origin, since many of the moral difficulties which we face, particularly if we are disposed to think in terms of 'cultural property' and by implication of a first rightful possessor, involve attempting to chart the changes in ownership of a cultural item as we seek to identify the most recent legitimate owner or owners.

7.1. Tradition

According to T.S. Eliot, writing in his essay *Tradition and the Individual Talent*,

> No poet, no artist of any art, has his complete meaning alone. His significance, his appreciation is the appreciation of his relation to the dead poets and artists. You cannot value him alone; you must set him, for contrast and comparison, among the dead. (Eliot, 1920, p. 44)

Discussion of what is required in order to value a cultural item as such must await the following chapters, but notice that while Eliot's characterisation of the artist's æsthetic-historical role appears at first glance to fit easily into my model of culture as networked, his decision to employ the idea of a 'tradition' creates a difficulty. For to speak of tradition implies at least a moderately strict continuity (albeit not necessarily a perfect continuity of uninterrupted changelessness), and this in turn implies a determinable phenomenon with persistent (we might even venture to suggest, essential) features, accumulating a regular series of routine layers.

When it came to cultures at large and what it might mean for one to persist over time, I suggested a conceptual model of cultures as concentrations in a 'network' of interrelated cultural items: by avoiding a way of thinking about cultural

development in which each instant in a culture's existence forms another successive layer in an open-ended series, I hoped to avoid any awkward implication of cultural essentialism, since there would be no such series, and hence no clearly persistent structure for a culture essentially to possess. On such an understanding as this, little could be easier than to place a present-day artist among the dead, for there is no need to regard their respective epochs as stages in the development of a sort of palimpsest; the artistries of past eras are already present and accessible to us (and we should indeed be hard pressed to shake off the modern-day background assumptions which we bring to their interpretation). Tradition is therefore a potential source of difficulty for me, for it is plain enough that people do participate in and therefore presumably value various cultural traditions, and it is implicit in the very nature of a tradition that it is temporally extended, so that what particularly matters is not just this year's festival but the whole series of recurrent festivals of which it forms an instance. (Another similarity between traditions and cultures is that traditions too can decay and dwindle into nonexistence, and if anyone should try to revive them, or persist with them in considerably changed contexts, we may end up wondering whether that is something that can be done 'authentically'. It may be, too, that traditions, like cultures, are capable of splitting or merging.) A tradition, in short, is exactly what I hoped to find a culture need not be.

There is probably no flawless conceptual model for anything as nebulously defined as culture, and so it need not shock me that my favoured model is not one with which the phenomenon of tradition looks ideally compatible; besides, if we consider a tradition to be a (composite) cultural item, it should hardly surprise us at all that such a cultural item, perhaps unlike the culture which contains it, should endure and sometimes change over the course of time while exhibiting fairly definite and persistent features. Traditions would not, indeed, demand so much of my attention if it were not for the distinctively *normative* aspect of their continuity: a tradition demands continuation and is valued (at least in part) on account of its continuity. Among our contemporaries, I suggest, we frequently look upon difference and variety as grounds for preservation: for example, people seeking to preserve or at least document endangered languages may aim not just to preserve one or another *particular* language, but over and above that to preserve the world's linguistic diversity. Between generations, on the other hand, difference amounts to rupture: historical studies of mediæval worldviews may be interesting, certainly, but even firm believers in society's moral progress will not necessarily find it a happy thought that our own ancestors of even a few generations back had somewhat alien ways of getting to grips with the world. The thought puts us in the uncanny position of having to acknowledge our intellectual (and biological) debt to them while at the

same time having to recognise this kind of estrangement from our own recent kin.

What then *is* it that we have in common with our ancestors, apart from the things we inherit from them in the biological and legal senses of the word? We also inherit customs, and most obviously we share participation in traditions, which may help to account for the concern we often have for them; we may not have quite the same understanding of just why we do things one way or the other, but perhaps no one generation can have an exhaustive understanding of a tradition. What we share is not so much the understanding that things shall be done in a certain customary way, but more the understanding that the way in which we customarily do things shall be sensitive to what we do inherit and pass on. This is not to say that we maintain traditions for the sake of past generations, although there may indeed be an element of remembrance, perhaps most clearly evident in such a tradition as the annual commemoration of the fallen soldiers of the World Wars. Since it is with past generations that we share participation in traditions, cultivation of those traditions, including the recognition of whatever value and cultural roles they possess, is a transgenerational project.

Alas, it would be fair to suspect that not every commentator has a uniform conception of 'tradition' in mind. Like 'culture', the term is slippery. Appiah writes that a tradition is 'not so much a body of doctrine as a set of debates' (Appiah, 2001, p. 235) (although when this description appears again in *The Ethics of Identity*, he qualifies it and speaks specifically of 'intellectual traditions' (Appiah, 2005, p. ix)). Scruton identifies tradition with a 'tacit understanding' which 'mediates between the individual and society', adding that it 'involves a willing submission to what is socially established' (Scruton, 1991, p. 6). Alasdair MacIntyre seems to mean by 'tradition' something about as broad as 'historical narrative': 'What I am... is in key part what I inherit, a specific past that is present to some degree in my present. I find myself part of a history and that is generally to say, whether I like it or not, whether I recognize it or not, one of the bearers of a tradition.' (MacIntyre, 1982, p. 221) More specifically, however, he thinks that there are 'vital' traditions which embody 'continuities of conflict' (perhaps akin to Appiah's 'sets of debates'), contrasted with others which are 'dying or dead': a living tradition 'is an historically extended, socially embodied argument, and an argument precisely in part about the goods which constitute that tradition' (ibid., p. 222).

For David Lowenthal, the type of significance which is attached to tradition depends on whether persistent historical sources are available to a cultural group:

> The earliest common use of the past was to validate the present. This practice is still habitual in 'traditional' societies lacking a written language and wholly reliant on folk memory. In such societies empirical

enquiry seldom revises received views, and tradition is the pre-eminent
guide for behaviour...

Societies that have written and printed records remain attached to
tradition, but not in the same way or to the same degree. They continue
to validate many attitudes and actions by reference to former practices...
But to believe tradition perpetuated unbroken from remotest antiquity
they would have to deny historical changes implicit in their annals...

In most history-conscious societies, 'tradition' denotes not total or
unswerving stability but the value of *particular* precedents, the unfolding
of practice from immemorial specific instances. English common law
reflects such a use of tradition. (Lowenthal, 1985, p. 369)

On the other hand, Shirley Robin Letwin suggests that tradition need not have a
great deal to do with the past at all:

[Matthew Arnold] appears to be defending tradition because he seems
to teach a reverence for the past. But reverence for the past is incidental
to what is central to the idea of tradition. And the clue to that is
the literal meaning of the word, which is 'handing down.' A tradition
is a practice that remains coherent not through changelessness but
through continuity. What constitutes a tradition is a conception of
how things should be done, a manner of understanding and dealing
with certain matters, a complicated cluster of criteria and skills that
cannot be captured in simple formulas of [*sic*] diagrams. A tradition,
in other words, is a practice perpetuated without formal definitions
of standards, without formal acknowledgment of anyone's authority to
set and maintain standards. That is why the personal association of
parent and child, teacher and pupil, has been considered essential to the
transmission of a tradition. (Letwin, 1982, p. 337)

Edward Shils, meanwhile, asserts that tradition 'means many things. In its
barest, most elementary sense, it means simply a *traditum*; it is anything which is
transmitted or handed down from the past to the present... The decisive criterion is
that, having been created through human actions, through thought and imagination,
it is handed down from one generation to the next.' (Shils, 1981, p. 12) (To 'be
regarded as a tradition in the sense of an enduring entity' a 'pattern' must 'last over
at least three generations' (ibid., p. 15).) There appears to be a fairly lively tradition
of thinking about tradition, and not at all a univocal one; for my present purposes,
the predominant object of interest is the perpetuation of a tradition through time
as a series of more-or-less similar events or practices, and the potential which this

creates for a tradition to be deliberately conserved or (wilfully or accidentally) allowed to die away. There may be people for whom the entire phenomenon of reverence for traditions conjures up deadening images of the gloom of Gormenghast; but there will be others who make nicer distinctions (and perhaps even some who might wish to invoke flexible traditions of change and progress and reinvention).

Not every practice, at any rate, can be extended into the modern day through the medium of a tradition: a set of conceptual structures for categorising and organising the world can be remembered, in a kind of intellectual and even scholarly cold storage, long after falling out of conventional use (the ideas and practices that made up the alchemical tradition being in this situation), but a *living* tradition is impossible wherever taking it in any manner seriously would depend on accepting the ways of understanding the world within which it emerged and developed, and these are ways which have proved themselves susceptible to decay and abandonment. In the case of alchemy there is no *obvious* loss when we have gained its further development into chemistry,[1] and to keep up the practices of alchemical enquiry for the sake of tradition would be at best a playful performance of 'living history', at worst deluded and ridiculous (and perhaps, recalling §6.1, inauthentic). It is not (of course) impossible to be an alchemist in Britain in the modern day, but few of us, perhaps, could adopt the practice with sincerity. Yet there are other traditions which it seems possible we do value, not only for instrumental reasons (as for example in Edmund Burke's defence of tradition as a means of maintaining public freedoms), but by virtue of the fact that they *are* our traditions, from swan-upping on the Thames to patterns of intercollegiate rivalry. The former, at least, has (like alchemy) a practical purpose, but it is also a recurring *occasion*, and is permeated by a sense of occasion grounded in a long-established pattern. Institutional rivalries, on the other hand, tend to be embodied in neither pomp nor circumstance, but they have a certain momentum of their own; it is not, after all, as though each new generation of Durham undergraduates spontaneously adopts certain characteristic attitudes towards Hatfield College which just happen to resemble those of their predecessors.

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[1] Of course, it is a matter of judgment to what extent we should speak of a single tradition of scientific chemistry: certainly scientific enquiry incorporates a great many abandoned ideas of its own, such as phlogiston theory, but we are typically happy enough to treat *these* abandoned theories as part of a narrative of scientific progress, indicating that abandonment is not the sole reason why we commonly regard alchemy as a *precursor* to the narrative.

Eliot writes that tradition 'cannot be inherited,[2] and if you want it you must obtain it by great labour' (Eliot, 1920, p. 43). Sir Karl Popper strikes similar notes: 'Certain types of tradition of great importance are local, and cannot easily be transplanted. These traditions are precious things, and it is very difficult to restore them once they are lost.' (Popper, 1963, p. 163) Traditions are capable of decaying and becoming lost—although their capacity for transformation makes it contestable whether, for example, the alchemical tradition is in some sense preserved by the practice of scientific chemistry, or whether the discontinuity constitutes the loss of the former (Shils, 1981, p. 14). I suspect that it depends on our chosen emphasis in making the judgment: if we regard alchemy as a practice of investigating how the kinds of matter that make up the world may be manipulated, then we are likely to be most impressed by its continuity with chemistry, whereas if our emphasis is on the place of self-purification in alchemical practice, we are equally likely to note the absence of a comparable role for the professional or academic ethos of a scientist of the present day. In neither case is it apparent that we have grasped the true essence of the alchemical tradition—whatever such a thing might be.

Must it arouse our concern, then, that a tradition may dwindle and disappear, or is this, *ceteris paribus*, simply a feature of routine cultural change and intellectual progress? It is of course interesting to note that a tradition, being characterised by continuity, and not only past- but also future-oriented, is a thing aiming at preservation and self-perpetuation—even more so than human beings, with our less extensible lifespans. (Arguably the very practice of siring and rearing children is itself a tradition.) Yet it does not clearly follow that the proper lifespan of a tradition is infinite as well as indefinite, any more than this is true of ours. Traditions of alchemical practice faded away in an environment which simply ceased to be intellectually hospitable to alchemy, and there is no obvious reason to mourn their passing; we retain, after all, a measure of historical knowledge about them. If we have reason to care about cultural items then we have reason to care about traditions insofar as they are themselves cultural items, but must we care not only about the cultural item 'this year's festival' (which of course draws on the cultural resources offered up by memories of previous years'), but additionally about the continuity into which it falls? Depending on our conceptions of what a tradition is, there may be a case for allegations of double counting.

Not that a tradition is merely a sequence of indefinite extent. A tradition is an inescapably normative phenomenon, whether overtly so or not (ibid., pp. 23-5), in light of what it excludes as well as what it perpetuates: to say that a

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[2]I think that by this he means that tradition cannot be *passively* inherited like a right of possession, i.e. the only way to have it is to participate in it with the right kind of 'historical sense'.

practice or proposal is alien to our traditions (or more generally, to our established customs) can be not merely an observation but an objection. Traditions provide contexts for meaningful activity which can be ruptured, so that a philosopher who veers far enough away from the Analytic and towards the Continental traditions, for example, will be withdrawing from one conversation in favour of another by becoming progressively less readily intelligible to his former colleagues, and sharing less in their understanding of what philosophy is and how one conducts it. Traditions constrain us, not by limiting what we can think (for after all it *is* possible to change one's opinions about what it is and should be to do philosophy, to draw on intellectual resources which initially were alien to oneself), but because we cannot very well escape participating in and influencing their development in ways that get out of our control, so that as soon as one opens one's mouth and expounds one's ideas in public they become mixed up into the ebb and flow of 'the great conversation'. From what I can gather the process goes something like this: in year one you come up with an argument that x, in year two someone else voices agreement that x, and by year three the $x$ites are defending their shared position against others who would like to advance their careers through refutations of the new $x$ist movement; some years later $x$ites have ceased to seem radically exciting, but several people have built parts of their careers on x's supportability or lack thereof, and the tribal conferences are always convivial; and eventually, once the x question is a familiar feature on undergraduate courses and the original generation of $x$ites has largely passed away, someone will begin an exegetical debate by analysing your initial paper afresh and contending that what you had in mind at the time bore practically no relation to how the great x debates ended up.

The practical methodological upshot for a philosopher such as myself, unlikely to found a school of thought on any significant scale with the present work but wandering through the territory of quite a number of them, is that a tradition is not something one can quarrel over the ownership of like an object in a museum.[3] Participation in traditions is to a great extent unlike possession of objects, or even participation in discrete events: it involves the assertion of one's place in a living continuity, whether as inheritor or merely as admitted guest, and it likewise involves participation in this continuity in specific contradistinction to any competing or alien ones. All of which creates a bit of a complication for my conception of culture as network-like: whether we consider a tradition to constitute a cultural item in its own

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[3]Another matter of methodological diversion for me is the observation that when I set out to talk about cultural heritage, of course I include intellectual heritage, including the very intellectual traditions within which I stand and on whose resources I draw in order to talk about heritage ethics.

right,[4] or whether we think that it amounts to a special form of interaction between cultural items, the forward-pointing, cumulative, sometimes contrastive nature of tradition makes it look as though there is rather more to the constitution of cultures than normatively neutral interrelations between normatively inert cultural items.

Of course, no metaphysicalised conceptual model of culture is ever going to offer an adequate insight into what culture means to us, and a dry and objective characterisation of what a tradition is inevitably falls short of accounting for what it means to participate in a tradition and to be tasked with either perpetuating it or letting it fall away. (I think that MacIntyre, for example, would reject my account of tradition as too much concerned with bare sequentiality over narrative; I have tried to be somewhat minimalist, and to avoid requiring anything comparable to his wider concern with virtue.) Given that I have been taking as a paradigmatic example of a cultural item the kind of artefact which finds itself subject to ownership disputes between governments, museums and other bodies, it is hardly surprising that 'the cultural item' has tended to appear in my theorising as an object of my philosophical inspection, a thing to examine and evaluate. Yet perhaps recognition of even our *intellectual* heritage for what it is entails that the proper relation to heritage should be one of engaging with it in something more closely resembling a dialogue, or at least a hermeneutic process. Heritage would then emerge less as an object for my theories to act upon, lying still on the slab for examination and appraisal, and more as something persistently able to talk back (as it were) and demand reappraisal even at an abstracted, theoretical level; and as such, to engage in philosophising about heritage would not be to aim at parcelling up a neat, completed package of methods for generating prescriptions in normative ethics, but would itself constitute standing within a tradition of thinking philosophically about heritage, and not necessarily expecting to arrive at conclusive solutions.[5]

For the moment, however, I shall leave methodological reflections aside in order to consider an aspect of the temporality of cultural heritage which looks very different from the indefinitude of tradition.

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[4]See Chapter 10.

[5]Need all this present a problem? One might respond, after all, that if we aspire to assess tradition philosophically it is a positive boon that nobody could do so with greater experiential authority than we can; and in any case similar situations arise across the philosophical board, as you would expect from a discipline purporting to examine the fundamental questions of being human, and as it happens logicians go on thinking logically, moral philosophers endure not being amoral creatures, and phenomenologists working on embodiment are seldom heard complaining about a lack of experience of being disembodied. Nevertheless, I take the matter to invite caution.

7.2. Origins

With respect to the ways in which we talk about the temporal aspects of heritage (that is, how the nature of things as heritage, and often as overtly in*herit*ed, relates to their existence across different times and changing circumstances), traditions and origins seem in some respects to be in opposition to one another. In the case of traditions, sequential continuity is the critical defining aspect (and that continuity may be fairly loose in some cases): recall that for Shils, we have a tradition wherever we have a 'pattern' passed down between three or more successive generations (Shils, 1981, p. 15). So long as we can identify some sort of continuity between the stages of its existence in which we are presently interested, a tradition need not have any point of origin which is clearly recalled or identifiable; if anything, a tradition that stretches back into time immemorial may carry a certain attractive mystique (on which see also Chapter 13).

In contrast, sometimes we want to talk very definitely about origins; sometimes a great deal in the ethics and politics of cultural heritage depends on the possibility of tracing objects, ideas and practices back to their roots. Most obviously, acts of restitution and repatriation are grounded in the notion that (1) the object being returned has a place or people which is demonstrably its source, and from which it has been displaced; (2) some desirable end is served by returning it to this source; and (3) such a return is possible, i.e. there exists a place or a people which can be reliably identified with the source place or source people, even after the passage of however much time. In many cases the demand for return is grounded in a claim about what is due to the source peoples: a demand of justice where the removal was such as to wrong them, or a demand for the cessation of harm where the continued estrangement of the displaced item is in some respect harmful to the cultural group from which it was taken. At other times the aim is oriented towards the future, towards discouraging those obliged to make the return from further participation in the market for looted antiquities. Yet in addition to these themes one sometimes sees it suggested that there is something about the original setting of a cultural item which is especially fitting for it, and hence that there simply are *ceteris paribus* grounds for favouring an item's source nation, city, &c. as its proper place of repose.

In what sense, if any, is it good for cultural objects to be situated in their places or communities of origin? Writing in a recent issue of *Museum International*, George Anastassopoulos, the Permanent Delegate of Greece to UNESCO, advances what we might call a symbolistic objection to universal museums: their very accessibility, he claims, 'has unfortunately led numerous objects to acquire a status not of "universality" but of "familiarity", which progressively erodes the singularity and inherent symbolic value of cultural objects'. In consequence, 'if we do not anchor

these objects in their original environment and history, we run the risk of depriving them of their universal quality and beauty by making them "familiar" objects of consumption' (Anastassopoulos, 2009, p. 9).

Whatever could it mean to anchor museum pieces in their 'original environment and history'? Anastassopoulos speaks of a 'vision of culture, as a series of concentric circles with at the centre the community of origin, [which] challenges traditional conceptions of "universalism". It emphasizes the organic bond that links the work of art or artefact and the location where it was created.' (ibid., p. 9) I am decidedly unsure whether anyone else actually does think of culture in such terms (perhaps I lack adequate knowledge of the Hellenophone literature on the subject), but the idea of an environment of origin as an especially fitting site for a cultural item has certainly underpinned much of the official Greek rhetoric concerning the Parthenon Marbles, culminating in the New Acropolis Museum, a building in physical proximity to the Parthenon but nevertheless removed from it. The Marbles cannot be replaced on the monument of which they 'were conceived and designed from the outset as integral parts' (Papazoi, 2000, p. 2), but the Greek government has contended that nevertheless 'the cultural, historical, archaeological and aesthetic values of the Parthenon are most closely interwoven with the city in which it was created, Athens' (ibid., p. 2).

But what do we mean by the origin of an object, or a practice? Or rather (since I doubt much in heritage ethics is going to be settled by appeals to Kripke), what sense can we make of the various things we might mean which will prove morally illuminating? In part, of course, we mean a more-or-less specific point in time ('1832'; 'the Renaissance'; 'the Neolithic period') and space, where our geographical points of reference may be both physical ('the Shetlands'; 'Australia') and sociopolitical ('the U.S.S.R.'; 'rural England'). Some familiar difficulties have a lot to do with the frequent disinclination of our familiar sociopolitical ways of dividing up the world to line up conveniently with the era in question, as in Appiah's example of the Nok sculptures which were made in a geographical area we now call Nigeria, but long before the nation-state of Nigeria came into being (Appiah, 2009, p. 74).

We need not, however, be speaking only of the time and place at which some item came into being: when we say that Western philosophy began with Thales of Miletus, we clearly do not mean that Western philosophy happened to pop into existence at the point which was then occupied by Thales. In speaking of the origins of manmade things (as we are when we find ourselves concerned with any item of non-natural cultural heritage) we are dealing with agency, and sometimes we shall have to deal with the involvement of multiple agents through multiple acts in making

a thing what it is.

What sort of origins, then, do we mean to speak of when we ask where some cultural item came from? Where physical objects are concerned, we might mean the sources of the object's constituent material(s). I doubt this very often is what's meant, but it might be suggested by some Peruvians' suggestion that Peru has a claim on coins found with the shipwrecked *Black Swan*, a wreck discovered on the seabed near Portugal, because Peruvian metal, taken during the colonial era, was used to mint them (Jones, 2008). Spain's claim is based on the form imposed on the material, Peru's on the source of the material itself. However, attempting to draw any general rule out of this line of thinking seems likely to lead us to the novel conclusion that the best setting for parts of Stonehenge would be the Preseli Mountains in Wales, despite the fact that the original builders of Stonehenge evidently reached a different conclusion.

We might mean the place or people among whom the idea of an item arose, before the item itself was brought into being in consequence; after all, it would be natural enough to say of some project that it had its origins in its preparatory planning, and specifically in the formation of the earliest plans and suggestions. I have trouble coming up with cases where such a thing *has* clearly been meant, however, unless perhaps we suppose that some of the broader kinds of appropriation, such as that of styles and motifs (Young, 2008, pp. 6-7), can be brought under this heading, where there is a reasonable enough sense in which the token may be thought to originate with an already established type.

Certainly, when we talk of origins we have to recognise what connections the objects and practices under consideration have to previous and contemporary cultural milieux. However, at the same time we must acknowledge that the origin of an object is not simply that of the ideas which it embodies: the origins of rocket*ry* may be in ancient China, but this hardly invalidates our calling the Soyuz launcher a Russian rocket. The difficulty in appealing to the ideas which give rise to items' creation, then, is that it is hard to identify a principled stopping point at which we can say that we have found the idea "Let's make an x", and therefore found the origins of that x, while clipping away as strictly irrelevant all the preceding thinking about x-style items which served to create the context within which this plan in particular was able to take shape. If we want to talk about origins in terms of plans and ideas, we are likely to arrive at the conclusion that the notion of an origin is in fact not a crisply delineated one at all; and probably there is something in that, but it would be rash to reject so soon the starting expectation that there would be some noteworthy distinction between the temporality of origins and that of traditions. The Soyuz launcher *is* of Russian origin.

We might mean the environment in which an object was first constructed, sculpted or otherwise given form – in the case of abstract objects we might think of the setting in which a document was written, a festival first held, &c. – but then, a lot of objects begin their existence in a workshop or studio with the intention that they should be moved elsewhere on completion. For example, a ship is supposed to sail from port to port, not stay in the dockyard. In these cases, even if we consider the place of creation an important aspect of an item's history it is unlikely to figure significantly *and automatically* in our judgments about what should happen to the item now.

We might mean the setting for which an object was made, or for which a practice was devised: the Parthenon Marbles, for example, were non-trivially integrated into the structure of the Parthenon.[6] The performances involved in the State Opening of Parliament were overtly devised for the Palace of Westminster, with its spatial and constitutional division into Houses of Lords and Commons. This cannot very well apply in every case, however, simply because many things are devised without an intended setting very much in mind, while others acquire such very different histories from those intended for them that one has to doubt the significance of those initial intentions in any deliberation about their fate. (The Antikythera Mechanism, a piece of ancient technology now held by the National Archæological Museum in Athens, was perhaps *en route* to Rome when its ship sank; we cannot know whether that was what its maker first envisaged for it, and nobody has suggested that what little we can guess of its intended destination after manufacture should determine who has a legitimate claim on it in the present day.) Again, then, it would be excessively hasty to conclude that this criterion is *never* relevant, but it seems very doubtful that it consistently is.

We might mean the setting in which an object was discovered; recall Renfrew's emphasis on the archæological site as the setting of epistemic significance which gives artefacts their meaning. This cannot be the only origin of which we might wish to speak, however, since archæologists clearly take an interest not only in where an object was found but in questions of how it came to be there.

Becoming somewhat sceptical about the prospects for a straightforward general criterion of origin-possession, then, we might seek to introduce more socially determined elements: perhaps we should say that origins of the kind we are interested in, for the purposes of developing an ethics of cultural heritage, are not the origins of an item *per se*, i.e. the environments and conditions within which it was brought into being as the thing that it (physically) is, but rather its roots as an

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[6]Some of the Marbles, but not others, are presently situated within their *city* of origin; and here we observe a related problem, that of when buildings, cities, countries of origin, &c. should be seen as salient. Perhaps this question was what animated Anastassopoulos's concentric circles.

item of somebody's specifically cultural interest. (By way of comparison: what are the interesting origins of a signed first edition of a book? There are at least two: the occasion of printing that makes it a first edition instead of a later one, and the act of signing by the author *after* the book was printed, which turns the first edition into a signed first edition.) We need perhaps concern ourselves, then, merely with the question of when and by whom the item in question first began to be appreciated in some manner relevant to its status as cultural heritage. That it may previously have emerged from some anonymous workshop, for example, and lain for a while in a shop window is a matter of merely historical interest; if the item of interest is, let us say, the typewriter which was used by Cormac McCarthy to write his novels and which was sold at auction in December 2009,[7] then of course our interest in it as cultural heritage will have everything to do with what we think of McCarthy's writing as (someone's) cultural heritage, and nothing to do with its existence before he even purchased it.[8]

Unfortunately, this again leaves us obliged to wonder whether origins really can be tied down to reasonably discrete events in time and space. 'Man acquires typewriter' describes an act, but not an especially exciting one. 'Man acquires typewriter in order to pursue a career as a novelist' is perhaps an improvement, if the ensuing career is one of interest to us; but even supposing we have reliable grounds for thinking that this was his intention at the time of the acquisition, there is no obvious improvement over 'Man acquires typewriter in order to write neater shopping lists; as it happens, later on he uses it to pursue a career as a novelist'. Our interest, clearly, is not in the act of acquisition itself, even given what we know about how the typewriter was subsequently used, but in the gradual and cumulative process of writing with which the typewriter was involved; there was no baptismal moment at which it was suddenly transformed from an everyday typewriter into a piece of literary history.[9]

Perhaps, however, my choice of example has led me to be excessively demanding; in many cases, notably when dealing with antiquities, when we ask about the origins

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[7] I assume that, being auctioned as a piece of literary memorabilia, the typewriter may fairly be considered of cultural interest and hence suitable as an example, although no concern for it under the heading of cultural *heritage* has interfered with its being disposed of as an item of private property.

[8] Or *almost* nothing, since as an example of a certain model it may hold some interest for people who find themselves diverted by the history of typewriter manufacture. However, the importance then attached to it as an *example* would depend on how many other such examples were in existence, whereas, since McCarthy used one typewriter continuously throughout many years of work, we are considering a particular item, *the very typewriter* used to write certain literary creations.

[9] We may, indeed, be reminded of traditions at this point, there typically being no baptismal moment at which sombody says, 'Let's start a tradition!'

of some item of cultural heritage we should be thrilled to obtain an answer so precise as to have been pinned down to the span of a specific person's life. Frequently we must be content to learn merely the approximate era, region and societal context in which an object was made. Similarly, the historical record may give us only a general idea of the era across which an item came to possess cultural import; but at this level of precision, maybe that is all we need. So long as we have *some* (even vaguely delineated) portion of time and place to point to, we can talk about origins to a degree of precision that depending on our needs may be good enough.

With this in mind, then, can we say that the origins of an item of heritage are to be found in those circumstances which made it an object of cultural interest and appreciation (somewhat as we might say that someone's schooldays 'were the making of him', when in a physical sense they clearly were not)? Once again, there is no doubt something in this that does capture what we are frequently concerned with, and the difficulties arise when we try to draw out a general guiding rule concerning origins.

If our requirement is that members of a cultural group must recognise an item as the possessor of some appropriate kind of status within their culture, and not retrospectively but at the time at which the item has its origin *qua* item of whatever kind of (more than ordinarily interesting) cultural heritage, then we have created a criterion which turns out to be remarkably exacting. Suppose some other well-known writer, McDarthy, also uses a typewriter, but this fact happens never to become public during his lifetime. Many years later, when his descendants have finally finished squabbling over the larger details of his estate and the existence of this typewriter comes to public light, *then* we may say that the cultural item we know as 'the very typewriter used by McDarthy to write his famous novels' has originated—years after his life and career finished and his novels became widely read in the first place. The origin of this, the typewriter *as a cultural item*, would therefore come *after* the very events which made it of greater interest to the reading public than an everyday typewriter.

However – you might object – we are quibbling over a mere epistemic inconvenience: the reading public, we may reasonably believe, would most certainly have acknowledged a cultural interest in what they could have known (had they thought of it) under the definite description 'the implement used by McDarthy to write his novels'. That they did not even know he used a typewriter, rather than a pen or pencil or computer, and that they did not know *which* typewriter, prevents them merely from knowing which object in the world answers to the description in question. Since the typewriter does *and did* answer to it, however, nothing requires us to locate the typewriter's origin as a cultural item of literary significance only at

the moment of its public identification.

This point is correct, but too limited: we have become dependent on a counterfactual assumption, the judgment that members of the reading public during McDarthy's life, or at least as soon as he became famous, probably would have taken an interest in the implement he used had its identity ever arisen as a topic of commentary. Sometimes we can make reasonable counterfactual judgments about what people might have thought and done, but even if we admit this into our thinking about cultural heritage ethics (and there are of course reasons to be wary of doing so, given the epistemic uncertainties which invariably attach themselves to counterfactual judgments of any historical complexity), can we seriously claim that the origin of an item *qua* item of recognised cultural interest is to be found at the (earliest possible?) temporal point at which people in different (ideal?) circumstances *would* have shown suitable interest in it? Surely not its origin within the world we do in fact inhabit.

Enough: by this point it seems reasonably plain that an understanding of origins which both reflects our interests when enquiring into cultural heritage ethics and looks reliably applicable across the various diverse cases that might concern us is not within our ready grasp. (No wonder, when it can become so tricky to distinguish between questions of fact and questions of value: we find ourselves in difficulties precisely because the question of which sort of origin best reflects our priorities cannot escape the question of what our priorities ought to be, but the question of what we should prioritise in our deliberations cannot readily do without a substantive conception of what cultural items we are dealing with—and whence they came.) Need we worry about that, or should we merely endorse renewed wariness when faced with claims concerning the origins of a cultural item?

What I actually want to do here is shift focus away from the question of where exactly we might locate the origins of an item of cultural heritage, and back towards the question of why it might seem important to identify them in the first place: specifically, my suspicion here is that underlying some of the disputes over heritage is a kind of conceptual difference of judgment about how heritage should be conceived of as subject to the passage of time, so that (drawing the divisions loosely) a traditionalistic tendency regards the status of an item of heritage as cumulative, its identity as cultural heritage a matter of open-ended development; whereas an originalistic tendency conversely tries to pin down a definite starting point and assess all subsequent events in light of it. The latter inclination is manifest in restitution cases in the claim that, from a given starting point, an object's history ought to have been different, and the timeline it ought to have had is the one towards which its future history should be brought as close as possible. The former is indicated

by Cuno's narrative tactic of tracking the changing uses of an artefact through time, destabilising the notion that any one of them has strict priority in order to advance the cause of the universal museum as an environment suited to housing and comparing artefacts in all their multiform status.

Now if it is the case that (even assuming standard Western conceptions of linear time, &c.) we can perceive possible roots of disagreement in basically different conceptions of a given object[10] as a temporal thing, then we cannot very well avoid the question of which, if any, is 'right' or 'best' in any given case; and possibly some movement in the direction of picking favourites could be made, by means of linking into my emphasis on thinking about cultural items in holistic terms, and asking how a best fit might be attained: does it best accord with the place which a given item has received within wider human culture to regard it traditionalistically or originalistically? (I wonder, though, whether appealing to an item's prior reception would tend excessively towards conservatism not only as a matter of moral prescription, which I suppose is at least unsurprising where cultural heritage is concerned, but moreover as a matter of conceptual favouritism, giving unbalanced favour to just one way of conceiving of an object in temporal terms, to the exclusion of whatever others there might be. I should be nervous of bringing about the latter as a side-effect.) Yet I am inclined to think that it makes more sense to be neutral between different ways of construing the temporality of heritage: clearly things do have origins, but it would be rash to expect these to imply strict limits on what can rightfully be done with them. The question of present interest, therefore, is whether such low-level conceptions of temporality are reconcilable, or whether we shall find ourselves obliged to be pluralistic about them.

To make further, progress, however, I think that I had better expand the discussion from considering what cultures and cultural heritage are like to directly trying to understand what kind of morally salient roles they play for us.

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[10]A physical object, of course, cannot itself be a tradition, but it can be associated with traditions, or just with changing uses which may be without a clear point of origin, and therefore it can be subject to what I have styled 'traditionalistic' thinking.

Part II.

Contours of a Moral Landscape

To say, 'I had whooping cough when I was four years old' supposes a thousand projects, in particular the adoption of the calendar as a system of reference...

Jean-Paul Sartre

(2003, p. 519)

8. 'Value'?

The legal scholar Sarah Harding has written,

> The monetary value of cultural heritage encourages preservation rather
> than destruction. But despite the physical survival of cultural heritage,
> we frequently destroy much of its intrinsic value by reconstituting it
> in radically limited and instrumental terms. We tend to focus on its
> scientific, educational, political, and market value, to the exclusion of its
> more fundamental value. The problem lies not in the existence of these
> instrumental forms of value but in their domination over other forms of
> value. (Harding, 1999, p. 293)

Conceptions of value seem to have become, if not necessarily the supremely
dominant currency in thinking about the ethics of cultural heritage and the various
forms of significance which items thereof might possess, at least a widely recognised
coin. No doubt UNESCO is in large part responsible for this state of affairs, with the
formula of 'outstanding universal value' forming a critical element of the Convention
Concerning the Protection of the World Cultural and Natural Heritage (UNESCO,
1972); 'value' is also a term employed repeatedly in the Convention on the Means of
Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of
Cultural Property (UNESCO, 1970). Philosophers, however, have adopted it largely
with approval. For Janna Thompson, value of a certain sort (or value*s*; in the
following quotation the two words seem to be employed with a purely grammatical
distinction) offers a starting point for further reflection:

> Appeals to rights of cultural property support some restitution claims
> but not others. However many of those who think that museums ought
> to resist demands for restitution are claiming that there are values at
> stake that can justify refusing demands for restitution even when they
> are legitimate. They are not pitting the claims of one collectivity against
> another. They are not claiming that the acquisitions of a museum have
> become over time the cultural property of the museum or the people
> of their country—that, for example, the [Elgin] Marbles are by now
> truly British. They are insisting that museums are the protectors of

values that transcend rights of cultural property, including the right to restitution.

The values mentioned in the Declaration [*sc.* on the Importance and Value of Universal Museums] of the museum directors are education and the advancement of knowledge, and to this we can presumably add æsthetic worth. These values are assumed to be of significance to all of humankind and I will call them 'values for humanity' (or in short, 'human values'). Æsthetic worth is a notoriously contested concept and not every society believes in the value of scholarship or values the kind of education that the museum directors have in mind. But I will assume that these values can be given an adequate defence—that differences in æsthetic taste do not prevent considerable agreement about what is of æsthetic worth and that education and advancement of knowledge are things that people ought to value.

The argument advanced by those who think that museums are within their rights to resist restitution claims is that some artefacts are of such great value for humanity that it is justified to restrict or override rights of cultural property in order to promote or protect this value. (Thompson, 2003, p. 257)

'When cultural property is central to a collectivity's practices,' she concludes, 'its rights are not trumped by appeals on behalf of human values. But not all cultural property is central to a collectivity's practices. If artefacts have only a marginal importance to the collectivity and their human value is considerable, then its rights become more difficult to defend.' (ibid., p. 260) The term 'values for humanity' is an overtly anthropocentric one, and it seems fair to take it that Thompson understands the value of items of cultural heritage to be a type of instrumental value (of which more later), at least insofar as æsthetic value, say, is instantiated in a particular cultural item: what makes the item valuable are its æsthetic properties, and what makes those valuable is the role they play 'for humanity' as a whole.

Whereas Thompson emphasises cases in which she believes that 'human values' should be understood to override ownership rights, James O. Young has defended the claim 'that cultures sometimes are the rightful owners of cultural property, even when they have not inherited, made, purchased or been given the property.' He believes 'that the basis of a culture's claim on cultural property can simply be the great value that some property has for members of a culture.' (Young, 2007, p. 120) According to such a view, the value of a cultural item (and specifically the value it holds for a certain cultural group) may sometimes serve to give that group a particular claim on the item (though theirs will typically not be the only rights

which ought to be considered (ibid., p. 122)). The lesson which Young draws from this is summarised in his 'cultural significance principle' (otherwise the 'cultural property principle'; see p. 45): 'When an item of cultural property has æsthetic, historical or other value to the members of some culture, then the culture has some claim to the ownership of the property in question. The strength of the claim will be proportional to the value the property has for members of the culture.' (ibid., p. 122)

Thompson and Young thus both recognise value of a relevant sort which can be of multiple types: æsthetic value is the sole example which they both employ in the quotations above. Each seems to acknowledge relations of some complication between such value and rights (principally, rights of some sort of ownership of 'cultural property'); Thompson, however, tends to emphasise the potential of 'values for humanity' at large to mitigate the particular rights and associated claims of particular cultural groups, whereas Young has taken an interest in the potential of value for particular groups to be a source of rights for them. These positions are not necessarily incompatible, and neither philosopher presents the implications for normative decision-making as uncomplicated. Nevertheless, when we notice that value apparently can play so flexible a role in our thinking about what claims may be made on cultural items and by whom, it seems a suitable moment to pause and ask once again what might have made this term 'value' appear a helpful or important one to introduce to the conversation.

I suspect that some of the appeal lies in the resolutely anthropocentric ground upon which debates about the moral questions concerning cultural heritage, not only its nature but by implication its value too, tend to be conducted. Since the very status of an item as a *cultural* item depends upon its having acquired a place within some form of culture, and since culture (whatever else it is) is a phenomenon of our existence in human collectivities, it seems entirely natural to construe the very nature of cultural heritage in terms of relationships between a given cultural item and some or all of the human species, and no less natural to expect that our ethical involvement with cultural heritage must be somehow grounded in, or at least involved with, these relations. Yet the mere fact that cultural items originate with human collectives implies and explains little; a great many flakes of dead skin have originated with my very body, but nobody would take me seriously if I tried to make them the objects of personal restitution claims. It cannot follow simply from the fact of their origins that (some or all) cultural items play or ought to play any interesting part in anybody's moral life. Neither can it straightforwardly be said that we have need of them, since biologically speaking we have no such needs. There are points of view according to which culture ought to be considered a human good (Appiah,

2005, pp. 120-30), either basically or in the necessary service of such other goods as autonomy or a sense of identity, and according to which without culture the *good* life is unattainable or only arduously so; but it is likely to prove to be no trivial task to advance from any such claim about culture in general to conclusions about the proper fate of a given cultural item, should anybody aspire to make the attempt. It would not be a trivially mistaken account of the life worth living for a man of Athens which claimed that among its constituent aspects would be the unification of the Parthenon Marbles, but scholars of other conceptions of the *eudaimon* life might well be taken aback by it.

What then can we minimally say about our involvement with cultural items which might help us to think about them in ethical terms? A blunt and observable matter of fact about the way in which some of them animate our concern is just that: they do animate our concern. We care about some cultural items; or, reversing the formula, they (apparently) matter to us. The word 'value' captures both formulations, for to say that something has value is to imply that *it is* such that there is reason to give it some form of special treatment, while to say that something is valued is to imply that *someone* responds to it by judging that it commands some special treatment. It is not plain that we need commit ourselves to deploying the language of value in just one way or the other (although we *can*, of course, be outright projectivists if our doctrine is that this value has its source in human sentiment), and so we can be comfortably anthropocentric in casting human beings as the party actively doing the valuing, while remaining open to the possibility that there is much more than an appeal to sheer human caprice to be said about which items warrant being valued, and why some might warrant it more than others. Hence the putative taxonomies of value which appear in the quotations above: this 'value' is not the counterpart of some blind, romantically impulsive act of valuing, but value of sorts which are particularly capable of manifesting themselves in such a phenomenon as cultural heritage.

8.1. Intrinsic and Nonintrinsic Value

What then could be the nature of this value? A familiar distinction for moral philosophers is that between intrinsic and nonintrinsic value. Shelly Kagan identifies two general ways of construing such a distinction (Kagan, 1998, pp. 278-9). One (which I suspect is loosely a counterpart to Kant's distinction between categorical and hypothetical imperatives) considers the relations which a thing has with other things: if the value it has is dependent on a relation to something else, this value is nonintrinsic (and most of us would probably call it extrinsic), whilst if the thing in

question would retain its value even if it were the only thing in the universe, then the value is intrinsic. The other way of framing the distinction (which is reminiscent of Aristotle) is concerned with means and ends: what has value as an end in itself has intrinsic value, and what is valuable as a means to some other end has nonintrinsic value which would typically be called instrumental value. Kagan's conclusion is that it is a dubious intellectual move to unite these ideas under the single label 'intrinsic value' (ibid., p. 280), and in fact one of the examples he cites in the course of building his argument could easily be recast in the language of cultural heritage: 'the pen used by Abraham Lincoln to sign the Emancipation Proclamation, freeing the slaves'. If this has intrinsic value by virtue of being what it is, it has it as a result of having played a certain causal part in history, in turn as a result of being one of many items which possess instrumental value for signing documents. Thus, Kagan suggests, we have a case in which an object's intrinsic value plausibly depends on its instrumental value (ibid., pp. 285-6).

The critic of established conceptions of intrinsic value whose work is most pertinent to my own is not Kagan, however, but the legal theorist Sarah Harding, who has defended 'a way to think about cultural heritage that focuses on its intrinsic value' (Harding, 1999, p. 295) (or at least, a way to think about 'important cultural heritage, heritage that we could classify as nearly indispensable' (ibid., p. 343)); like me, she has drawn inspiration from environmental ethics (ibid., p. 316, note 109), although unlike me she distinguishes her points of inspiration from those which concern themselves with human-independent ecological ethics (ibid., p. 329, note 159). Where we most obviously differ is in what we take to be the role of human beings in grounding this intrinsic value: Harding associates herself firmly with the anthropocentric mould which associates value with the satisfaction of the needs and wants of minded human beings (although my use of the label is, though fitting, in another respect unfortunate: it is Harding, in criticising R.M. Hare's contention that 'only those things capable of valuing and capable of having interests can have morally relevant value', who calls it 'an excessively anthropocentric view of value' (ibid., p. 317)). In her judgment, any 'suggestion that a potlatch dance or [a] da Vinci manuscript has value independent of human valuing or human experience is incoherent; cultural heritage is valuable precisely because it is an expression or an intimate part of human experience' (ibid., p. 317). Accordingly, she sets out to 'explore the possibility of isolating a category of intrinsic value that is embedded in, rather than distanced from, human experience, without being limited to human experiences' (ibid., p. 321).

If Harding had wholly succeeded in ascribing some form of intrinsic value to cultural heritage, then while my non-anthropocentric approach might remain a

technically plausible alternative, its interest as a source of normative guidance would be substantially diminished unless, perhaps, it turned out to imply strikingly different conclusions. However, I do not believe that Harding's approach altogether succeeds in its intended aims, although it does go some way towards showing how such an approach might proceed.

Harding, like Kagan, is concerned to unpick the exact meaning, or meanings, of the term 'intrinsic value'. She takes note of suggestions that what has intrinsic value is an end in itself; that (as in G.E. Moore's work) intrinsic value depends solely on intrinsic properties; and that intrinsic value is simply 'value which is independent of the valuation of a valuer' (ibid., pp. 316-17).[1] In her judgment, however, 'it is not clear that intrinsic value is restricted to these ideas' (Harding, 1999, p. 317); and if they do not provide an exhaustive definition, then room may remain for alternatives within 'our shared understanding of intrinsic value' (ibid., p. 317).

> The objective value theory holds that something has intrinsic value only if it can be said to have value independent of our personal or collective value assessments. Under such an approach, intrinsic value is completely divorced from our inclinations to appreciate something. The test for such an approach is often framed by the following question: would x continue to have value even after the disappearance of humans (and any other valuing agents)? Setting aside the difficulty of even imagining the existence of value or inherent worth in the absence of all humans, Vermeer's *The Girl With a Pearl Earring*, the Parthenon Marbles or a Suyá song are clearly not valuable in such a situation. Thus, under the objective value theory, cultural heritage cannot be intrinsically valuable. (ibid., p. 318)

I should say that the second sentence is not necessarily true and the conclusion is certainly false, but enough of me for the time being. Harding continues:

> What happens if we take the opposite approach, that only those things that are valuable because we think them so are capable of being intrinsically valuable[?] In other words, intrinsic value is comprised of only those things that are the subject of human assessment, a subjectivist

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[1]Such a literature survey could be continued. Besides the distinctions made by Kagan and Harding, there are also Christine Korsgaard's 'two distinctions in goodness. One is the distinction between things valued for their own sakes and things valued for the sake of something else—between ends and means, or final and instrumental goods. The other is the distinction between things which have their value in themselves and things which derive their value from some other source: intrinsically good things versus extrinsically good things.' (Korsgaard, 1996b, p. 250)

approach. [R.M.] Hare would argue that if we reject the objectivist argument and take a subjectivist approach, we are forced back into his position—that only humans have intrinsic or, in Hare's words, morally relevant value... Needless to say, such a theory also makes it impossible to view cultural heritage as intrinsically valuable.

But if we take a subjectivist approach as originally stated, that human assessments are the only sources of value, are we committed to Hare's position? That is, even if humans are the only sources of value, are we then tied to the conclusion that only humans or human states are intrinsically valuable? There is, as far as I can tell, no necessary connection between these two statements. (ibid., pp. 318-19)

Reacting next to conceptions of intrinsic value which define it wholly in terms of its dependency only on intrinsic properties, Harding suggests a counterexample: what is ascribed to the Zuni War Gods, fetishes created by the Zuni people and ritually left exposed to the elements to decay, is a value 'dependent on their situation with respect to humans', but 'given the God-like status granted to these fetishes, the Zuni believe their value extends beyond their usefulness or ability to satisfy human desires', making it a non-instrumental form of value (ibid., p. 320). Cultural heritage is also cited as a counterexample to the idea that what has intrinsic value must be an end in itself, for the 'idea of an "end" invokes abstraction and conclusion..., and yet the value of cultural heritage, not unlike the value of the environment, exists in its embeddedness in our lives.' (ibid., p. 321) Items of cultural heritage are 'things that may not have self-justifying value but nonetheless resist being reduced to mere means.' (ibid., p. 321)

Drawing on work by Joseph Raz, Harding suggests that we can *additionally* construe intrinsic (as opposed to instrumental) value in terms of independence of consequences (while still allowing that some things may alternatively be intrinsically valuable on account of, say, being ends in themselves): a thing has intrinsic value if the value it has is not possessed solely on account of what the thing can be used to bring about. Thereby, she says, we 'broaden the concept' of intrinsic value[2] 'to include an entirely different category of goods' (Harding, 1999, p. 322). These goods are characterised by constituency, or embeddedness, within other goods—ultimately, within a good life.

The value of goods that are deeply and fundamentally embedded in other

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[2]This, incidentally, makes Harding's approach to the taxonomy of value actually opposed to Kagan's, the latter's 1998 paper having concluded that we would be better off not trying to use the term 'intrinsic value' to cover two distinguishable concepts (or perhaps, we should now say, at least two).

intrinsically valuable goods goes well beyond any consequences they
might produce and thus they can be considered intrinsically valuable.
So, anything which is an element of something which is intrinsically
valuable in the first few senses – objectively or non-relationally as an
'end' – is itself intrinsically valuable albeit relational and contingent.
(ibid., p. 322)

8.2. Harding On Value and Experiences

We are invited to presume 'that the least controversial of intrinsic goods is a
flourishing human life' (ibid., p. 322); it then follows, the argument runs, that
the constituents of this also have intrinsic value. Harding contends that certain
kinds of experience, which she identifies as 'æsthetic' and 'cultural' experiences, are
among these constituents of the flourishing life; that cultural heritage, or at any rate
important cultural heritage, is in turn one of the constituents of these experiences;
and accordingly that cultural heritage is intrinsically valuable. Cultural heritage,
then, is supposed to inherit intrinsic value from the cultural and æsthetic experiences
in which it features as a constituent, which in turn inherit their intrinsic value from
the flourishing life by virtue of being constituents of *it*.

I have no wish to disagree that a flourishing human life will involve cultural
heritage; although I suspect that this has at least as much to do with its being a
recognisably *human* life as with its being *eudaimon*, and of course I cannot help
recalling the Aristotelian observation that everyone agrees that the goal of life is
eudaimonia, yet there is ample disagreement about exactly what it is. (No doubt
a great many vandals and iconoclasts have believed themselves to be acting for the
furtherance of living the good human life as they understood it.) Clearly, however,
a great deal will depend on how exactly we are to understand these relations of
constituency or embeddedness or elementality. Harding does not, I think, intend us
to be convinced that if x has intrinsic value, then whatever is a part of x also has
intrinsic value.[3] That would certainly be an unlikely claim. Imagine that I have
fallen swooningly in love with some woman on account of her charming character,
her intellectual fascination, her physical beauty, and so on. Only the occasional
minor demerit detracts from the overall vision of loveliness: her fondness for trashy
breakfast television, perhaps, or the flatness of her singing in the shower. Assume
that mine is not the blind love of poetic fancy in which I am unable to perceive
these deficiencies; it is not, indeed, even the kind in which I am intellectually aware

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[3]Nevertheless, Korsgaard observes that 'it is common to identify a "part" of an intrinsically
valuable "whole" as having "contributive" value' (Korsgaard, 1996b, p. 252).

of them but my experience is so constituted that they do not matter to me. When she sings, we shall suppose, I lunge for my earplugs—but I love her nonetheless. Since in this sketch I truly love her, no doubt I value her, and no doubt as an end in herself—but does it follow from my valuing the whole that I must value each aspect of her after the same fashion, including that awful singing? I see no reason to think so, and I doubt that Harding expects me to.

The most obvious interpretative move to make at this point is, I think, to note that we can perfectly well imagine my imaginary love cured of her imperfection (by means of some singing lessons, perhaps) without her having in any way lost her already existing merits or undergone a change in identity. If the attachment of her singing to her overall person is disanalogous to the embeddedness of cultural heritage in a flourishing human life, then, we shall suspect that this is because cultural heritage is *necessarily* or *essentially* a component of the flourishing life, something which it must contain in order effectively to qualify as the flourishing life. (At one point Harding calls cultural heritage 'the essence of cultural experience' (Harding, 1999, p. 338), and shortly thereafter she asserts that the 'rich context provided by cultural heritage is essential to a continuous and meaningful cultural experience' (ibid., p. 339) – with 'cultural experience or a stable cultural context' (ibid., p. 340) in turn featuring, along with æsthetic experience, as an aspect of the flourishing life – but I cannot tell whether she intends this talk of essence to be taken at all metaphysically. Elsewhere she calls cultural heritage 'an indispensable aspect of cultural experience and the evolution of cultures' (ibid., p. 340), where 'indispensable' probably implies some sort of necessity.) Perhaps it is for this reason, then, that in valuing the flourishing life intrinsically we are supposed also to value cultural heritage intrinsically.

This has a ring of some plausibility about it, but I think that the complications involved in talking about 'a flourishing human life' may be obscuring something. Let's return to Kagan's example of Lincoln's pen, and note that it is introduced to us under a definite description: 'the pen used by Abraham Lincoln to sign the Emancipation Proclamation, freeing the slaves' (Kagan, 1998, p. 285). Since 'any of a large number of other pens near Lincoln could have done just as well' (ibid., p. 286), it is manifestly a matter of historical as well as metaphysical contingency that this particular pen answers to the description. In this case, then, not only each part of it separately but even the collective whole is only contingently to be identified with the pen as it interests us and as Kagan invites us to consider it to have intrinsic value.

This should give us pause. It seems that if a thing may have value specifically *under a certain description* – and here let us note that 'the flourishing life for human beings' is a description – then in making any attempt to construct a mereology of

valuables we are at considerable risk of becoming entangled in complications ideally left to metaphysicians and logicians. There may indeed be a sense in which cultural heritage is necessarily part of the flourishing life, but I should imagine that this would prove to be more a practical than a metaphysical necessity—which may, in all fairness to Harding, be precisely why she opted for the rather differently evocative language of embeddedness in the first place. She called, after all, for a subjectivist approach, although I am not certain whether she had in mind something along the exact lines of Christine Korsgaard's definition of subjectivism: that it 'identifies good ends by or with reference to some psychological state' (Korsgaard, 1996a, p. 225).

If a more practical interpretation of this embeddedness is required, then what exactly might it be? What manner of embodiment is Harding speaking of when she refers to cultural heritage's 'essential, irreducible value that rests in its embodiment of æsthetic and cultural experiences' (Harding, 1999, p. 340)? The mere existence of cultural items will not do. (Admittedly there can be cases in which something can be of quite literally vital benefit to us without our necessarily happening to know about it, as in the case of vitamins or even oxygen, but in these examples there are clearly causal mechanisms at work, and accordingly the value we ascribe to these substances will be instrumental; the embeddedness we need to understand must be of a different nature.) It is consequently unsurprising that Harding concerns herself with cultural and æsthetic *experience* as aspects of the flourishing life. On her account, items of cultural heritage can be constituents of cultural and æsthetic experiences, and these experiences in turn are constituents of the flourishing life. 'Although it is possible for some cultural objects to have no æsthetic value, all artistic objects have some cultural value. We might in fact say the æsthetic is a personal experience of the cultural' (ibid., p. 330), whereas cultural experiences emphasise collectivity and social interrelations.

Considering æsthetic experiences first, Harding writes:

> The real controversy in æsthetic theory appears to focus on whether æsthetic experience is *the* ultimate experience not whether it is *an* intrinsically valuable experience. In either case, it is intrinsically valuable and art or artistic objects are a constituent of this experience. As a constitutive component, art is itself intrinsically valuable. Thus, that part of cultural heritage that can be called art and that evokes wonder, is thus [*sic*] intrinsically valuable... (ibid., p. 333)

The focus then shifts to the role of cultural experiences in the flourishing life. 'Although æsthetic experience is determined by culture, it is an intensely personal experience, one infused with wonder, whereas cultural experience is social, reflecting our need for shared experiences and values.' (ibid., p. 340) Harding commences with

a discussion of Will Kymlicka's brand of post-Rawlsian liberalism, in which culture provides a 'context of choice' within which we are able to pursue our life-plans. As Harding reads him, when Kymlicka writes about the importance of cultural structures he might as well be saying that cultural *experience* is intrinsically valuable because 'it is a constituent of something that is foundational, human well-being' (ibid., p. 335). When Kymlicka writes that liberals 'should be concerned with the fate of cultural structures,[4] not because they have *some moral status of their own*,' but because of the choices they make us aware of (quoted in Harding, 1999, p. 335; italics Harding's), this is taken to imply that cultural experience lacks 'independent moral status', but lacking this *status* does not reduce its significance to our 'sense of worth' (ibid., p. 335). I have to say that to me it sounds more like an endorsement of cultural heritage as *instrumentally* valuable, but Harding in any case does not take all her cues from Kymlicka; after discussing the ideas of other theorists about the benefits of culture, including Charles Taylor's emphasis on 'the dialogic nature of the relationship between individuals and culture' (ibid., p. 336), Harding concludes that culture, 'whether as a context or as a dialogic counterpart, is of fundamental significance to our identities and individual well-being. It is through culture that we find expression and give meaning to our lives.' (ibid., p. 338)

Experiences, whatever they precisely are, are things which happen to minded beings in the course of their lives; accordingly I agree that whatever the flourishing life for human beings precisely is, it will involve experiences of certain kinds. Presumably we are to take it that items of cultural heritage not only cause certain kinds of experience, but feature within them in some manner. In trying to understand what precisely is meant by 'experience' as Harding employs the term, and what it would then mean for an item of heritage to feature as a constituent of such an experience, I find myself initially tempted to suppose that perceptual or sensory experiences will be the paradigmatic case: when I stand in an art gallery and gaze at a painting, then, my perceptual experience of the painting will constitute both my æsthetic and my cultural experience of the painting, which presumably features as the (intentional) object of those experiences. So far, so plausible: few of us, I think, would wish to say that when I gaze at the White Cliffs of Dover, say, the Cliffs themselves merely *cause* certain sensations in me,[5] and that there is no interesting sense in which I behold the Cliffs. Sightseeing would be very odd if we thought of our perceptual practices in such a way.

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[4]The published text of Harding's article incorrectly turns 'structures' into 'structure' here; while this technically changes the meaning, by making 'liberals' the only possible subject of 'have', I have no reason to think Harding ever misread Kymlicka's statement in this way.

[5]More precisely, the Cliffs reflect photons of white light, which stimulate my retinæ..., &c.

8. 'Value'?

Harding's borrowing of Kymlicka's idea of culture as context makes me pause, however. A context is something that lurks in the background of our experiences: a context *for* something else which manifests itself in the foreground. Perhaps, then, it is a mistake to take so much inspiration from the case of perceptual experiences with direct intentional objects (whatever the role of æsthetic experiences might suggest). Such cases may be too episodic for our needs: Harding appears to be thinking of far more gradual roles for culture when she says that the 'rich context provided by cultural heritage is essential to a *continuous* and meaningful cultural experience' (Harding, 1999, p. 339; emphasis mine), and when she asserts that 'cultural experience *or a stable cultural context* is intrinsically valuable' (ibid., p. 340; emphasis mine). If at least *some* cultural experiences are more diachronic and less directly concerned with encountering cultural items as their objects, then an alternative example might perhaps be, say, that of the experience of life within the Church of England: an ongoing experiential process (indeed, an aggregate of many episodic experiences) within a certain cultural environment.

Yet if this is so, then what could it mean for the Church (or the Church-as-environment) to feature as a constituent of the experience? There is an everyday sense in which the experience is 'of' the Church, but we must be able to say something more exact about such a very vaguely defined environment if we are to be confident that it can inherit intrinsic value from experiences of it. In the first place, such an example risks proving too much: why delineate anything as specific as experience of life within the Church of England, when we could simply speak with even greater holism of the experience of living the flourishing life? There must be some meaningful criteria by which experiences are to be individuated. In the second place, we are going to be left wondering how we are to bridge the gap between these sweeping and indistinct experiences and whatever more discrete items of cultural heritage we are interested in: how we get from ascribing intrinsic value to the Church of England (as someone experiences life within it) to evaluating, say, the Sanctuary Knocker of Durham Cathedral.

I suspect, therefore, that we cannot afford to get too strongly carried away with this sort of sweepingly diachronic line of interpretation: if we are anxious to speak of the value of discrete and often concrete cultural items, and if we make experiences central to our account of how they acquire this value, then insofar as we would like to appeal to notions of context and dialogue our best hope might be to employ some form of idea that such experiences can have complex objects of which the cultural context is one aspect. (Since I do not know whether Harding would endorse a solution of this sort, I do not intend to develop it further.)

Still, the question remains: does the type of *value* which we ascribe to an

experience surely transfer to the object of that experience? This is certainly a tempting line of inference, when after all the experience is itself *of* the object; but I am hesitant to ascribe powers of value-transfer to anything like intentionality in this fashion. Subjectivism in the Humean mould, with its famous gilding and staining of the world, has no obvious need to complicate itself with talk of embeddedness and intrinsic value. Since intrinsic value under Harding's conception of it is not supposed to attach itself to items considered in isolation from the rest of the universe, and since indeed it apparently does attach itself specifically to items inasmuch as they play roles in certain kinds of experience, I am not sure that there is a great deal of scope for saying that each such item *itself* inherits intrinsic value from the intrinsically valuable experiences, when it is only insofar as it plays a role within those experiences that the item comes to be considered as a candidate for the inheritance of this value. We should have, I suppose, to invoke some form of dispositional characterisation: such-and-such an item is such that it is apt to feature in our æsthetic or cultural experiences, and if we ascribe intrinsic value to it on the occasion of actually having those experiences then we ought to ascribe such value to it outright. Once we start talking about aptness and potentialities in this sort of fashion, however, I am not sure how much still significantly separates us from talking about causes and consequences (which threaten to lead us back to the territory of *instrumental* value). In either case we find ourselves saying something to the effect that if some item is present in a given set of circumstances then something (such as an experience) will come about.

The matter is complicated by the fact that, as Harding notes, while the 'rich context provided by cultural heritage is essential to a continuous and meaningful cultural experience' (ibid., p. 339), her 'argument does not entail the existence of any specific objects of cultural heritage, but rather the assurance that there will in fact be some cultural heritage' (ibid., pp. 330-31) (and that 'it would make sense to ensure the existence of the best forms of cultural heritage' (ibid., p. 331)). Now of course we should be asking too much if we demanded a list of exactly those cultural items which the flourishing life requires. The mind which cannot imagine the universe without the *Bateau ivre* or the *Ancient Mariner* belongs to the imagination of Borges; while we do of course hear the Parthenon Marbles (for example) described as 'the soul of the Greek people' (quoted in Evans, 2001, p. 218), and while I certainly do not seek to downplay the ways in which the loss of cultural items may in some cases be genuinely and grievously detrimental to a people, I am not out (and so far as I am aware nobody else is) to defend the idea that some particular cultural item could be so irreplaceably crucial that with it the flourishing life could be lost forever. Yet it is not the bare abstract category 'cultural heritage' that features as the object of

our cultural experiences,[6] and neither is it 'some cultural heritage', as though some kind of transcendental existential quantifier stood interposed between mind and world. Whatever cultural experiences we have, they will involve particular items, be these concrete or abstract: a poem by Basho or the constellation of Orion or the conventions for telling a 'knock, knock' joke.

Is there some manner in which we can *experience* each of these various and particular things under the aspect of cultural heritage (contrasted with simply having, say, perceptual experiences of an item combined with believing that it qualifies as cultural heritage)? Certainly my earlier suggestion that cultural experiences might have complex objects could point in this general direction. I think Harding may intend the idea of a cultural experience to have the implication that there is some delineable manner of having experiences which so frames our involvement in the world that it makes items manifest themselves as salient *qua* cultural heritage, although her use alongside cultural of æsthetic experience makes me doubtful. (If it is strictly the defining characteristic of cultural experiences that they lend items salience as cultural heritage, then it is unclear why we should want to consider a distinct class of æsthetic experiences in this context. Whatever cultural experiences can be like, presumably they are not necessarily supposed *just* to be sensuous in the fashion that æsthetic experiences may be said to be.) Since a given item may have a great many relational properties besides those we identify as pertaining to culture, the mere fact of its being a cultural item will not make any experience of it a cultural experience; if there are 'cultural experiences', it is not sufficient to make them so that they are experiences and that the items *of* which they are experiences qualify as cultural heritage (or are believed to qualify as cultural heritage by the person having the experience).

Yet Harding cannot be concerned solely with what it is to experience an item in a certain light, for she declares herself concerned with *important* cultural heritage in particular. Cultural experiences of pencil shavings and bubble wrap, then, will not do; the cultural experiences in which we are interested are supposed to be cultural experiences of certain kinds of cultural heritage and not of others (or not to the same extent). Accordingly, our role cannot be to project cultural salience onto things in the world; it must be to pick out those features of certain things in the world which make them particularly fitted to play roles within our cultural experiences. This, however, returns us to my recent comments about the workability of a dispositional analysis.

Insofar as our intrinsically valuable cultural experiences simply require *some*

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[6]Excepting perhaps experiences within the sort of culture in which people think abstractly about cultural heritage: that is to say, mine.

cultural heritage to be experiences *of*, these items of heritage look so interchangeable that no particular item of cultural heritage looks like a candidate for inheriting intrinsic value from the experiences in which it happens to play a part. Insofar as it is certain noteworthily particular items that play their parts in our cultural experiences, such that it is in culturally experiencing *King Lear* or the Venus de Milo or Westminster Abbey that we are distinctively interested, it is doubtful that we can consider them intrinsically valuable by simple virtue of their being included in the flourishing life, because there is no such particular item without which the flourishing life is impossible. At most we can say something to the effect that certain items of cultural heritage are especially well suited to featuring in the cultural experiences which the flourishing life requires; but it is not at all obvious that this shows more than that these particular items are useful *means* to having experiences of '*some* cultural heritage'.

8.3. The Search for Alternatives

There are surely further strategies which might be employed in defence of a position like Harding's, but (having already done some speculatively reconstructive work in order to imagine how she might clarify her position in response to objections) I hope to have persuaded you that it is at least by no means redundant to look for alternatives. I should like to conclude this chapter by briefly asking what, if we find the idea that cultural heritage may possess intrinsic value at all attractive (or for that matter, if we treat the idea with scepticism but wish to ensure that we have given it the fairest possible hearing), we might consider doing differently. What do I have to learn from the approach taken in Harding's argument?

Harding's subjectivist conception of intrinsic value was supposed to enable her to avoid having to entertain the idea that an item of *cultural* heritage could possess intrinsic value without its consequently needing any form of dependence on the humans to whose *cultures* it belongs. Since what it is to be cultural heritage is *by definition* bound up with human practices and inventions, such a line of thinking tends to run, the same must be true of any value which we might ascribe to items of cultural heritage as such; and consequently the value of heritage *qua* heritage must depend on human interactions with it, or at least on the possibility of such interactions. It is true, of course, that cultural heritage is unimaginable other than by reference to beings like us, who inhabit cultures;[7] and it is likewise true that value of any sort which is possessed by *anything* must not be altogether alien to our

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[7]We may, however, be able to imagine cultural heritage which outlasts the existence of the human race, and I imagine we should still be content to call it (an absent someone's) cultural heritage in such circumstances.

species if it is to feature in our moral lives. Yet there is a gap between saying that the existence of cultural heritage depends on human activity, and saying that its continuing value depends on the same.

For all the reasons given above, I am reluctant to let an argument for the intrinsic value of cultural heritage depend so crucially on a taxonomy of human experiences, or on the exact nature of the flourishing life for the human species. Yet I can nevertheless appreciate all too well why the flourishing life seemed to offer the attractions of (as Bernard Williams might have put it) an Archimedian point: a secure and uncontroversial foundation from which to construct an argument to more surprising or contentious conclusions. As one commentator in the tradition of Aristotle rather tartly puts it: 'Why is education valuable? Because it is the principal necessary condition for freedom. Why is freedom valuable? It is part of a good life. Why is a good life valuable? Don't ask ridiculous questions.' (Sharvy, 2007, p. 19) Or as P.H. Nowell-Smith observed, there is a certain manifest oddness in saying, '"You have told me what the Good Life is and I agree with everything you say. Now tell me what I ought to do."' (Quoted in Skorpen, 1968, p. 140) For anybody hoping to reach conclusions at all similar to Harding's by alternative means, it would certainly be nice to have a comparably persuasive starting point.

It is also easy enough to see why Harding found it appealing to involve the value of experiences in her argument, given both the centrality of experience to our lives as (among other things) moral agents and deliberators, and the ways in which items of cultural heritage are so often praised for the effects they are capable of having on human minds. Along these lines we might think of artworks and their stimulations of sensuous experience; religious environments and the attitudes of prayerful devotion they inspire in the faithful; historical sources and archæological artefacts, and the illuminations of knowledge which they make possible. I doubted whether we were entitled to say that such items possessed *intrinsic* value as Harding understands it; but certainly it is not easy to envisage any way of ascribing value to cultural heritage which makes no reference *at all* to the experiences and understanding which various forms of heritage make possible. (Who would be mad enough to evaluate literary heritage without reference to readers, or musical heritage without caring about performances?) Experiences, therefore, cannot be dismissed as unwanted traces of subjectivism; on the contrary, the myriad possible experiences which the many forms of heritage excite collectively form a topic with which I must take great care.

Another thing to which I shall have to attend is the distinction between showing that cultural heritage as a collectivity or category has value and showing that any given item has value on account of being cultural heritage. Unless we think (as I

do not, and as far as I know nobody does) that every cultural item *qua* cultural item is equally valuable, it will be necessary to say more than that items of cultural heritage fall into a valuable category. Nice though it would be to conclude with a simple syllogism ('Items of cultural heritage are valuable; this is an item of cultural heritage; therefore this is valuable'), we shall of course have to recognise, as Harding evidently does, that there is more to be said about the distribution of value among the many things we call cultural heritage.

9. A Topography of Value?

What is the value of value for my purposes? What is to be gained, that is, from adopting the language of value in ethics as my own when asking how cultural heritage might fit into our moral thinking? Elsewhere in this dissertation, after all, I am to be found speaking of the moral *patiency* of cultural heritage, something which other philosophers who have considered its *value* have not found it necessary to do in order to support their normative advice about what should be done with cultural items of various kinds; so if I want to talk about value then why bother with patiency, and if I remain concerned about patiency then why say so much about value?

I think that part of the answer must be that it is one thing to show that cultural heritage is *the kind of thing* that can be an object of concern for us, and another thing besides that to show that at least some items of cultural heritage indeed ought to animate our concern. At any given time only some of a doctor's patients will need medical treatment and care, and only some cultural items will invite ethically charged action on anybody's part. Patiency is a binary notion: something either has it or does not, and so if not all patients of a given sort are to be treated equally then something, such as a scale of value, is needed in order to explain why this should be so. Value, conversely, can prove to be a very complicated bundle of notions indeed; on top of the taxonomic questions considered in the previous chapter, we often talk not of value *simpliciter* but of value *for* someone, or value in respect of certain properties of an object (which may themselves be extrinsic). In this fashion, a family heirloom may be valuable for me because it has the property of having been passed down to me through previous generations of my family. When we are dealing with all the complications which a concept like *value* can lay at our feet, there are ready attractions in the prospect of being able to speak of cultural heritage collectively and declare that items of cultural heritage possess moral patiency, in turn warranting our concern at least to pause to consider the question of what value they might have.

9.1. Valuable to Whom and for What?

A concept of value is relational, as concepts of moral patiency arguably are not, not only in that it implies the potential for there to be a valuer (which is no doubt

why Harding was sceptical about the coherence of thinking that an object could retain intrinsic value if nothing else existed in the universe), but moreover in that we routinely speak of value in a restricted fashion as value *for* someone or being valuable *to* somebody. In some cases the implication is transparently one of instrumental value (the value of medicine to the sick, for example), but the case of cultural heritage offers us numerous instances in which it is less than obvious precisely which purposes might be served when we talk about, say, the value of the Parthenon Marbles to the Greeks, or of Noh drama to Japan. Where we are able to give a name to the further goods which cultural items such as these are able to offer their constituencies, it is sometimes difficult not to think that we have reduplicated the mystery: what would Socrates have to ask us, we might wonder, about what precisely we mean if we speak of senses of identity or the prevention of cultural collapse? I do not (of course) pretend that these are questions which no philosopher has seen fit to address; Kwame Anthony Appiah has reflected at some length on questions of identity, for example (Appiah, 2005), while Jonathan Lear has written on 'ethics in the face of cultural devastation' (Lear, 2008). I note merely that even where concern for some item of cultural heritage does seem to be in the service of some further desired end, we may not be looking at the kind of exact ends which heritage might serve exhaustively as means. In the case of sickness, the end is the restoration of health, and a drug which accomplishes it exhausts the need for any further medicines; in contrast, it is hard to imagine any cultural group deciding that its artists, scholars and others have now produced enough reflections on its collective identity, and that any further such meditations would be redundant.[1] (No wonder Harding sought to construe cultural heritage as something contributive to human flourishing by being part of it rather than a means to it.)

In consequence, however satisfied we may be that talking about value *for* somebody and *for* some good is axiomatically reasonable, it can prove difficult to describe such relations precisely, let alone exhaustively. We cannot deploy the category of instrumental value without finding ourselves called on to explain just what kind of instruments these are which aim at such indefinite purposes without ever conclusively satisfying them. If we suspect that the value which we have under our microscope is of a nonintrinsic but not instrumental sort, then we shall have our work cut out explaining what exactly it might be, and would be well advised to cast about for alternatives first. If we think that we are dealing with intrinsic value (by which I mean the traditional sort, insofar as such a thing is identifiable, rather than Harding's additional, 'constituent' value), whatever our preferences when it comes

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[1] I do not claim here that no society could imaginably judge itself to have accumulated a needless glut of memorials, or to have developed an excessive fixation with collective introspection; but such cases suggest objections beyond sheer redundancy.

to 'the somewhat vacuous ("something worth having for its own sake"), circular ("something good in itself because of its own intrinsic properties"), and negative ("something whose good is not a means to anything else") ways in which [*sc.* G.E.] Moore and [*sc.* W.K.] Frankena define the concept of intrinsic value' (Skorpen, 1968, p. 139), then we face the task of explaining how the intrinsic value of cultural items could be relational in such a way that an item can enjoy a distinctive value *for* a given culture. Under either of the first two definitions this is evidently problematic because relational properties are explicitly ruled out as grounds for intrinsic value; while under the third the 'good' of the intrinsically valuable item presumably can be good for somebody, but if it is a good which serves no further purpose then we should expect not to be able, or required, to offer any further explanation for it (by saying, for example, that a given item is important for a sense of cultural identity).

It may therefore seem tempting to doubt that there *is* any systematic way in which value may attach itself to cultural items; or to suspect that if there is then we are looking not at a single kind of value but at such a mixture that we should not necessarily expect to be able to disentangle it. I agree, indeed, that cultural heritage in its manifold forms may serve a wide variety of human purposes, from securing the position of political regimes (as in James Cuno's critique of the use of the past for propaganda) to increasing the footfall of tourists; and in Chapter 11 I shall have more to say about the ways in which our evaluation of cultural heritage as a matter of ethical concern ought to deal with human interests. However, much as the many ways in which the natural world may serve human purposes (not least that of tourism) have not prevented the development of distinctively ecological approaches to ethics such as Holmes Rolston's (recall Chapter 1), it need not deter us to note that cultural heritage *can be put* to many purposes. Still, from the premise that many items of cultural heritage possess value which depends on their status as heritage, it does not trivially follow that cultural heritage in all its forms has value of a uniform kind. In non-moral terms it is plain that some cultural items are valuable for the tourist trade, some for the perpetuation of national pride, and so forth (and we may in turn ascribe various valuables and disvaluables to tourism and national pride). When heritage is put to so many diverse purposes, why should an ethics of cultural heritage do any more with them than acknowledge their diversity?

I propose to address this line of potential criticism by agreeing with it—after a fashion. There are indeed many and various ways in which we can ascribe value to items which fall under the umbrella of cultural heritage. What we do not necessarily need to do, however, is try to assign value (of whatever sorts and whatever degree) to each discrete and separate item in turn, and thereafter look at the results and ask ourselves what the point might be of tying all the individual valuations together

into an overarching judgment about the value of cultural heritage and a single scale of value for cultural items. There is an alternative, and it arises from the very web of interrelations which may incline us to say that an item belongs to some culture in the first place.

9.2. Value Taxonomy

Let me first say a little more about the variety of forms of value with which we shall have to deal. According to the UNESCO Conventions there is such a thing as (outstanding) universal value, and presumably this is to be contrasted with one or more other, parochial forms of value. What might be the nature of the distinction? It is, I suppose, possible that there are things which are valued by every (sentient and adequately rational) being in existence, along the lines of Rawlsian 'primary goods'; but even if Will Kymlicka is correct in injecting culture into the Rawlsian model as a fundamental requirement for our wellbeing (see p. 121 above), it may be a little optimistic to expect that a given cultural item, no matter what its merits, will be valued by all who are aware of its existence and have rationally considered the matter. We should have to help ourselves to some rather contentious presuppositions if we wanted to contend that a person disvaluing the *Anglo-Saxon Chronicle* as uninteresting or the Mona Lisa as ugly was afflicted by an outright failure of *reason*. What makes such valuations 'universal' is instead, I think, at a minimum that it is open to anyone to judge one way or the other. In contrast, an example of parochial value might be that implied by the phenomenon of ancestral pride (with a corresponding disvalue implied by ancestral shame): it makes no sense for me to take ancestral pride in someone from whom I do not claim descent.[2] Parochial value, attached to family or hometown or nation or other familiar things, depends on who one is, and it is only gradually that one can become naturalised into a new climate and acquire a new web of associations, while some associations, such as the identity of one's own biological parents, can never be changed at all. The *Anglo-Saxon Chronicle* no doubt has considerable and distinctive parochial value for the English, but one does not have to be English to ask whether it holds interest as a historical document; the *Chronicle* is a potential repository of universal value in the sense that it is open to anyone at all to take an interest in the history of England. A Tibetan or Egyptian who finds the English fascinating is hardly making a mistake.

Someone inclined to link concepts of *herit*age to those of in*herit*ance might be

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[2]I can, however, both recognise and respect as a matter of general principle that ancestral connections of their own are things which may matter to people generally. Anyone might value there being a world in which such ancestral connections are possible, and by extension value such connections generally as manifestations of the possibility.

forgiven for expecting that whatever made cultural heritage valuable would make it parochially so; but to sustain such a point of view it would be necessary to explain away the ways in which some cultural items address themselves to a universal audience. Perhaps the clearest example of what I mean is offered by missionary religions such as Christianity, whose doctrines are supposed to concern not only the faithful but all those yet unconverted. A secular example might be suggested by the verse inscribed on the Statue of Liberty, 'Mother of Exiles': '"Keep, ancient lands, your storied pomp!" cries she / With silent lips. "Give me your tired, your poor..."' Here the message is addressed not to those who are (already) American but to the foreigner and the potential immigrant. To say in cases such as this that we are dealing with a heritage which is of (potential) value *only* to those within a certain church or nation or other group in question sits ill with the missionary implications of such messages (which is not, of course, to say that anybody *must* endorse Christianity or the U.S.A., or even approve of their existence). It would, I suppose, be dimly possible to draw a distinction between those whose heritage the trappings of the Church or of life in America *are* and those to whom they are being *offered* (making them *potential* heritage), but the very notion of offering or advertisement implies some potential recognition of value on the part of the audience.

So we must find some room for universal value, if we seek to talk about the value of cultural heritage; but what exactly might give something universal value *qua* item of cultural heritage? Universal value must be value for no culture in particular in a world in which any cultural differences, any more cultures than a single monoculture, exist at all. Can we discover such value? Someone might wish (though not uncontroversially) to say that certain, scientific discoveries transcend cultural particularity in that they concern themselves with the measurement and prediction of natural phenomena; and someone might wish to add that it is precisely for this reason that they count universally as *human* achievements, *without* cultural circumscription. At any rate it is not instantly obvious that we add anything of great import when we say that something is outstandingly artistic and beautiful, or of outstanding historical interest, and immediately thereafter add that for this reason it is an outstandingly important part of everybody's cultural heritage. Why should we not be content with praising things for their beauty and historical interest and whatever else?

The answer, I think, is that it is frequently only within an artificial sort of isolation that we are able to pick out a certain sort of value as it manifests itself in a certain particular item and speak of this value without any explicit reference to the context in which we have found it. As a matter of linguistic convenience, we might say of a certain object that it is historically interesting; but of course this is quite different

from saying that it is white or solid. By implication we are asserting that we stand in a certain relation to the object, and not to it alone but to a vast range of other objects, along with historical practices, concerns, projects, and so on, which in combination form the backdrop against which it is possible for us to judge that an object is historically interesting. (Why might we care about *Magna Carta*, with its list of feudal grievances, and only three articles still in statutory force (*Hansard* H.C. 17th March 2011, Vol. 525, Col. 140W.H.)? For its illumination of and symbolic importance within the broader narratives of the political history of England.) A piece of historical source material might be interesting not even for what it confirms but for what it confounds, by undermining influential theories about the past and thereby plunging us back into a feeling of acknowledged ignorance; the interest which we find in this source will come about as a consequence of the intellectual predicament into which we have got ourselves, rather than because the source has the property of being interesting *simpliciter*.

What then of æsthetic value, for example, where the matter is less obvious? Historical or historic value is meaningless without history, and our knowledge of history involves practices of investigation; but while many forms of æsthetic appreciation clearly do involve knowledge of one sort or another (in our understanding of allegorical literature, for example, or of caricatures), when it comes to their evaluation one might recall Hume's dictum that 'to enable a critic the more fully to execute this undertaking, he must preserve his mind free from all prejudice, and allow nothing to enter into his consideration, but the very object which is submitted to his examination' (Hume, 1757, §21): 'considering myself as a man in general,' I am to 'forget, if possible, my individual being and my peculiar circumstances' (ibid.). Where then is the cultural backdrop which might inform our evaluations? I am, Hume writes, to let my judgments be informed by awareness that a given work was perhaps executed for 'persons of a different age or nation' (ibid.), but this is as close as the Humean critic comes to anything akin to James Cuno's delight in the complex histories of ancient works of craftsmanship.

This is not the place to chart the changes and debates in æsthetic thought since Hume, or to remark except in passing on his own cultural particularities. All I need really note is that, while it might be the case that sensuous æsthetic experiences are possible without enculturation (for newborns, perhaps), the matter need not concern us, because all those whom I might find myself addressing (i.e. people who communicate in some formalised language and are acquainted with at least one culture) *will* have cultivated whatever tastes they possess within some cultural environment. Hume presumably urges his readers to judge art objects in isolation precisely because he knows that this requires deliberate effort. I am, indeed, entirely

willing to countenance the possibility that not all of what can be said about æsthetic value need have reference to culture; the question is settled quite adequately in favour of (sometimes) talking about æsthetic value in relation to cultural heritage if we can be satisfied that *much* æsthetic value falls under the cultural umbrella.

Our need to understand some forms and manifestations of value by reference to culture, then, is one which arises out of the myriad ways in which items can be associated with one another. Perhaps the most striking examples, to which I shall give special attention in the following chapter, are those implied by such grand categories as the artistic *movement*, the literary *genre*, and the historical *epoch*; but the building blocks of these sweeping categories are binary relations of influence between cultural items and their creators: *a* inspires *b*; *c* contains criticism of *d*; *e* is based on a suggestion by the author of *f*. In §6.1 I suggested that our understanding of what cultures are and how we as moral philosophers might profitably view them might be enhanced by emphasising the ways in which the interplay of cultural phenomena can be construed in terms of the interconnections between nodes within a vast and vastly complex network. What I should now like to suggest is that by invoking this image of the network we may better understand not only the nature of cultural phenomena but also (and of more immediate importance for moral philosophy) the place of value amongst them.

9.3. Network and Value

In order to illustrate what I envisage, let me begin with an artificially simplified model. Set aside for the moment the complexities of life and production in which creators inspire and lampoon and compete with and otherwise react to one another in their works, and suppose that our interest is strictly and uniformly in the *spatial* and *temporal* relations between the items they create. Suppose, further, that we are interested in these items exclusively at (what we can least implausibly make out to be) their moments of creation.

We could represent these relations abstractly, by cartographic means for relations of geography and with the familiar device of a timeline for the temporal. Now let us begin by plotting the genesis of a few cultural items. St. Paul's Cathedral in London, to start with: the first stone is said to have been laid in 1675, giving the Cathedral an early position on a timeline starting (let us say) in 1600. On a map of the world we shall find the Cathedral conveniently close to Greenwich. The Palace of Westminster will occupy practically the same position on the map owing to its geographical proximity, but since almost all of the present Palace dates from after the fire of 1834 which destroyed the earlier one, we have reason to position
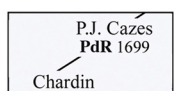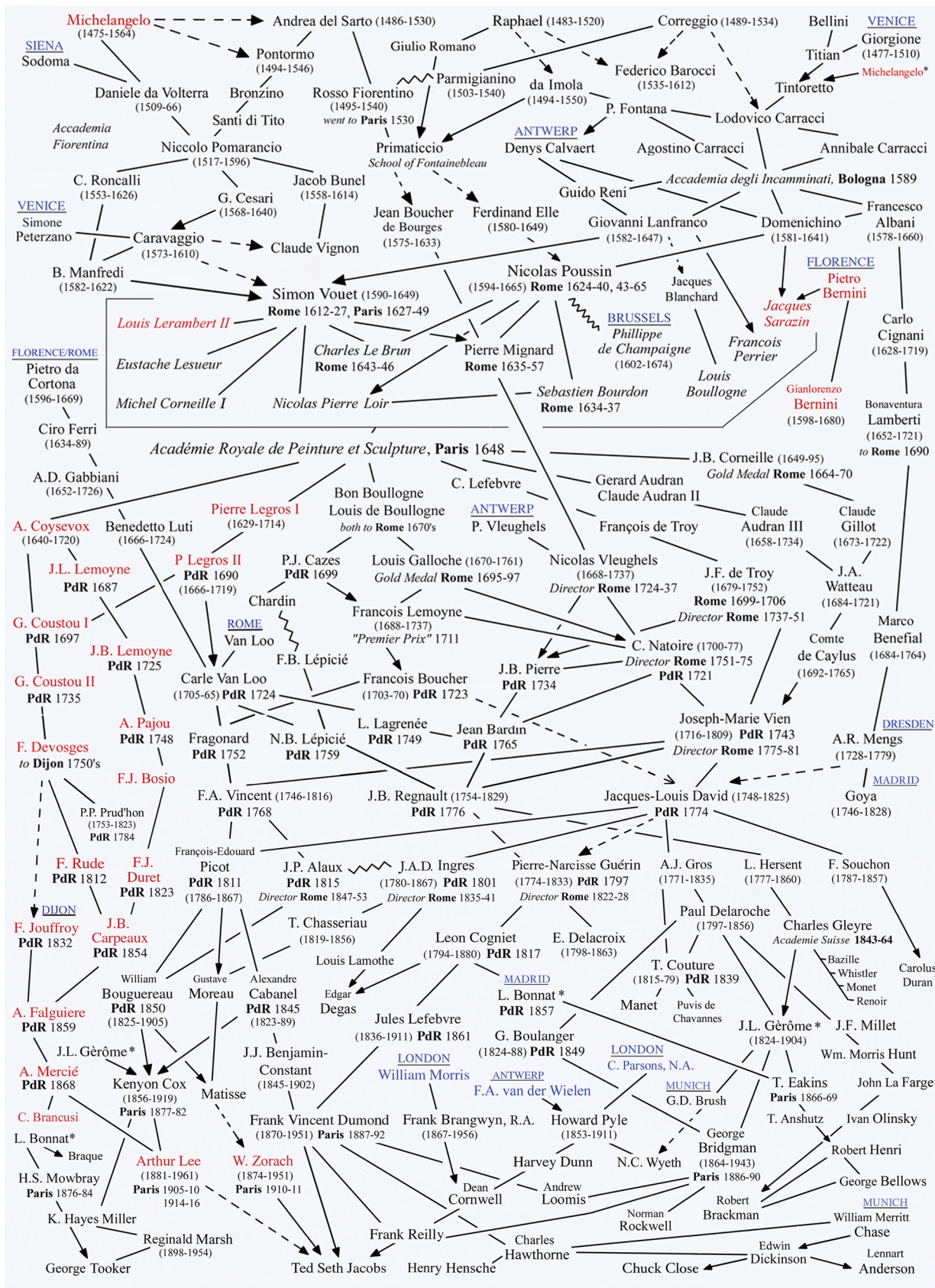
it much further along the timeline—not far, in fact, from the Arc de Triomphe in Paris, which will be a little further along the timeline but still much less so than, for example, the Sydney Opera House.

In selecting space and time for this preliminary exposition (while carefully ignoring all the questions of shifting natural and political boundaries, among a great many other things, which complicate the actual cultural affinities of anything and anywhere we might care to mention), I have sought to recall, however crudely, suggestions that a cultural item may have a place to which it properly belongs (and that some such items perhaps ought to be repatriated), and controversies over the impact of time and change on an item's cultural affinities now that (for example) the Egypt of the Ptolemies, and even of Napoleon, is no more. The results of so simplified an abstraction are, I confess, apt to raise more eyebrows than spirits, since what they reveal is that neither geography nor time alone discloses a great deal about an item's cultural affinities. Thus the Palace of Westminster, home of British parliamentary sovereignty, ends up visibly closer on the timeline to a French monument commissioned by the Emperor Napoleon than to the geographically neighbouring and equally British St. Paul's. Meanwhile, on the map both British icons are practically next door to Paris, while the Sydney Opera House of Australia, which shares among other things a language and a monarch with the United Kingdom, is decidedly geographically remote from London. Neither the succession of the eras nor the confines of geography might seem to reveal very much about cultural connections.

Things should get more enlightening, however, with the addition of more cultural items; the timeline will indicate that Britain and France have indeed been uneasy neighbours since long before the colonisation of Australia, and on the map it will turn out that St. Paul's and the Palace of Westminster not only happen to be proximate but form parts of a single and major conurbation. This state of affairs has come about, of course, precisely because spatiotemporal proximity is only part of the story; if, during certain periods as indicated by our timeline, we notice dense clusters of little dots at the points on the map corresponding to Bloomsbury or the Parisian Left Bank, we shall in no way mistake these phenomena for the products of random chance. Cultural items are created by people, and likeminded people mingle together.

Overleaf: The Flowering Staircase: 1435-1935*, courtesy of Timothy Stotz.*

Michelangelo (1475-1564)

SIENA
Sodoma

Andrea del Sarto (1486-1530)

Raphael (1483-1520)

Correggio (1489-1534)

Bellini

VENICE
Giorgione (1477-1510)
Titian
Michelangelo*

Pontormo (1494-1546)

Giulio Romano

Federico Barocci (1535-1612)

Tintoretto

Daniele da Volterra (1509-66)

Bronzino

Rosso Fiorentino (1495-1540) *went to* Paris 1530

Parmigianino (1503-1540)

da Imola (1494-1550)

P. Fontana

Lodovico Carracci

Santi di Tito

Accademia Fiorentina

Niccolo Pomarancio (1517-1596)

Primaticcio *School of Fontainebleau*

Denys Calvaert

Agostino Carracci

Annibale Carracci

ANTWERP

C. Roncalli (1553-1626)

Jacob Bunel (1558-1614)

Guido Reni

Accademia degli Incamminati, Bologna 1589

Francesco Albani (1578-1660)

VENICE
Simone Peterzano

G. Cesari (1568-1640)

Jean Boucher de Bourges (1575-1633)

Ferdinand Elle (1580-1649)

Giovanni Lanfranco (1582-1647)

Domenichino (1581-1641)

FLORENCE
Pietro Bernini

Caravaggio (1573-1610)

Claude Vignon

B. Manfredi (1582-1622)

Simon Vouet (1590-1649) Rome 1612-27, Paris 1627-49

Nicolas Poussin (1594-1665) Rome 1624-40, 43-65

Jacques Blanchard

Jacques Sarazin

Carlo Cignani (1628-1719)

Louis Lerambert II

BRUSSELS
Phillippe de Champaigne (1602-1674)

Francois Perrier

Gianlorenzo Bernini (1598-1680)

FLORENCE/ROME
Pietro da Cortona (1596-1669)

Charles Le Brun Rome 1643-46

Pierre Mignard Rome 1635-57

Louis Boullogne

Bonaventura Lamberti (1652-1721) *to Rome 1690*

Eustache Lesueur

Ciro Ferri (1634-89)

Michel Corneille I

Nicolas Pierre Loir

Sebastien Bourdon Rome 1634-37

A.D. Gabbiani (1652-1726)

Académie Royale de Peinture et Sculpture, Paris 1648

J.B. Corneille (1649-95) *Gold Medal* Rome 1664-70

A. Coysevox (1640-1720)

Benedetto Luti (1666-1724)

Pierre Legros I (1629-1714)

Bon Boullogne
Louis de Boullogne *both to* Rome 1670's

C. Lefebvre

Gerard Audran
Claude Audran II

J.L. Lemoyne PdR 1687

P Legros II PdR 1690 (1666-1719)

P.J. Cazes PdR 1699

ANTWERP
P. Vleughels

François de Troy

Claude Audran III (1658-1734)

Claude Gillot (1673-1722)

G. Coustou I PdR 1697

Chardin

Louis Galloche (1670-1761) *Gold Medal* Rome 1695-97

Nicolas Vleughels (1668-1737) *Director* Rome 1724-37

J.F. de Troy (1679-1752) Rome 1699-1706 *Director* Rome 1737-51

J.A. Watteau (1684-1721)

ROME
Van Loo

J.B. Lemoyne PdR 1725

Francois Lemoyne (1688-1737) *"Premier Prix"* 1711

Marco Benefial (1684-1764)

G. Coustou II PdR 1735

F.B. Lépicié

Carle Van Loo (1705-65) PdR 1724

Francois Boucher (1703-70) PdR 1723

J.B. Pierre PdR 1734

C. Natoire (1700-77) *Director* Rome 1751-75

Comte de Caylus (1692-1765)

A. Pajou PdR 1748

F. Devosges *to* Dijon 1750's

Fragonard PdR 1752

N.B. Lépicié PdR 1759

L. Lagrenée PdR 1749

Jean Bardin PdR 1765

Joseph-Marie Vien (1716-1809) PdR 1743 *Director* Rome 1775-81

DRESDEN
A.R. Mengs (1728-1779)

F.J. Bosio

P.P. Prud'hon (1753-1823) PdR 1784

F.A. Vincent (1746-1816) PdR 1768

J.B. Regnault (1754-1829) PdR 1776

Jacques-Louis David (1748-1825) PdR 1774

MADRID
Goya (1746-1828)

F. Rude PdR 1812

F.J. Duret PdR 1823

François-Edouard Picot PdR 1811 (1786-1867)

J.P. Alaux PdR 1815

J.A.D. Ingres (1780-1867) PdR 1801 *Director* Rome 1835-41

Pierre-Narcisse Guérin (1774-1833) PdR 1797 *Director* Rome 1822-28

A.J. Gros (1771-1835)

L. Hersent (1777-1860)

F. Souchon (1787-1857)

DIJON
F. Jouffroy PdR 1832

J.B. Carpeaux PdR 1854

T. Chasseriau (1819-1856)

Leon Cogniet (1794-1880) PdR 1817

E. Delacroix (1798-1863)

Paul Delaroche (1797-1856)

Charles Gleyre *Academie Suisse* 1843-64

Louis Lamothe

T. Couture (1815-79) PdR 1839

Bazille
Whistler
Monet
Renoir

Carolus Duran

A. Falguiere PdR 1859

William Bouguereau PdR 1850 (1825-1905)

Gustave Moreau

Alexandre Cabanel PdR 1845 (1823-89)

Edgar Degas

MADRID
L. Bonnat * PdR 1857

Manet

Puvis de Chavannes

J.L. Gèrôme * (1824-1904)

J.F. Millet

J.L. Gèrôme *

Jules Lefebvre (1836-1911) PdR 1861

G. Boulanger (1824-88) PdR 1849

LONDON
C. Parsons, N.A.

T. Eakins Paris 1866-69

Wm. Morris Hunt

A. Mercié PdR 1868

Kenyon Cox (1856-1919) Paris 1877-82

J.J. Benjamin-Constant (1845-1902)

Matisse

MUNICH
G.D. Brush

T. Anshutz

John La Farge

C. Brancusi

LONDON
William Morris

ANTWERP
F.A. van der Wielen

Ivan Olinsky

L. Bonnat*

Braque

Frank Vincent Dumond (1870-1951) Paris 1887-92

Frank Brangwyn, R.A. (1867-1956)

Howard Pyle (1853-1911)

George Bridgman (1864-1943) Paris 1886-90

Robert Henri

H.S. Mowbray Paris 1876-84

Arthur Lee (1881-1961) Paris 1905-10 1914-16

W. Zorach (1874-1951) Paris 1910-11

Harvey Dunn

N.C. Wyeth

Robert Brackman

George Bellows

MUNICH
William Merritt Chase

K. Hayes Miller

Reginald Marsh (1898-1954)

Frank Reilly

Dean Cornwell

Andrew Loomis

Norman Rockwell

George Tooker

Ted Seth Jacobs

Henry Hensche

Charles Hawthorne

Chuck Close

Edwin Dickinson

Lennart Anderson

THE FLOWERING STAIRCASE : 1435-1935

P.J. Cazes
PdR 1699
Chardin

Master-Apprentice or Teacher-Student Relationship (4 - 6 yrs. minimum, as a rule)

Direct Contact (1 - 3 yrs. of study or equivalent)

Contemporary Influence of the Work

Proximal Contact / Negative Example

Significant Collaboration   * Appears Twice

PdR Prix de Rome *pensionnaire*

Painters are in Black

Sculptors are in Red

Loose Ends/Others are in Blue

© 2006 Timothy Stotz

The mingling of minds can also be charted: such a possibility is exemplified by *The Flowering Staircase*, a visual representation of master-apprentice and teacher-student relationships between artists which is reproduced opposite by the kind permission of Timothy Stotz (and first published in Stotz, 2006). This chart of who worked with whom over a period of five centuries traces some of the historical connections by means of which each figure may be placed among the others (recalling T.S. Eliot's remarks on tradition from p. 91); if we are interested in any one of them, we shall naturally be interested in the surrounding structure of the lines of influence. If our interest is in Goya, for example, we shall note the line of pedagogical descent from Francesco Albani and before; or if our focus is on the art of the 1600s, our attention might fall on the confluence of lines linking Simon Vouet to other figures. Above all, the visual impression is of the sheer intricate interconnection of the history of art, even when only certain specific kinds of association are charted.

Suppose then that we take such a chart as this as our inspiration when we imagine plotting out a collection of cultural items, arranging them spatiotemporally or by whatever other rule we might please, and drawing lines between them representing not only pedagogy and collaboration but still more generally *association* in its manifold forms: thus on such a chart Nietzsche's *Zarathustra* would be connected to that of Strauss as the inspiration for the latter, and Proudhon's *The Philosophy of Poverty* would be linked to Marx's *The Poverty of Philosophy*. The result, if the sheer number and variety of interconnections between cultural items of any appreciable number did not leave us with an impenetrably tangled mess of ink (as it surely would if we tried to chart all the items and interconnections that might capture our interest), should be that certain clusters emerge. The works of Shakespeare, for example, will be linked by virtue of their shared authorship, and to them in turn will be linked every one of the numerous pieces of scholarly literature on Shakespeare, every item of criticism of every performance of one of the plays, and in turn even commentaries on the phenomenon of what is sometimes called the Shakespeare industry. When we enquire after the role of Shakespeare in culture, the structure of this cluster will await our notice.

Put aside for one moment any niggling suspicion that not all associations are created equal.[3] Insofar as we can declare ourselves interested in certain ways in which one cultural item is associated with another, so that we concern ourselves with an author's entire *oeuvre* or with a whole body of scholarship, we shall expect

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[3]I discovered recently that Friedrich Nietzsche was an intellectual cousin of the visionary engineer R. Buckminster Fuller: 'Bucky' was influenced by the legacy of his aunt Margaret Fuller, a friend and collaborator of her fellow Transcendentalist Ralph Waldo Emerson, whose works were read enthusiastically by Nietzsche. Whether this remotely illuminates the thought of either man is, I confess, doubtful.

to discover that certain identifiable clusters of interconnection emerge. There exists a topography of cultural interchange, if you like: where the cumulative mutual reinforcement of related cultural items is frequent, the 'elevation' will be noticeably greater. When we turn to questions of the value of cultural items, then, it would be a remarkable turn of affairs if we suddenly brushed aside all thought of the associations between items which contribute to making them interesting; and in practice, of course, we do not do this: recall Cuno's emphasis on the cross-cultural interplay which can be brought to light in the universal museum, or Renfrew's concern with the contribution made by archæological artefacts to the sites in which they are found in offering us contextualised information about past epochs.

My suggestion, therefore, is that instead of taking each item singly as a repository of value, and then seeking to explain this value in light of the item's participation in a wider contextual network, we have available to us the alternative option of taking the contextual cluster to be the primary value-bearer, and judging individual items to be derivatively valuable. Recalling the idea of ecosystems as repositories of value, as discussed in Chapter 1, we would then understand ourselves to be investigating a sort of topography of value, in which we certainly should remain able to say that certain cultural items possess more value than others, but we should do so in the light of the structure and interconnectedness of the cultural environments within which discrete cultural items exist. This, I suggest, would better equip us to deal with the roles which might be played in our evaluative thought by the historical *collection*, archæological *context*, *traditional* festivities, and so on: these structures of association would constitute some of the ways in which items can come together in mutual involvement to form *cultural* heritage.

In the next chapter I shall refine this suggestion by drawing on the roles of categorisation within our involvement with cultural heritage; but first I should like to anticipate some initial objections.

9.4. Some Possible Objections

To begin with, there is the fairly obvious rejoinder that it may be foolhardy to expect that, having lumped together the numerous forms of interconnection that can exist between cultural items under the vague heading 'association', we are going to find ourselves in any promising position when it comes to actually assigning value to any given case of association between items. Firstly, because the myriad individual cases with which we should have to deal (if we consider, for example, the size of the index of this text alone, not to mention all the references in the texts which *it* references, and so on without manageable limit) will be too varied and too particular to reduce

to any helpfully algorithmic means of evaluation. Secondly, because it remains to be shown that in fact they consistently imply the presence of value at all; perhaps we shall find ourselves more inclined to say that some associations imply disvalue, and that others are simply neutral.

The only response to the first objection is to be a thoroughgoing holist: my aim, indeed, cannot be to replace the aggregation of cultural items *A*, *B*, *C*, &c. in my reckonings of value with aggregation of *A-B* associations, *B-C* associations, *A-C* associations, and so on. I agree that evaluating associations between items is at best no easier than evaluating those items themselves, and it is of course no more my proposal that we ought to chart a value topography in so impracticably laborious a fashion than it could be anyone's suggestion that we should judge the worth of a tapestry by first establishing that of each individual thread (or, indeed, each point of contact between threads). Again, recall Rolston's discussion of ecological value at differing levels: there is indeed the level of the plant, but the value of an ecosystem cannot be discovered by simply adding together the value of the organisms that compose it. Still, merely declaring myself a holist about the value of cultural heritage does not go so far as to explain how this is to be accomplished when it comes to making practical evaluative judgments; some matters of moral epistemology I want to defer to Chapter 12, but I accept that I presently owe the reader some explanation of how it is *possible* to make judgments about the value of cultural heritage at the level of the genre or the tradition or the local custom.

I accept, moreover, that I cannot get away with simply implying that associations between cultural items, as a rule, are positively contributive to the value of anyone's cultural heritage. There are perhaps few more brazenly direct forms of association than that of actual reduplication in the form of plagiarism; who among us would say the plagiarist was making a positive contribution to his culture? At best such imitation is culturally worthless, we might say; at worst, by introducing misinformation it renders itself *dis*valuable. Meanwhile, what are we to say about a graffito scrawled one night on the surface of a historic statue? Such a thing is very materially associated with the surface which it defaces, and we can quite easily imagine that the scrawler may have employed the graffito precisely in order to express his opinion of the sculpture whose appearance he has undertaken to transform; but whether we find ourselves the better for his contribution will be doubtful. By way of a less unhappy example, consider the case of two books, with different authors, publishers and subject matter, which happen to find themselves reviewed (by different people) in the same periodical: undoubtedly there is an association there, albeit a decidedly weak one, but are we therefore to conclude that the two books now reinforce each other's position within literate culture, or shall we

say simply that we are dealing with a case of evaluatorily neutral coincidence?

Such thoughts carry some weight. We cannot make lazy assumptions about what our conclusions will be when we do come to evaluate some cultural item against the background which contextualises it; the immediate question for would-be holists is, how are we to fathom the shape of that background, if not through a process of iterative aggregation? Here I think that our moral epistemology had better take advantage of one very helpful feature of human cultures: the way in which they already help us think about who we are, tell stories about ourselves, and orient ourselves within a shared social world containing people who think sometimes similarly to ourselves and sometimes less so. We will not, after all, begin from first principles and *discover* the prominence of Shakespeare and the abundance of scholarship that surrounds his creations; the appreciation of literature has an established heritage of its own within our culture, meaning that for the purposes of a putative philosophical framework this is one wheel which we certainly need not reinvent. It is in these resources for reflective and reflexive thinking that I hope to find the raw materials for a potential moral epistemology to suit the framework of moral philosophy I need, and it is on this that I shall expand in subsequent chapters.

Merely insisting that it is not for me to become a critic of the arts or any other branch of culture does not, of course, remove the nagging suspicion that not all works of criticism are insightful and not every popular legend has the ring of utter truth; the resources which cultures make available for their own self-reflection, though as cultural items themselves they must be taken into account, are not necessarily so definitive that they cannot find themselves revised or even rejected in the light of new evidence or new thinking from within or without the culture that created them (Midgley, 1991, p. 81*ff.*). Not all such critique, however, will be the business of moral philosophy, and much of what *is* will fall outside the purview of an ethics of cultural heritage. What is left to me is, in substantial part, to account for the ascription of any *moral* salience to judgments, be these 'universal' or 'parochial', about æsthetic value or historical value or value of some other ostensibly non-moral kind, *and* to do so in a suitably holistic manner.

It is not, in fact, immediately obvious that these requirements are mutually compatible, and it is here that I face another potential objection: for whilst we ascribe value of such kinds to discrete items all the time, might we not often be inclined to hesitate to apply judgments of a similar sort to an entire genre or corpus or body of local customs? The person who says, 'I like high fantasy novels' may well be ready to agree that many examples of the genre are poorly written, and may not even wish to contend that *most* are of readable quality; and so such a person may readily say of a favourite book that it is imaginative, moving, &c. without being

remotely so willing to extrapolate any judgment of this sort to apply to the overall genre into which the book falls. We have some reason to doubt, therefore, that evaluative judgments pertaining to cultural topography will be qualitatively similar to those which concern individual cultural items; if we can arrive at a holistic account of the former which we can fit into moral philosophy, we may still be left some way from being able to account for the latter.

At the root of such a line of objection, I think, will tend to be a thought to the effect that there is something methodologically and perhaps even ontologically odd about attempting to shift from the categorical to the particular, rather than *vice versa*. Must we not, after all, conceive of individual cultural items as more basic than associations between them? Of course I can react by flying the flag of holism; but then it will no doubt be pointed out to me that although we certainly make reference to the context in which we discover something when we call it valuable *qua* cultural heritage, nevertheless we do not necessarily want to say that the value of this something is to be *explained* in terms of a wider whole. Perhaps, for example, we find ourselves enquiring into the nature of Shakespeare's acknowledged importance within the canon of English literature: it would be an outcome worthy of a raised eyebrow if we did not conclude that this is in substantial part explained by his skill as a playwright. The countless acts of quotation and reinterpretation and reverence which Shakespeare enjoys are at root to be accounted for, one might say, by the fact that he was a great playwright whose works shed tremendous light on the human condition; and consequently it gets things back to front to insinuate that the value of his corpus is to be accounted for by the fruit it has borne.

This is another point which I must acknowledge to be forceful; yet at the same time we must note that greatness is entirely compatible with obscurity, and while of course the forgotten work of genius has value as something which can *potentially* be discovered, read and brought to light, until that happens it remains tucked away in an unswept corner of culture instead of enjoying the responses of an audience either as an object of experience or as a fruitful source of new creativity. I do not mean to say that an object can become a cultural item only once it comes under the gaze of some sort of public; it would ascribe a remarkably great significance to the moment of discovery to suggest, for example, that a hitherto unknown archæological object becomes part of anyone's cultural heritage just at the point of being unearthed, when the features which make it scientifically interesting in the first place did not spring into being at that moment. Yet on the other hand I think it would be no less rash to suppose that there is no relevant difference between fame and obscurity. Whatever culture is, it is something to be shared among the members of a cultural group; a given cultural item certainly need not be shared among or even known

to every member of any such group, but nevertheless 'culture' has connotations of publicity and community which cannot be smoothly disregarded when we come to consider the most obscure and overlooked of cultural items.

It would be both trite and implausible to suggest that fame consistently goes to the things that deserve it, especially when our conception of desert is being employed in the course of doing moral philosophy; I am unaware of anyone who equates sheer popularity with moral worth. No doubt many cultural items are more obscure than they deserve to be (in a non-moral sense of desert), and others less; no doubt many *could* have been immensely fruitful and have inspired many derivative creations in different circumstances. Yet such counterfactual fates of cultural items are no more part of our history (until those which survive *are* unearthed and appreciated) than those of any number of mute, inglorious Miltons; a counterfactual culture and heritage make no more apparent sense than a counterfactual heirloom handed down by ancestors we never had.

This places me in a troublesome position. In assessing the value of an item *qua* cultural heritage, I cannot straightforwardly appeal to the attention which it merits, since it may not *have* the role within a culture which it merits. There will then be a case for the critic or the historical scholar or someone else to make that it ought to be dragged out of obscurity and better appreciated, and from this it will follow fairly readily that in order for such things to happen the item had better be preserved and cared for; but we remain some way from being able without complication to import talk of æsthetic value or historical value or religious value or whatever else our value taxonomy may contain into our thoughts about cultural heritage. Yet it would result in a curiously pared-down understanding of the nature of cultural heritage and human interest in it, and one of doubtful assistance for debates about the fate of cultural items, if we concluded that we as moral philosophers would have to take no account of a given item's being appreciated *because* of its outstanding beauty and artistry, or *because* of its tremendous historic significance, and that instead we have little left to do besides acting as cheerleaders for what has already enjoyed popular acclaim. It would also have troublesome repercussions for any distinction between universal and parochial value, for if we are doing little besides counting heads, how much significance is going to attach itself to the question of whose heads to count?

In the next chapter I shall explain how attending to the role of categorisation in our understanding of cultural heritage can prevent a 'network' approach to evaluation from descending into a populist free-for-all.

10. The Role of Categorisation

In the previous chapter I suggested that we should primarily look for the value of cultural heritage in the intricate network of manifold associations which bind cultural items together within and into cultures, and that we should only secondarily and derivatively attempt evaluation of discrete and individual cultural items. Moreover, I suggested, closely associated groups of cultural items may be said to cluster together in a way which lets us talk about something akin to a topography of value. Yet it is plain enough that I have explained 'association' only vaguely and sketchily: the problem is not so much imprecision in explanation, which if the idea is sound would require only additional detail to address, but a more profound worry that our judgments in taking an interest in one kind of association over another may themselves presuppose certain conceptions of what is valuable; and if *these* judgments are not evaluatively neutral in their foundations, then 'value' threatens quite to run away from us.

Perhaps we think that the common authorship of two texts is an important connection between them; perhaps we judge it to be interesting that one sculptor trained under the guidance of another; perhaps we think that an object takes on a special significance if it has passed through the ownership of a famous person, making it an item of 'memorabilia'. *Why* do we think these things? *Must* we think these things? The former question we must leave to the human sciences; the latter we cannot very well ignore, since if our judgments about what constitutes an important association between cultural items are themselves artefacts of our cultural backgrounds, then we are at risk of finding ourselves in a terrible tangle.

I take it to be plausibly false that we *must* take an interest in, say, shared authorship in order to live a recognisably human life, or indeed at least a minimally good life (even assuming that 'authorship' is not a culture-specific concept). So my question is more along the lines of this: are there objective criteria, with rationally persuasive grounds, for deciding which forms of association between cultural items we ought to consider to be of interest? At once it becomes clear that this is not a question which I shall be answering in the course of everything else I am trying to do. It would involve trying to gauge the importance of entire intellectual disciplines. Fortunately, however, I believe that it will prove possible to make a virtue out of necessity and accept the conventions of evaluative practice which we find, not as

foundationally grounded and correct everywhere and for all time, but as cultural items in their own right, and consequently as objects of evaluation themselves.

How then are *they* to be evaluated? Or, if we prefer to think more holistically: how are we to discover any topography of value to begin with if even familiar standards of evaluation are admitted to be part of what invites evaluative scrutiny? If anyone hopes for some sort of vantage point of neutrality which exists outside any culture, then disappointment is going to be the most likely outcome. As I shall explain in Chapter 12, I doubt that we can expect to find ourselves in any position not to take the testimony of a cultural group as our starting point in trying to discover the value of its heritage; and when we enquire after 'world heritage' and 'universal value', the number of contrasting voices is likely to be greater rather than smaller. It would be a poor state of affairs, however, if in the end we had nothing to offer but the most unsophisticated sort of subjectivism; to conclude that the evaluation of cultural heritage amounts to little more than a cacophony of opinions, besides implying that philosophy turns out to be startlingly helpless to assist, would involve a curious insensitivity to the depth of the reflection in which people may actually engage when making judgments about the value of cultural items.

What makes it *possible* in the first place to make judgments about cultural heritage and the value thereof? It is probably asking rather too much to demand that such judgments must be made in the light of some concept denoted by the English term 'cultural heritage'; as I have noted before, especially in §3.2, it is uncertain that there *is* any one concept to which the term straightforwardly applies. At a minimum, however, I think we can reasonably demand that judgments should be made *in some sort of contextual light* in order to qualify as judgments about items *qua* cultural heritage. An item must be judged against *some* sort of socio-historical backdrop, rather than in an artificial isolation and strictly as a disconnected physical or abstract object, if what we call culture is to make its presence felt at all.

What sort of backdrop, exactly? A backdrop, at its most basic, against which one cultural item may be compared to others: one which enables us to make judgments of similarity ("The stonework of this building resembles that of nearby contemporary architecture...") and difference ("...and is unique to its period and geographical region"). In order to be interested in *any* form of association (or lack thereof) between items, we must have the basic conceptual resources to put them into groups; and so from asking how judgments about cultural items are possible we come (though not in a terribly Kantian fashion) to think about categorisation.

Our thinking about cultural heritage is full of categories, starting with the category of the cultural itself. Our culture; their culture; high and popular culture. Traditional cultures. Local and national cultures. Indigenous cultures. Oral culture;

literary culture. Zoom in on one of these and you find yourself working with categories again: myths, legends, Arthurian romances; folklore, folk tales, folk heroes, tales about Robin Hood. We divide literature and cinema into genres, painting (among other arts) into movements, and the year into seasons which we speckle with festivals. Our history we divide into epochs and eras, which a suitably venerable tradition may in turn unite by spanning the divisions, making us feel somehow connected to its past practitioners when we partake in it. Our more informal practices become customs and manners, whilst our languages encompass the accents and dialects by means of which one spots a Geordie or a Brummie or a toff.

In all of these categorisations, of course, there is a great deal of cultural contingency. People in a part of the world with a different climate and different agricultural practices may have entirely different ideas about how the year should be divided: thus India has its rainy season, the Monsoon, whereas Britain does not. The sonnet is no more native to Japan than the haiku is to Europe. Naturally, then, categories such as these themselves qualify as cultural items; but they are nevertheless indispensable for making any sense of our human cultures and their heritages. This is in particular because these categories themselves have histories:[1] thus we point, for example, to the development of the sonnet through Petrarch, Shakespeare, Spenser, Wordsworth and other poets. This gives us some early clues about value: if we assume that a given object or practice has value of a sort that seems to warrant our interest, then we have the makings of an argument to the effect that we rationally ought to value the categories by means of which we comprehend what this object or practice is and how it relates to the culture into which it falls. (If we are interested in the history of the object or practice, moreover, we ought to be similarly interested in the history of the ways in which it has been categorised.) The value which the category inherits may prove to be of a complex sort, for it both defines the cultural item which falls into the category (indicating intrinsic value) and is employed by us in the service of understanding and appreciating the cultural item (indicating instrumental value). Greater complication still is implied if we begin to suspect that inheritance may operate in both directions: if valuing a category, which grants us the *possibility* of thinking about things in a certain way, leads us to ascribe new value to the things which fall into it. Nevertheless, in these observations about categorisation we may perceive the beginnings of a typological hierarchy of cultural items and a corresponding structure through which value possessed by one cultural item may trigger value in another.

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[1] *Cf.* Charles Taylor: 'in the course of their slow development and ramification, a set of practices gradually changed their meaning for people, and hence helped to constitute a new social imaginary (the "economy")' (Taylor, 2004, p. 30).

10.1. Some Complications: Arbitrariness and Bias

Let me deal at once with certain difficulties. In the first place, someone might reasonably doubt that all categories are created equal. Are we interested only in those categories which arise within a given culture in order to describe its own fruits, or does value also routinely attach itself to the categories employed by a neighbouring cultural group, or a visiting foreign anthropologist? (A cultural group is usually likely to know something of how others think of it, but within its own culture it may accord limited respect to their opinions.) As for history, are the categorisations which the modern historian may employ to examine an event of the same status, considered as cultural items, as those of the contemporary chronicler? We may very well harbour doubts, for example, about exhibiting no preferences between the categories of the colonised and those of the colonial, or where we sense that history is being written as propaganda; categorisation is done with purposes in mind, whether deliberately or subconsciously, and as such it may reflect partisan interests which hold doubtful value for those of different parties. Even where the motivation is in no way sinister, we may expect to witness more of conflicting perspectives than of whole, unvarnished truths.

This leads me to the second difficulty: there is no obvious limit to the variety of ways in which humans can contrive to divide up the world and creatively manipulate it. Even someone sympathetic to pluralism in ethics might raise an eyebrow at the explosion of emergent value which is implied if every new circumscription of items within a category implies even the merest and most minimal addition of new value to the world. If on a whim I take a sudden interest in the category of 'objects on the left side of my desk', and play at shuffling objects into and out of this category, are we supposed to think that I have created new value with these acts of categorisation,[2] or even that I have added value to objects which I have so categorised?

One should note at once that a biased or somewhat arbitrary category is not necessarily without value. We should hardly be able to understand the operations and the histories of human societies without investigating both the schemes of categorisation which people have employed and the motivations which lay behind them; and while it is certainly improbable that anyone will ever think with interest

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[2]We might, depending on our philosophical commitments, take the view that the category of 'objects on the left side of my desk' exists eternally (or at least that there is a non-indexical reformulation of it that does), and that all my playfulness has accomplished is to recategorise certain objects from and to the category of 'objects *not* on the left side of my desk'. When I make reference to creativity I have in mind intellectual development in human history: there is certainly a point in history, for example, at which the category 'ecosystem' came into use, and it need not derail a discussion of its role in the ethics of cultural heritage, or indeed those of environmental ethics, if we have not resolved the question of whether, strictly speaking, it was invented or discovered.

about divisions of the top of my desk (unless, of course, my use of such a division as an example in this chapter has caused it to become a minimally interesting part of our cultural heritage), the fact that people play a game called Trivial Pursuit, and have been known to purchase books with such titles as *Schott's Original Miscellany*, indicates that arbitrariness and triviality are not problems in and of themselves. If there is a problem with bias, it is that some biases become dominant enough to blinker us; if there is a problem with arbitrariness, it is that without some limiting principle it threatens to run out of control, until an infinity of possible divisions of my desktop starts to imply, if each of these is permitted to be even infinitesimally valuable, an infinity of value in the corner of my room alone.

If we are not to find our heads swimming as we contemplate indefinite infinities of value, then some principle must be found to distinguish those categories which rightly fall under the grand category of 'cultural heritage' from all the other categorisations which pass through our minds in the light of momentary interests. The solution, I think, is to be found nowhere other than in the ostensible problem of bias: the conceptual divisions which we draw embed themselves within our cultures precisely where they enter into the struggles and narratives of human history and enable or even force us to see things differently. The border between two nations, for example, may follow principles of geography (rivers are convenient markers of borders) or applied geometry (straight lines are straightforward), but it is the border as a concrete geopolitical fact, and perhaps even as an object of contention and outright warfare, that will contribute to the national identities of people living on either side of it, and hence to their cultural development. More abstractly and more peacefully, the category 'citizen' is part of the conceptual apparatus which makes it possible to construct certain forms of society and political community (indeed, certain ways of civic life), and the category 'website' forms part of a whole collection of ideas, norms and technological standards by means of which we communicate electronically.

Each of these examples serves certain interests, sometimes conflicting interests. A national border can be a source of great contention, particularly if the state on either side has, or has had, expansionist tendencies; or if some of the people encircled by the borders of a nation had not historically thought of themselves as nationals of such a political body. Competing political doctrines have made citizenship as much an ideal as a description, most obviously in the use of 'Citizen' as a title in revolutionary and post-revolutionary France. The Internet, meanwhile, has already been the focus of at least one economic bubble in which there were very definitely winners and losers. These categories' connection with contests, however, if anything reinforces their claim to be important pieces of our cultural heritage. When we

parcel up land into dominions, or promulgate ideas of the individual as citizen, or begin to put pages online in order to make them accessible across the globe, we make history and we change culture: national cultures, civic cultures, online community cultures. The invention of these categories was part of learning to see the world in new ways.[3]

From the fact that some categories are contested and nonetheless historically important it does not of course follow that there is no problem of bias. This problem may, indeed, take on deeply unpleasant forms. The categories of schemes of 'scientific' racism (as employed, for example, by the Nazi race theorists who had to work out what degrees of Jewish ancestry implied Jewishness, with all the legal, political and eventually mortal implications which that carried under the Nazi regime) are undoubtedly of historical importance; equally undoubtedly they enabled people to see the world in a new way; but the way of seeing which they enabled was misguided and perverted, helpful in our own society only as a horrible warning.

I want to defer discussion of these unpalatable cultural phenomena, and the ways in which we might and might not be willing to call them valuable, to the next chapter, in which I consider the ways in which the value of cultural heritage may not always sit neatly alongside other values and priorities in human life. In this chapter I am concerned, in part, with less drastic, but nevertheless sometimes potentially harmful, consequences of insufficiently nuanced categorisation. Young has expressed concern at least since 1994 about what he calls 'distortion' as an aspect of cultural appropriation (Young, 1994, p. 416); recall my discussion in §6.1 above. By and large he has in mind the risk that a cultural group may be poorly served by the ways in which outsiders represent its culture and cultural stylings in their own creative works; but another source of what we might reasonably call distortion may arise from the ways in which cultures and cultural items find themselves categorised, particularly where the power of bureaucratic indifference is involved. I have in mind such cases as the following:

> [A]n institutional arts policy generated in Britain in the last quarter of the twentieth century... establish[ed] a separate category and public-funding structure that seemed to define the role of the black artist from outside. Such terms as 'ethnic arts', 'ethnic minority arts', 'non-British arts' and 'multi-ethnic arts' were used... (Rhodes, 2000, p. 216)

Here we have categorisation gone bad in such a way that it threatens to sully the integrity of the 'ethnic' artist who, out of an understandable desire not to accept starvation as the cost of creativity, follows the money. The problem is not simply

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[3]I shall return to this point in §12.5, following some discussion of moral epistemology.

that these categories fail to classify anything. Even completely arbitrary ones, like 'pastel works by European or Sri Lankan artists featuring a cat and at least two persons, one of them clad partly in blue', do pick things out, assuming that anything exists to fall into them. The potential problem is that they assist the bureaucratic tail in wagging the artistic and culturally illuminating dog.

Where categories are not misguided they may still be awkwardly partial, and indeed many of the debates over the proper fate of items of cultural heritage can be characterised as classificatory disputes of a kind. Take for example the *Codex Gigas*, a richly illustrated Bible and the largest manuscript in the world, which began its existence in a Bohemian monastery and after changing hands several times was eventually plundered by Swedish troops during the Thirty Years War. A few years ago it was loaned to Prague's Klementium Gallery following a request from the Czech Prime Minister. Our thoughts on what counts as the proper resting place of the *Codex*, one of so many objects to have changed hands in questionable circumstances during distant epochs, are going to be interwoven with what we take to have the highest priority among the various ways in which it can be categorised: shall we take it to be first and foremost a Czech creation, a Swedish possession (for about 350 years), a Benedictine work, a Christian scriptural work, or something else besides? It is precisely the fact that these are all reasonable categories under which to consider the *Codex* that makes it difficult to reach any conclusion about what its fate would optimally and ideally be. 'The origin of ideas is not the kind of thing to which "purity" happens easily' (Sen, 2006, p. 132), and the same is true of their material manifestations.

The example of the *Codex*, then, implies that when asking ourselves how a cultural item is to be evaluated, we ought frequently to be prepared to look to its membership of a multiplicity of categories; but the example of 'ethnic arts' implies that there are limits to how pluralistic and œcumenical we should be prepared to be. Yet the category of 'ethnic arts' is itself a cultural item, an aspect of British creative industry during a certain historical period which, indeed, has had a concrete impact on the production of cultural items through its role in public funding mechanisms.

Is the problem simply that the use of this category, as Colin Rhodes has it, 'seemed to define the role of the black artist from outside'? We should have to dismiss a great many inoffensive categories from our thoughts about the value of cultural items if we permit this to count as a blanket objection. Thales of Miletus certainly did not categorise himself as a pre-Socratic philosopher; we categorise him thus from the outside. Jean-Paul Sartre did adopt the mantle of 'Existentialist philosophy', but neither he nor Simone de Beauvoir was initially enthusiastic; despite its not beginning as a self-description in the work of Existentialist philosophers, however,

the term has become part of our standard lexicon. Such examples could easily be multiplied.

Is the problem then that a category of 'ethnic arts' is æsthetically stupid, an invention of bureaucratic convenience and political expedience with no sensitivity towards what artists are trying to do and what the art-viewing public gains from experiencing? We are probably getting closer, but one of the things to which we are getting closer is a lengthy debate about what art is for, and rather than get sucked into it I had better note that one thing an account of the value of cultural heritage had better be able to handle is the existence of influential opinions different from our own, even when from our perspective there are clearly difficulties with them. It may indeed be empty to talk about 'ethnic arts'; and in some people's opinion it is empty to talk about the visitations of angels; but there are aspects of our cultural heritage which are certainly infused with the angelic as people have believed in it, and if an account of the value of these cultural items must take the existence of their originators' belief as a given then it is not obvious that the case of 'ethnic arts' in bureaucratic thinking warrants a different treatment.

I suspect, in fact, that at the root of what Rhodes objects to is not so much the category of 'ethnic arts' *per se* but the institutional dominance which was unthinkingly bestowed upon it, so that in the thinking of the bureaucracy it threatened to eclipse other ways of thinking about what black artists were creating. The threat thereby comes to look like an *epistemic* one first and foremost: if I cannot think about the art objects in front of me other than through this prism of 'ethnic arts', then it is only from that perspective that I shall be able to think about their value under the broader category of cultural heritage. If I am blinkered in such a fashion, then my search for the culturally valuable will be inhibited: much as seeing environmental harms requires a conceptual ability to see the environment (if you recall James Boyle's example from p. 25), seeing certain kinds of cultural harm, and certain manifestations of cultural value, may require us not to be limited to certain conceptual resources. When it comes to the conceptual categories into which we place the items which make up culture and cultures, we may indeed wish to employ a principle of plentitude, desiring not only a healthy supply of cultural items but to devise the broadest possible suite of ways of appreciating them too, lest any value possessed by any cultural item should go unnoticed.

The problem *then* will lie in dealing with a potentially infinite demand for new tools of intellectual categorisation; but I want to deal with further epistemic complications in later chapters.

10.2. Continuing the Search for Value

The chief worry hanging over Chapter 9 was that ultimately, if we locate the value of cultural heritage not primarily in cultural items themselves but nebulously in the presence of associations between them, then perhaps all that we are doing is crudely measuring activity which may be called cultural and then simply ascribing morally salient value to whatever turns out to enjoy popularity. However, whilst society as we know it certainly does take a great interest in popularity and its possessors, nevertheless the ways in which cultural items may enter into popular culture or niche subcultures, or into mass culture or highbrow culture, are more nuanced than an outright game of numbers. Economies grow; cultures *flourish*.

It is this possibility of flourishing that catches my eye. Not necessarily the flourishing of any person (although it is entirely conceivable that the two may go hand in hand), but in the sense in which we talk about the flourishing of the arts.[4] One thinks of the Golden Age of Hollywood, or the Augustan Age, or the Jazz Age, or *La Belle Époque*; of the Harlem Renaissance, or the Scottish Enlightenment, or the Latin American Boom.

The thing to note at once is that one thinks of cultural flourishing (and decline) in the light of certain categories: in these examples, categories of geographical space and historical duration. A limitation of a 'network' model of culture on its own is that it is heavily quantitative, inviting us to reckon the number of cultural items which form each loose cluster: insofar as we can meaningfully bring anything from a painting to a turn of phrase, to a tacit convention about what constitutes personal space, together under such a very generic label as 'cultural item', we can say some interesting things about the distribution of these cultural items once we have (somehow) individuated them, but one could be forgiven for thinking that in so doing we have set aside what makes culture important to begin with. Can there be so little to comparing cultural items that we need only consider where clusters of cultural productivity may be found and how cultural items are abstractly associated? Are we to get excited at the notion that cultural item x inspired cultural item y without even asking whether x and y were novels or philosophical theories or doomsday cults or whatever else they might be? No wonder the previous chapter ended facing the worry that there might be little to be said for the value of cultural items besides commentary on an unedifying popularity contest.

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[4]Entering the query "flourishing of the arts" into the search engine Google (http://www.google.co.uk/) on 29th May 2011 produced about 132,000 results. For example, a 'future flourishing of the arts and heritage' is a stated desideratum in written evidence submitted by the Local Government Association to the Culture, Media and Sport Select Committee ('Funding of the Arts and Heritage: Vol. II' H.C. (2010-11) 464-II Ev 191).

Once we acknowledge that some of these cultural items are the very conceptual categories by means of which we individuate cultural items and navigate the cultures that contain them, we have the makings of a less artificial and more familiarly diverse and colourful model of culture which nevertheless retains the attractions of holism. Instead of a barely differentiated mass of cultural stuff which undergoes unqualified changes, we see artistic movements develop, political ideas take hold, fashions pass in and out of vogue; we witness technological advancements enable wider travel and faster communications, in turn enabling accelerated interchange of ideas; and we behold the development of new words, new ideas and new disciplines of study as humanity tries to keep up with the task of making sense of itself. We can use the stuff of culture itself to see culture in a more dynamic light: less like the shifting of dunes in a sea of featureless sands, and more like what is sometimes called a creative ecosystem. A culture cannot but be dynamic, whether its strongest tendency is towards change and development or towards continuity and conservation, simply because it is people that live with their cultures, and new generations of people who inherit them.

The pressing question for moral philosophy is still, of course, that of where amongst this cultural verdure we might hope to uncover ethically salient value. If we are not setting out to measure sheer cultural activity, or the sheer popularity of cultural items, what then *can* we hope to assess in order to discover where the peaks and troughs of value lie in the cultural topography?

One thing we can say with confidence is that our assessment will not be conducted from some ideally distanced and culturally neutral vantage point; we, indeed, must find ourselves excellently placed to concur with Thomas Nagel's observation in *The View From Nowhere* that

> when we take up the objective standpoint, the problem is not that values seem to disappear but that there seem to be too many of them, coming from every life and drowning out those that arise from our own. (Nagel, 1986, p. 147)

To think about cultures is not to transcend culture but to appreciate how saturated with it we are. 'Culture' is itself a grand and sweeping category, one with its own history of development through usage and one not trivially naturalised; any conceptual model of it which we might develop would inevitably bear the traces of its (and our) own cultural influences. As such, it is not strictly correct to say that it can affect the value of cultural items to bring them under one category or another, since we have no epistemology free of cultural trappings and therefore no way of already having individuated and evaluated these items.[5] I do not mean

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[5]Arguably the most apposite label for this point would be that of 'perspectivism', but I am

that we have to be cultural relativists in either epistemology or ethics. We can be realists about science or moral facts or whatever else; we can agree that in these domains of knowledge there are phenomena which are discovered rather than invented; but discoveries as much as inventions may qualify as cultural items. The history of science is full of them: some even bear the names of the discoverers, such as Kepler's Laws or the Planck constant. Moreover, in addition to having a scientific heritage we encounter science as a creative theme in the production of new cultural items: the stock character of the mad scientist in works of fiction, or the endless and artificial 'science versus religion' debates, or the dissemination of tabloid 'Scientists say' stories about what may or may not cause cancer. The most robust cases of our having knowledge about the world may thereby exhibit the trappings of the cultural.

Categories, then, do not merely contain other cultural items but partly constitute them. When it comes to evaluation, how does this help us avoid an awkward and unedifying popularity contest? One might very well object (with a weary sigh, recalling just how readily new categories may be devised and disseminated) that the contest has merely shifted, and that now we shall have to concern ourselves with the question of which categories, which manners of thinking, are most thoroughly pandemic. Perhaps the hour has finally come for the 'Superphilosophy... with the greatest philosopher being the one who can contain the greatest number of other people's personal philosophies' (Pessoa, 2001, p. 83), as we struggle to distill a multitude of categorical insights into a single evaluative conclusion.

Perhaps; and it would be remarkable if we gave no thought at all to how widespread a reception a category has enjoyed; but this need not mean taking a static snapshot of some culture at a given moment and reckoning the breadth of influence of a given category within it. There is limited scope for an ahistorical treatment of cultures (see p. 73 above), and especially so if we want to acknowledge the possibility of a flourishing of culture, which is inescapably a temporal phenomenon. The same is true of cultural decline; it is true, as well, of the sheer continuity which we call tradition. In §10.1 I suggested that unenlightened categorisation, suitably combined with bureaucratic dominance, might inhibit the creative expression of a cultural group; the corollary, then, is that less narrowly artificial categorisation has a role to play in allowing such expression to flourish.

Temporality, of course, is itself not uncomplicated and culturally neutral. I concluded Chapter 7 by noting that in thought about cultural heritage we can identify at least two tendencies, which I styled traditionalistic (emphasising continuity and potential perduration) and originalistic (emphasising fidelity to a

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not satisfied that its usage is sufficiently straightforward, and I am hardly attempting to ally myself with Nietzsche.

definite point of creation); it is not obvious, I added, that these two ways of approaching a cultural item are reconciliable when it may not be evident which would (in typical circumstances) better suit a given item. If we now identify these as forms of categorical thinking then we need not be hugely worried, since a single item may be brought under many categories; but this observation on its own will hardly dissolve or resolve the matter and move us closer to knowing whether origins or continuity ought to be emphasised in deciding the fate of one or another cultural item. *That* would require a grasp of which understanding of the item's often various roles in a developing cultural history best allows us to appraise them, and that in turn requires our approach to appraisal to take account of cultures' dynamism both in creating new cultural items and in finding new roles for old ones.

Just what, then, are we talking about when we speak of cultural flourishing, or decline, or progress? (What precisely might it mean, for example, to observe that it 'is axiomatic for Quebec governments that the survival and flourishing of French culture in Quebec is a good' (Taylor, 1992, p. 58)?) This, troublesomely, is not a question whose answer can fall entirely within my present purview. It implies judgments not merely of temporality but of teleology: not only of what has value *qua* cultural heritage but of what is the right and proper direction in which a given cultural group might take its collective life. This necessarily involves a wide range of ethical, political and other questions. One person may judge that a progressive culture is one that secularises itself, while another may work for a revival of popular religiosity; one may be a defender of 'high' culture, whilst another regards its trappings as a rightful target of class warfare; one may defend freedom of expression in the most liberal of terms where another will favour tighter regulation of the press in the interests of public morals.

Even where debate concerns the nature of a culture itself at a fairly abstract level, the focus will inevitably be wide. Reflections on cultural heritage certainly ought to have something to contribute to discussions about the trajectories, the intersections and the mingling of cultures (and philosophy can certainly help to clarify and refine concepts of cultural purity, dilution, and so on; recall §6.1 on 'authenticity' and 'distortion'), but such discussions are seldom conducted in strict isolation from other social and political questions. We find ourselves concerned with immigration patterns and the reception of refugees, and with whether policies of multiculturalism worked in practice as well as in theory; we ponder 'Americanisation' as an aspect of geopolitics as well as in the media; we keep one eye on the politics of propaganda and popular influence when we consider the power of the media barons, or the costs and benefits of state patronage for the arts. It would be difficult, and perhaps artificial, not only to reify 'culture' as we conceive of it but moreover

to attempt a complete and comprehensive account of what it means for cultures to flourish without extensive reference both to the many forms of vitality which cultures may enjoy and to the range of questions about what, ultimately, counts as a healthily enduring culture (though admittedly it *may* be more clearly apparent when a culture, or for that matter an ecosystem, is endangered, and flourishing is altogether conspicuous by its absence). We should no more expect to develop universal and abstract criteria for cultural flourishing than we should anticipate the unveiling of an account of what it is for ecosystems to flourish which easily manages to encompass both the wilderness and the cottage garden.

In the next chapter I shall have some more to say about interconnections between the value of cultural heritage and other human values; but nothing in this dissertation can conclusively tell anyone whether a culture of the wilderness or of the garden is the more fitting aim. (Some cultures may even incorporate their own teleologies or narratives of progress, or even eschatologies. The Kuhnian model of scientific culture, for example, might be said to take it to flourish through crises.) What then is there left to say about the value of items of cultural heritage, if enquiry into what it means for a culture to flourish threatens to slip through our fingers?

What is left, I think, is the observation that cultural heritage offers the resources by means of which such reflection can occur; to decide what to become you must first know who you are, and for a cultural group that means both having an understanding of the shared culture which defines it as a collectivity, and making use of the categories which have emerged within its culture for the purposes of collective self-reflection (along, perhaps, with some new tricks learnt from foreigners). Put like that, this may sound as though the value which I ascribe to cultural heritage is in the end strictly instrumental, a means to human autonomy and communal self-determination; but that need not be all there is to the value of culture. It is not, after all, as though there is Culture, standing apart from those whose culture it is like some vast warehouse of resources awaiting retrieval, and then there is Reflection, to be conducted by a grand committee somewhere else. No act of cultural self-reflection can stand outside culture, and no altogether adequate understanding of culture can exclude the possibility of reflection as an aspect of the life of a cultural group. Cultural dynamism finds itself interwoven with implicit cultural reflection (little or none of which particularly requires an explicit concept of culture): *Wouldn't it be nice if there were such a thing as well dressing?*[6] *Do you think many people would buy pictorial postage stamps? Isn't it a shame that fewer people go to church nowadays?*

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[6]The traditional practice, especially in the Peak District, of decorating wells with murals made of petals.

Thoughts such as these, as much as the acts which sometimes flow from them, are part of the life of cultures, and it is in the light of this that we must approach the question of their value. Enquiring after the value of reflection to culture, I suggest, is similar (not thoroughly analogous, but close enough) to asking after the value of health for the body, or the value of currents to the ocean. Such a question is not wholly without meaning, if we understand the human body or an aquatic ecosystem to be an intricate system which may in reasonable senses be pure or polluted, and be vibrant or in decline; but we shall not get very far at all if we imagine that in reifying any such phenomenon we are talking about something sufficiently dissociable from its medium to possess independently instrumental value. Tides in the affairs of men, as with those of the seas, invite a more holistic understanding.

What does this imply for the value of cultural heritage at large? (I have been singing the praises of holism and fuzzily distributed value for quite a lot of pages now, after all, and conclusions helpful to people arguing over what should be the fate of this artefact or that traditional practice are still not obviously in the offing.) Something quite dialectical, I think, in a sense which is indebted more to Plato than to Hegel: we cannot hope to sidestep or cut short a process of reflection which is neither individual nor wholly scholarly nor entirely philosophical, since it would be a mistake, as it turns out, to approach the moral epistemology of cultural heritage as though what an item was – its place within a culture – could have been already pristinely established, and evaluation of its value for ethical purposes could be a completely distinct second stage. What philosophy can offer, however, is aid in navigation of the moral landscape which emerges once we shift from expecting to evaluate cultural items strictly in the light of human purposes and needs, to asking ourselves what in a broader sense is good for (human) culture.

11. Heritage and Human Interests

We can of course hardly forget that humans do have purposes and needs, and it would be a strangely worshipful approach to human culture which would never countenance the sale of any family silverware in order to fill human mouths; however much there is to be said about the value or even the patiency of cultural heritage, nobody imagines that there are no other values or moral patients which we need to take into account. In this, in some respects something of an intermezzo chapter but nevertheless a necessary one, I want to pick up where I broke off within §10.1 and consider some of the ways in which an enthusiasm for cultural heritage may collide with other morally important concerns.

11.1. Biases and Bigotry

Among the complications which I discussed in the last chapter was the fact that dividing the world up in categorical terms is always done for some purpose, and sometimes the purposes are not altogether upstanding; sometimes, indeed, the biases which embed themselves in categorical thinking can be downright unsavoury. More generally, not everything which a cultural group brings about and which subsequent generations inherit is necessarily a fitting object of reverence or even approval; some things will be morally disvaluable, and some of those which are not may be æsthetically ugly,[1] or narrow-minded, or simply dull. To expunge these from what we acknowledge as heritage, however, risks what is sometimes derogatively called a whitewashing of history, or at least an excessive romanticism when we reflect upon ourselves, our ancestors and relations with our neighbours. I shall not be attempting to identify a golden mean between historical blindness and collective hand-wringing, but I do have cause to worry about what this portends for talk of the value of items *qua* cultural heritage.

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[1] Here, too, the attitudes which different generations take towards their heritage may complicate matters: it comes as news, for example, that Stanford students have been exhibiting increasing preferences for music recordings containing barely audible MP3 compression artefacts. 'All that sizzle is a cultural artifact and a tie that binds us. It's mostly invisible to us but it is something future generations looking back might find curious because these preferences won't be obvious to them.' (Dougherty, 2009)

It is probably desirable to employ some principle of epistemic humility which acknowledges that we will not always know for sure which of the items of conceptual apparatus which are presently available to us will most closely fit reality; but we are unlikely to wish to be so sceptical as to suppose that we have no grounds for treating phlogiston and Ptolemaic epicycles as historically rather than scientifically interesting. When we speak of value, we shall want to be mindful of such qualitative distinctions; at the same time, when we are hoping to be able to make practical normative decisions about what to save, what to repatriate and so on we are likely to find ourselves hoping that some broadly unified scale of value is within our grasp. Yet it *does* leave an unpleasant aftertaste in the mouth to find oneself suggesting, for example, that the categories of segregation embodied in the Jim Crow laws are *culturally valuable*. One perhaps wishes to say instead that the *remembrance* of them is what has value.[2] However, remembrance of a historical event is itself (in whatever concrete form it may take) a historical event, and hence a (categorisable) cultural item in its own right, so we face some risk of a troublesome demand that we explain how there can be value in remembering x without its being implied thereby that there is value in x, even though there could *be* no remembrance of x without a history of x.

Conceptually, I think the difficulty is that it looks contradictory to say that (1) something has positive value, and (2) the world would have been a better place without it. We can readily agree, I think, that some items and some categories have served the most pernicious of interests, and that these things have thereby proved themselves to be *instrumentally* disvaluable for morally good agents. We might add, in support of this conclusion, that we have in mind not necessarily categories which have been perverted to some malign cause, as when religious or patriotic fervour, or the simple and accurate observation that there exist differences between men and women, have been manipulated in the service of ignoble ends, but rather categories whose malignant teleology is implicit within them: it is one thing to observe that racial variations exist within the human race, for example, and another thing altogether to interpret this observation in hierarchical terms.

Admittedly, where the categories which we employ are as unashamedly constructed as legal fictions are it will be tricky to disentangle the benign from the base. We shall hardly be content to follow in the footsteps of the legal arguments

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[2]Thus, instead of saying that a history of involvement in slavery is valuable, one might say that it is valuable to remember the slave trade, which sticks in the craw rather less. Yet I suspect that in such an instance as this 'valuable' will tend to be a word which might helpfully be replaced either by one more obviously non-moral, such as 'instructive', or by one with a different moral flavour: "It is our proper obligation to remember the slave trade," one might alternatively wish to say. I shall have more to say about approaches to history in Chapter 14.

which *just happened* to construe the categories of private property in such a way that Australian Aborigines could be said to possess no title to their land, because they neither fenced nor cultivated it; at the same time we need not conclude that property is indeed theft; but we can hardly underestimate the scholarly complexities which face any jurist who would tease the good from the bad, and this will be true not only of law but of other and less codified customs too.

Let us grant, however, that we have some ability to pinpoint where there is evident instrumental disvalue built into a category, visible in light of the objectionable ends to which it is far from accidentally fitted. What of instrumental value's counterpart, intrinsic value? The immediate reaction is very properly likely to be repugnance at the idea that anything so thoroughly corrupt and dangerous can be a repository of any, let alone an intrinsic, sort of value; but it is here that I play my holism card again. Recall that the (intrinsic) value of cultural heritage is on my account supposed only secondarily to attach itself to discrete cultural items, including the abstract cultural items which categories are; primarily it manifests itself diffusely and non-specifically within sprawling cultural networks. Although I have begun to indicate that there are discernible patterns of value-inheritance between abstract categories and the cultural items which fall into them, in *both* cases this value is derivative; cultural items (including categories) have value on account of clustering together into the vaguely defined phenomena which we call cultures.

One of the implications of this is that malignity also need not be discretely localised; where a moral cancer exists, it is unlikely to be restricted to a single cultural item. There certainly *are* senses in which one malign item can be said to possess value for the context in which it exists: one might meaningfully say that their white hoods have value for the Ku Klux Klan, and whether one means by this that they are instrumentally valuable for the Klan's purposes, or that they play some sort of role within Klan culture which leads Klan members to value them non-instrumentally, there is nothing particularly controversial in our ascribing value to the hoods so long as we are talking about value for the Klan rather than what we ourselves endorse as valuable. In doing this, however, we ascribe value to the hoods (as discrete cultural items), or to 'Klan hoods' as a type (of which individual hoods are tokens), in light and by virtue (if the unfortunate turns of phrase are pardonable) of the place which they occupy within a broader milieu. Once again, the value of a cultural item is derived from its context; if we now wish to ascribe disvalue to the Klan hoods, this likewise will be because of their disvaluable context (i.e. one disvaluable from the point of view of a more enlightened moral vision than is enjoyed within Klan culture itself).

How then are we to determine which cultural items should finally be judged to be

valuable or disvaluable or simply neutral? Perhaps we find ourselves, in the end, in comfortably familiar philosophical territory, asking ourselves what constitutes the good life (including the *morally* good life) for human beings in general. Perhaps (we might think) Harding did have an insight in making the value of cultural heritage strictly subordinate to the value of the good human life. If we could merely solve the problem of what *that* is to everybody's satisfaction (and I hope that you will be understanding if I do not address it in the present work), then we might expect to be able to proceed from the most general to the most particular of cases, and derive the disvalue of the Klan, and that of all its aspects as anything other than an unpalatable memory, from our most general understanding of what is good for humanity.

11.2. A Unified Hierarchy of Value?

There is, however, a lingering problem. Suppose we generalise the suggestion that, from the fact that their white hoods are valuable to Klan members, it in no way follows that Klan hoods have value outside the context of Klan culture, even though they play an important part in that culture and the Klan is evidently a cultural group with a heritage.[3] We might very reasonably expect it to follow that it is similarly uninformative to observe that rock art has value for Australian Aborigines, or that the Bible has value for Christians, or in any case at all that anything has parochial value for anybody. If we arrive, in seeking to evade the implication that Klan hoods might possess cultural value outside their immediate context, at the view that we can comfortably avoid this outcome by noting that Klan culture (with the corresponding category 'Klan cultural items') itself makes a negative contribution to the good life of humanity, then presumably consistency requires us to judge *all* cultures in terms of this good of humanity, and then to work out the value of their cultural items in light of this, proceeding always from the most general to the most particular (with the network in terms of which I earlier described culture coming to look more like a strict categorical hierarchy).

There are hopefully not that many who would dispute the counterfactual claim that the world would have been better off without the Klan and its culture; but there are plenty of other cultural phenomena which could not be so readily dealt with. What *is* the net contribution to humanity of Australian Aboriginal cultures, or Christian culture, or European culture? It is not difficult, for example, to find

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[3]Note my shift from 'white hoods' to 'Klan hoods'; in other cultural contexts, a white hood might be part of a ghost costume for Halloween. Another case in point would be the Swastika, a symbol much older and with more uplifting import than the Nazi regime which appropriated it and in connection to which it is best known in the West.

people who turn to the Bible for revealed Truth and moral guidance, and other people who regard 'religion' as a class as something from which humans ought to liberate themselves; and if we have to wait for these parties to conclude their debates before we can judge the value of Christian cultural influence, and in turn evaluate the myriad cultural items in which Christian influence manifests itself, then we had better be prepared to wait perhaps literally until Doomsday. Not that we have much genuine hope of somehow isolating 'Christian culture' for evaluation. Even our hope of isolating 'Klan culture' may begin to evaporate once we realise that it participates in the much wider and more various phenomena of 'racist cultures' (being, of course, more strongly and directly involved in some than in others), and that no simple algorithm will unweave attitudes towards and conceptions of race from the broader cultural contexts in which they sit; the subtlest scholar of literature could not tell us how a pleasanter Shylock in a different *Merchant of Venice* might have featured in a counterfactual history of the English theatre.

The headaches continue to multiply when we realise that among the things whose contribution to the good of humanity we might wish to evaluate are the very intellectual resources by means of which we come to know the human world as we consequently do know it. I accept that there can be reasonable judgments, in ethics and of other sorts, made across cultural boundaries (Midgley, 1991, p.81*ff.*); presumably, then, if I aspire to cast judgment on Indian approaches to æsthetics, or conventions of political debate in the Philippines, I shall require only an adequate intellectual grasp of the topics involved, and this may well not require me to have undergone a thoroughgoing immersion in Indian or Filipino culture. To some substantial degree, then, it is possible to judge culturally specific intellectual categories 'from the outside'. What must be involved, though, in making historically counterfactual judgments about a way of construing some aspect of the world? What does it take to determine whether the overall good of humanity would have been better served or worse if nobody had ever had the ideas of 'popular music', or 'management', or 'utopian colonies', or any among innumerable others? Once we have understood the question we shall find ourselves quite unable to forget the category which we are expected to imagine out of the universe. We can no doubt imagine histories in which no managers or pop acts or utopian communities ever arose to create a need for the conceptual apparatus which we employ in talking about them; but it is a separate question whether humanity gains or loses something from our having devised these categories rather than others, and it is doubtful that we have any prospect of returning, even in our most flexible of human imagination, to more innocent conceptual pasts.

People certainly *have* thought that such gaps could be scrutinised, if not altogether

bridged: the most familiar example for many philosophers might be Martin Heidegger's fretting about the effects of scientific and technological thinking on the ways in which we find ourselves in the world. He worried about the difficulty of escaping from technological blinkers, the risk of becoming unable to see the forest for the timber, even as he sought in his philosophical work to uncover what he understood to be other forms of existential engagement with the world and particularly with the natural world, distinguishing the 'primordial' from the 'derivative' (Cooper, 2005a). Compared with his anxieties mine look almost mild: I merely need to know, given the expectation that intellectual categories are cultural items and that cultural items are subject to evaluation by moral philosophers, how it might be that we can enquire after the value of any given categories within a culture and receive an answer more nuanced than that they are presently indispensable.

There are, it is true, entire scholarly careers founded on projects of critiquing conceptions of race, or gender, or class, or other categories through which we classify and navigate our social environments; and while it is beyond my present task to comment on either success rates or motivations, the existence of such projects, and that of less politically charged enquiries down to the abstrusest reaches of ontological theorising, indicates that humans *are* able to reflect critically on all manner of things. (It also indicates that the process may be long and controversial.) Yet critique of this sort, though it certainly may arise from moral concerns, is not moral evaluation of quite the sort I have in mind; my present concern, after all, is with the cultural heritage that we have, rather than with the future teleology of anyone's cultural or social development.[4] A critical reappraisal of, for example, literary representations of class consciousness is itself a cultural item and part of at least one cultural heritage; and this will be so, and we shall find ourselves faced with the question of its value *qua* cultural heritage, whether or not it emancipates anybody from the shackles of a prejudiced past.

As usual, there are no doubt many more points which could be raised and challenged and defended in turn, but I hope that I have done enough to indicate that it would be no straightforward matter to envisage some sort of unified hierarchy of values, in which (1) Klan hoods are subordinate to (2) Klan culture in general, which is subordinate to (3) racist culture more broadly, and since (3) makes a negative contribution to (4) the good life for humanity it follows that (2) and (1) are likewise to be negatively appraised. I am still left, then, with the problem of how to integrate value *qua* cultural heritage into our wider moral economy in such a way that it will

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[4]Technically my interest in the flourishing of cultures blurs this line: in particular, there are political questions about who in a given culture is in a ready position to make influential contributions to the culture and its recorded heritage. I maintain, however, that there is a meaningful division of intellectual labour in the examination of cultures.

neatly fit alongside our other ethical concerns, so that we can talk about the value of cultural heritage while accepting that some aspects of some heritages are, in straightforward moral terms, nasty.

I want to make what I fear may initially appear to be a sophistical distinction, or at least one which will perhaps be more readily accepted in academic circles than in the wider world in which cultures exist and develop and occasionally clash, but nevertheless a distinction which I think both fits sensibly into my earlier sketches of valuation and categorisation, and offers some reasonable hope of acknowledging how certain cultural items may at once be valuable (*qua* cultural heritage) and so thoroughly disvaluable that we should prefer that they had never been.

We frequently make evaluations which depend on the contribution of some aspect of a thing to what it is as a whole, and sometimes these judgments are not straightforwardly obvious: thus a rip in the canvas of a painting will be reckoned to reduce its value on the art market, while a rare blemish in a run of stamps may increase their value for philatelists. When it comes to our moral judgments, where our own cultural resources have long suggested the possibility of a *felix culpa* and of narratives of redemption, matters may become more nuanced still. We certainly do not see it suggested that the ugliness which they confront should count against either the æsthetic or the moral merits of *To Kill a Mockingbird* or *Mississippi Burning*, or that the horrors which it records serve to blemish Anne Frank's *Diary of a Young Girl*, even though these cultural items could not have come into existence but as a response to awful circumstances.

Neither will we necessarily be eager, when we turn to consider the kind of human interests with which we deal in our lives, to judge that the value of a human life is established strictly by its cleavage to saintliness; a hierarchical ranking of value, so tempting and tantalising a prospect when we try to extend our ethics to encompass the whole panoply of cultural items, from the most exquisite artworks to the advertising flyers that daily make their rapid way from letterbox to bin, may meet with far more hesitation when we are confronted by William Godwin's infamous choice between the Archbishop's rescue and the chambermaid's. When it comes to moral patients among our own species, suddenly a rigid scale of value becomes a less attractive prospect. We presumably agree that both the Archbishop and the chambermaid must be taken into account as moral patients; it may nevertheless be unremarkable if we hold one of them dearer on account of personal ties, but it might well take a long and harrowing history of unrepentant evildoing on the chambermaid's part for us to have no qualms whatsoever about preferring to save the life of Archbishop Fénelon.

The distinction which I wish to make is between value *simpliciter* (or as *simplex*

as accounts of value ever get in moral philosophy) and value considered as a contribution to a broader moral patiency. I suggested in §9.0 that patiency, in contrast with value, is a binary notion, something which an entity either has or lacks; no wonder, then, that we may be reluctant to discard any human moral patient, even in favour of another. If we are to approach cultural heritage with the thought that it may count as a moral patient – and if we are prepared to accept that it is collectively possessed of a morally salient value which does not ultimately amount to the service of human ends, then that is a conclusion which we shall find ourselves with no trivial grounds for evading – then heritage, too, may be tarnished without thereby being debased. Consider a physician who undertakes to save the life of a patient in the medical sense of the word, knowing that the person undergoing treatment is one who harbours some defect of moral character: a hooligan, say, or a serial adulterer. In order to save the person as a whole, the doctor must salvage this defect along with all other traits of the surviving patient's character; it is regrettable to prolong a career of hooliganism or unfaithfulness, but we hold it noble nonetheless to save the life of a human being.

There is of course no direct analogy with culture, because culture and cultures resist ready individuation where human beings do not: one cannot easily say what it would mean to preserve a culture as a whole. Insofar as we find ourselves capable of confidently pointing to some local or national or otherwise delineable culture, however, we may well find that so interwoven and interdependent are its constituent aspects that it is no simple business to tease apart those deserving our approval and those not. It will be helpful, therefore, to distinguish between an active moral cancer and the scars which may linger after its removal; a culture of any antiquity is likely to have borne witness to many unlovely deeds, some mercifully far removed, so that we can look upon slavery in *Roman* Britain, for example, with disinterestedly historical curiosity.

What must happen, then, when wrongful currents are still manifest and active in a culture? The cultural group ought to reform itself, much as the hooligan or the adulterer ought; and in order to do this it must tease out and expel, however painfully and awkwardly, those aspects of itself which are morally condemnable. It is subject to an overriding moral imperative to change itself into something for which its malignant aspects have no value of any kind and in any sense. That there presently *is* some sense in which they have value for their cultural setting will be no effective argument against reform; cultures, after all, are dynamic in many ways. There *are* cases in which appeals to culture may be supposed to act as a defence in morally charged disagreements: for example, in controversies involving practices of circumcision or other genital mutilation. However, I doubt that the logic in such

cases is often imagined to boil down simply to 'It's morally wrong, but it's part of our culture, therefore it's not morally wrong', or even to a not much less contradictory version, 'It *would* be morally wrong, if it weren't part of our culture'. Where those involved are agreed that a practice is unethical, then, its persistence within some culture will not count as an effective argument for allowing it to fester.

Not every trace of human vice within a culture is a dangerously active cancer and an impending moral horror, however; humans and human cultures being what they are, we shall inevitably encounter cultural items which reflect divergence from utopia, but we shall not necessarily have grounds for judging that they are wholly without value *qua* cultural heritage. We need not and perhaps should not be *comfortable* with any echoes of anti-Semitism we discern in *The Merchant of Venice*, but here and elsewhere to have a culture, to preserve it, to let it flourish through the creativity of those whose culture it is, will sometimes bring reminders of human moral frailty.

The doctor who saves the life of the hooligan or adulterer thereby preserves certain unwholesome traits; we should not call these valuable dispositions to possess, but in spite of this they make a contribution to the patient's personality as a whole, to who this person is. It is not a happy contribution, to be sure, and we may rightly hope for future repentance and reform; but if we wish to say (and presumably we do) that persons have value of a kind of which moral philosophy ought to take account, then it would involve a crude approach to the complexities of human lives and personalities to add as a disclaimer '...but not the nasty bits'. If we approach the human moral patient as a repository of value, then in valuing the whole we value even the more unsavoury aspects which contribute to there being a whole person to value; and when we look for value in cultural heritage, our predicament is a similar one. If valuing a culture's heritage meant simply something close to totting up its merits and deducting its demerits from the total, or scavenging within a heap of accumulated cultural items and polishing up just those which seemed still serviceable, then little would preclude our urging a cultural group to keep only the straightforwardly good and abandon all traces of the bad; but the evaluation of cultural items will seldom, if ever, be so neat.

There is, then, a sense in which even Klan hoods may be said to have value as parts of the wider cultures (American, Anglophone, &c.) within which they have their existence: they make a contribution (for which we need not be *grateful*) to what, as a matter of historical fact, is the intricately interwoven heritage of these cultures, and if the whole is to be valued then the parts will inherit some of that value. Happily, however, an acceptance in this light of the less palatable items of a culture's heritage need not prevent anyone's seeking to ensure that the only home

in which their contributive value can be realised is a museum.

11.3. Questions of Priority

Less unpalatable than the foregoing, but still awkward when they arise, are the questions which we must face when positive obligations towards other people threaten to clash with obligations involving the treatment of cultural items. Sometimes these involve the allocation of scarce resources: funds spent by a government on public support for 'the arts and culture' are funds not allocated to health, road maintenance or other public goods.[5] Sometimes they involve changing circumstances, as when migrants find that not every aspect of their ancestral culture is easily maintained among their new neighbours. Sometimes they involve clashes not of 'value' but of 'values', including those of justice, in the sense that limits on what may lawfully be done with listed buildings, for example, embody values of conservation but at the cost of values of liberty, specifically the liberty to enjoy one's own property without interference.[6]

I do not anticipate that in my search for a framework for thinking about the ethics of cultural heritage I shall incidentally be generating a simple little formula which neatly arbitrates between concern for culture and concern for every other important aspect of life. Nevertheless, it would be helpful to have *something* to say about where to start looking for normative guidance; and this, of course, will have to be consonant with my statement a few paragraphs ago that our approach to the value of cultural items will not look much like an accountancy of merits and demerits. Certainly I cannot readily envisage weighing up Heritage against Traffic Safety in some unified moral scales.[7]

What then are we to do? The amorphous nature of cultures and consequently of their heritage threatens to sit ill with a concern for the interests of the human individual, and in some cases may not sit a great deal better alongside the interests of

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[5] Of course, other than under a narrow definition roadworks and the preservation of health *are* aspects of culture. (See p. 67 above.) Indeed, some roads have an excellent claim to be persistent items of cultural heritage: parts of the A2 and the A5 follow the route of Watling Street, anciently paved by the occupying Romans. However, we can frequently distinguish between actions performed in the deliberate service of what can be called cultural interests, such as giving money to a museum of local history, and deeds done in the service of other interests, such as the preservation of human life through medical intervention or the prevention of traffic accidents.

[6] Here, of course, one might appeal to *cultural traditions* of liberty, including that of an Englishman's home being his castle.

[7] Even a Utilitarian might well have difficulty adopting a straightforwardly Benthamite stance when it comes to heritage; if anything is a 'higher' pleasure, the satisfactions arising from a secure sense of cultural identity are plausible candidates.

human collectivities. Part of the problem is indeed epistemic, and the closing parts of the next chapter will help to show how to avoid letting culture become an invisible patient in our moral thinking, enveloping us with such inescapable omnipresence that we become unable to perceive it when engrossed in the making of ethical judgments. Even quite familiar and local cultures may slip easily into the background of our thoughts when the house which forms part of a locality's history and landscape is still more familiarly 'my house'; construed as a cultural item, however, its boundaries may be rather broader than the acreage attached to 'my house'.

An ethics with its focus on stewardship, such as has become popular with respect to archæology (Pantazatos, 2010, p. 96; Wylie, 2005; and see p. 54 above), could help broaden the temporal horizons of our thinking to take into account a transgenerational ethics which expands concerns from 'my house, my property, for as long as I hold onto it' to at least considering whether there might be lingering interests of past inhabitants, and those of future ones, which should enter into our judgments. So too might an 'intergenerational social contract' (Thompson, 2000, p. 253), or a view of cultural heritage as a focus of trustees' obligations (Dworkin, 1985, p. 233). Approaches of this sort, however, are incomplete at best unless they are linked to an understanding of just what manner of thing it is which is entrusted to the steward, or controlled by the contract or the obligations of trusteeship (which perhaps partly explains *why* stewardship has found a particular niche in archæological ethics); and the interconnectedness of cultural heritage implies that a cultural item is a vaguely defined sort of thing insofar as it qualifies as a thing at all.

Actually, the same is in many ways true of that deceptively simple-looking formula 'my house'. 'House' is probably the easier part off the formula; there are various diverting questions to be asked about what properties an enclosure must have in order to be a house, but the architectural metaphysics is sufficiently free of mystery for us to distinguish with adequate competence between house and not-house. How often, however, do we approach a house with its properties as a material object uppermost in our minds? To approach and enter our own, a friend's or even a stranger's dwelling is another experience entirely. *Does the garden maintain the tone of the neighbourhood? Will guests think our wallpaper is tasteful?* As soon as we find ourselves *at home* with such questions of social convention, it becomes plain that we have landed straight back within the sphere of the cultural; and this only gets plainer when we turn to examine the 'my' in 'my house', part of the 'system of exchange, ownership, payment, debts... and in general... rights and obligations' (Searle, 2007, p. 6) which gives rise, among other things, to the monetary price for which the house could be sold on, part of the 'important and objective class of

entities that only exist because we think they exist' (ibid., p. 4).

Such reflections alone will not dissolve the frustrations of the homeowner who wants to add a conservatory to a listed building; but they may encourage a shift in perspective once one comes to acknowledge that both 'sides' of the question are suffused with culture, and hence that cultural heritage is not merely the persistence of the past but presupposed by the meaningful social environments within which we put down our own roots. I do not mean merely that culture is a good for us – although in many cases and in many ways it is, and any attempted weighing up of goods would have to take that into account – but that in setting priorities where heritage and human interests are concerned, it is first of all necessary to have reflected upon the complex mutual involvement of the two, and for this to happen it is necessary that heritage should be understood as more than a collection of nice (though luxurious) things.

Perspectives and shifts therein are all very well, of course, but will they bring us genuine illumination and the prospect of acquiring ethical knowledge and profound normative guidance? We had better wait no longer before turning to questions of moral epistemology.

Part III.

In Conversation With Cultures

[O]ur rampant nostalgia, our obsessive search for roots, our endemic concern wih preservation, the potent appeal of national heritage show how intensely the past is still felt. Yet new historical perspectives have outmoded once customary ways of feeling and using it. Wholehearted faith in tradition, the guidance of past examples, empathetic communion with great figures of antiquity, the solaces of a golden age, evocative ruminations over ruins and relics—these modes of engaging with bygone times have largely ceased to be credible. History has made them obsolete.

David Lowenthal

(1985, p. xxiv)

12. Testimony and Authority

Who speaks for cultures? Who are the authorities in the quest to reckon the value of cultural items? Any moral epistemology must somehow deal with the fact that ethical disagreement is commonplace in human life; and any that claims the ability to help us grapple with the modern world must offer some way of responding to cultural difference. Cultures not only differ but sometimes clash, and not only over the contrasting ways of life which they accommodate: now that law and politics have taught philosophy to speak of 'cultural property', and philosophical interest has been growing in the moral *ought* which it seems to put to work, we shall naturally find ourselves wondering how we are even to discover what significance an item has for a culture before we begin to determine what actions ought to follow.

This is in part a problem of cross-cultural understanding, but disagreements may and do arise within cultures as well as between them. When the former *Afghan* (Taliban) government pursued the destruction of pre-Islamic artefacts, while *Afghan* museum curators urged their preservation (Appiah, 2009, p. 80*ff.*), how were non-Afghans to react, when neither party to the dispute could be reckoned by outsiders to be more properly Afghan than the other? Henry Kissinger wanted to know whom to call if he wanted to call Europe,[1] but for the purposes of political communication he at least had the ability to address national governments. Who speaks for European culture, or (modern) Afghan culture, or any other culture that may have a heritage?

If we do not know whom to call, then we face an epistemological problem. Suppose that we need to determine what should be done, or what permissibly may be done, with some item, physical or abstract: a recently excavated ancient potsherd, let us say. Suppose that we know that the culture within which it was created is a surviving one,[2] still the culture of some identifiable group of people, and we consequently find ourselves with the thought that we have a piece of these people's cultural heritage on our hands. In any case in which their culture is not ours, it will be natural for us to suppose that they possess an epistemic authority which we inescapably lack

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[1] Supposedly. According to http://blogs.ft.com/rachmanblog/2009/07/kissinger-never-wanted-to-dial-europe/ (retrieved 22$^{\text{nd}}$ April 2010) the story is apocryphal, but it remains nicely illustrative.

[2] For the purposes of this chapter I shall gloss over the vexed question of just what conditions that might involve (having pondered some related difficulties in Chapter 6): perhaps biological descent, continuity of practices or institutions, &c.

when considering questions about what it is to inhabit this culture (particularly where the questions are not of a sort which could be settled by appeal, for example, to archæological evidence). It will be quite natural for us to think that this applies to some questions of a normative sort: if we are of the view that an object can have *value* for a culture, and value of such a nature that action-guiding moral conclusions may follow from this, then we shall want to know what value (if any) our potsherd holds for its originating culture and the people whose culture that is, and the obvious next thought is: *we should ask them*.

But whom to call; and what to make of disagreement if it should arise? The mere possibility of dispute should make us pause if we do not know how to deal with it; a merely fortuitous consensus offers limited epistemic surety. Suppose then that we were to hold a general ballot (wanting to be sure that we were not hearing only the loudest or the most socially dominant voices): if our results resembled those of a survey in which members of the Zuni people were asked for their views about 'the value of Zuni peach folk varieties and control over them' (Soleri et al., 1994, p. 29), what should we make of it?

> The first question asks 'Is it important to make sure that old Zuni peach varieties are not lost? Why?' Out of 25 answers, 24 were 'yes' and 1 'don't know'... The second question is 'Should non-Zunis be given seeds of Zuni Peaches? Why?' Out of 24 answers, 17 said 'no', 5 said 'yes', and 1 said 'don't know'. (ibid., p. 29)[3]

On the one hand, we see clear majorities, and one case of near-unanimity. Yet we also find not only that there is disagreement about the second topic, but moreover that in each case someone is claiming not to know how to answer. In an opinion poll this is understandable, but if we set out expecting to uncover the self-knowledge of cultural insiders then the emergence of a 'don't know' contingent is disappointing at best.

'With care and attention,' James O. Young has written, 'it will be possible to determine how much value something has for a culture. Moreover, the epistemological difficulties here are no greater than we normally confront in making moral judgements.' (Young, 2007, p. 123) This may indeed be so, and in this chapter I am not concerned to dispute the comparative scale of the challenge, but rather to enquire after the distinctive features that emerge when we introduce this thing called cultural heritage into our moral epistemology. The time seems ripe to flesh out what exactly it is towards which our care and attention must be directed.

Predictably, in light of the content of recent chapters, I shall imagine that we are out to ask a question about the *value* of some cultural item or other. I make this

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[3]$(17 + 5 + 1)$ does not total 24, but the error is in the original.

choice partly in reaction to other philosophers who have employed the term before me (including Young as quoted in the previous paragraph), partly because of the use to which I have put it myself, and partly because I suspect that surveys asking about *patiency* would result in rather more scratching of heads. In any case, in asking an inescapably evaluative question, yet nevertheless one concerning how a cultural group in fact relates to a cultural item, we cannot but keep the celebrated fact/value distinction in view. (It is when we seek a moral epistemology for cultural heritage that we are perhaps least able to draw a breezy line between knowing what we ought to do and having knowledge of other kinds, and least entitled to confidence in declining to submit to putative experts, even where different judgments (Hills, 2009) might be made about more domesticated varieties of ethical problem, or where we find ourselves receiving direct advice about what course of action we morally ought to take.) Much of what I shall be saying need not, however, have a bearing *only* on this particular view of how to go about doing heritage ethics; people who take, for example, a more resolutely deontological approach, or a needs-based approach, may find themselves grappling with quite similar difficulties.

I shall now proceed to flesh out the problem a little more, and to discuss and cast doubt on various potential solutions; in the concluding section of the chapter I shall return to developing an alternative line of thought, one of perspective shifts and holism, which might lead our enquiries in a more profitable direction.

12.1. Whom Shall We Call?

If we are committed to the view that there is some fact of the matter to be sought, i.e. that an item such as our potsherd does either have or lack value for its source culture which we could and ought to take account of in our moral theorising, then where we see disagreement arise among cultural insiders we must take the view that at least one party to the dispute is mistaken. But which party? We hoped not only to establish what the potsherd's worth might be as part of the heritage of mankind, something which we as human beings presumably grasp at least as thoroughly as the man on any street in the world, but furthermore to learn what value it might hold for a culture in which we outsiders do not participate.[4]

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[4]Assuming the predicament of the clear cultural outsider of course leads me to take an anti-reductionist/credulist (Hopkins, 2007, p. 628; Pritchard, 2004, pp. 328 & 333*ff.*) stance (of a presumption in favour of accepting testimony unless we find reasons to doubt its efficacy), or at a minimum the view that *ceteris paribus* we are in no position to overrule insiders' own testimony even when we have reasons for not actually *accepting* it: we are in search of and will be dependent upon the particular knowledge of others, not reasons for believing which we could adopt as our own. In Philip Nickel's taxonomy of moral testimony, we are subject to *substitutive dependence*: 'A's utterance of M gives B

It may well be the case, where disagreement occurs, that some of those surveyed simply have superior understanding to the others – I hardly want to suggest that 'culture' functions as some magic word that invites us to jettison what we know about the ordinary epistemology of disagreement – but we cannot rest assured that it will be a straightforward task to discover whose understanding of his culture is best. Perhaps we might find ourselves tempted to adopt a sceptical position: that even if there is a fact of the matter, not even cultural insiders can be relied upon to know what it might be. We might even suspect that such a scenario as a 'don't know' vote could arise because there is in fact no common or cumulative insider knowledge to be had: that if you thrust a piece of pottery at people, tell them their ancestors made it and ask what cultural value it has for them, then no matter how securely monocultural the group you question, what you will get is a range of culturally influenced perspectives, not a window onto some kind of cultural hive-mind or reservoir of collective self-knowledge. Or maybe the knowledge once existed, but it is no good asking after it long *after* a cultural item has been estranged from its source culture, especially if many such items have been thus estranged. In this light it is suggested that 'the absence of [certain] artifacts from Peru results in modern Peruvians having less knowledge of and appreciation for their history and culture. Likewise, the [Elgin] Marbles' presence in England deprives Greek citizens of their cultural heritage *and an ability to connect with their past.*' (Chimento, 2008, p. 216; emphasis mine)

Perhaps so; but if we are agreed that co-participants in the same culture possess *some* shared understanding of it, then it would be rash to conclude so quickly that it is not just our own epistemic practices that are at fault. If you want to know what gift-giving practices are accepted in Cameroon, say, or which way one passes the port at a formal dinner in England, it is obvious enough whom to ask; and so unless the entire discipline of anthropology is mistaken, obtaining cross-cultural information about matters of fact is possible. It is not clear (or at any rate not yet) that we have positive grounds for thinking that questions of value must be so very different. I suggested that we might favour a general ballot as a means of discovering the *vox populi* across a cultural group; but a ballot, after all, is the kind of process that typically gets employed when we already recognise that we aren't going to get a consensus on some question, like 'who should be in government?', and yet as a practical matter we nevertheless have to reach *some* sort of broadly acceptable conclusion. Such a process is geared predominantly towards procedural political acceptability, rather than towards convergence on a consensus, or towards

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a reason to believe M, which serves as a substitute for an independent (non-deferential) justification' (Nickel, 2001, p. 255).

uncovering the latent knowledge and insight of the general public.

In that case, we have a problem of practical epistemic procedure: we need to know who can speak with epistemic authority on behalf of a group defined by its culture. In fact, we face epistemic problems as soon as we set out to identify the members of a cultural group, especially where the culture in question does not explicitly incorporate strict or uncontested criteria for membership. If we accept a conception of cultures in which there is 'no watertight boundary' around one (Midgley, 1991, p. 83), since cultures 'do differ, but they differ in a way which is much more like that of climatic regions or ecosystems than it is like the frontiers drawn with a pen between nation states' (ibid., p. 84), then there is no obviously decisive way to draw a distinction between members and non-members of a cultural group, between insiders and the rest of us. Even among the categories of people a community is apt to contain, Steven Lukes lists 'identifiers (that is, those who identify themselves as belonging to it), quasi-identifiers, uncertain identifiers, ex-identifiers, non-identifiers, multi-identifiers and anti-identifiers' (Lukes, 2003, p. 20). Taking account of people's own sense of belonging or not belonging is a tricky business, but it would nevertheless be a risky one to ignore.

In this chapter I shall assume that such difficulties are surmountable; and similarly, and *pace* my own concerns in §11.1, I shall assume we can ignore problems of bias and ulterior motives (for example, claiming cultural value in something with the actual motive of founding a tourism industry on it), awkward though it is that we may find ourselves so reliant on self-reported claims which would be difficult to prove false (Young, 2007, pp. 122-3). Likewise, I shall not dwell upon the possibility that cultural knowledge might be unevenly distributed according to the differing concerns of, for example, men and women, or subject to practices of initiation.[5] Assuming good faith and competent understanding of our questions on the part of our consultees, and that they possess whatever freedom and self-determination is needed in order to engage in reflection of this sort, how shall we consult them once we have identified them?

12.2. The Panel of Experts

We may, not unreasonably, worry that asking a member of a cultural group what has value for his culture is not wholly like obtaining information about, say, the material properties of tungsten by means of consulting an expert. In principle, anyone of reasonable intelligence can become at least a knowledgeable if not a truly expert chemist. Yet when we look in the direction of the arts, for example, we may

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[5]For an anthropological discussion of themes of this sort see La Fontaine, 1986.

already find ourselves suspecting that 'whereas there may be no more to knowing and understanding a given scientific theory than is involved in an intellectual grasp of the inferentially connected body of propositions which comprises that theory... it seems possible in the case of æsthetic knowledge to recognise some shortfall between any grasp of discourse and æsthetic appreciation' (Carr, 1999, p. 243). An awkward predicament for the moral philosopher seeking crisp knowledge of value for a culture; Humean reassurances of critics' keen ability to converge on ranking the first- above the fifth-rate may leave us still perplexed at what to do with our single potsherd. Seeking knowledge across cultural boundaries only adds further complication. 'In its strong form,' Robert Merton wrote in 1972,

> the claim is put forward as a matter of epistemological principle that particular groups in each moment of history have *monopolistic access* to particular kinds of knowledge. In the weaker, more empirical form, the claim holds that some groups have *privileged access*, with other groups also being able to acquire that knowledge for themselves but at greater risk and cost. (Merton, 1972, p. 11)

Reacting in particular to the suggestion that 'as a matter of social epistemology, *only* black historians can truly understand black history, *only* black ethnologists can understand black culture, *only* black sociologists can understand the social life of blacks, and so on' (ibid., p. 13), he continues:

> [I]t would appear to follow that if only black scholars can understand blacks, then only white scholars can understand whites. Generalizing further from race to nation, it would then appear, for example, that only French scholars can understand French society..., the list of Insider claims to a monopoly of knowledge becomes infinitely expansible... and to halt the inventory of socially atomised claims to knowledge with a limiting case that on its face would seem to have some merit, it would then plainly follow that only sociologists are able to understand their fellow sociologists. (ibid., p. 13)

A suspicion that people may possess a critical epistemic privilege concerning their own cultures need not, however, be a radically exclusionary one,[6] and it is towards the weaker thesis of epistemic privilege that I propose to turn. No doubt there are limits to the human ability to know what it is like to belong to some other people and its way of life, and if we were conducting research in order to write a novel then greater trepidation might well be in order (although see Young, 2008, pp. 34-41);

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[6]We should be cautious, in any case, about any suggestion that cultures can be regarded as hermetically sealed unities (Lukes, 2003, pp. 20 & 34).

but knowledge *that* an item has such-and-such a value for a culture is hopefully more open to translation. Are there, perhaps, certain classes of expert, members of which could potentially even be drawn from the ranks of cultural insiders, to whom we could turn for information about the value of cultural items?[7] There are certainly respects in which cultural items may be said to be distinctively valuable,[8] and for these there are frequently corresponding domains of expertise which are not obviously limited to cultural insiders, and in which most cultural insiders will not themselves be expert. To determine whether an object is of historical interest, for example, we might reasonably seek the opinion of a historian, and it takes suitable methodological training rather than an insider's particular sensitivities to acquire expertise *qua* historian. If we want to know about æsthetic importance, we may turn to an art critic. And so on.

Appointing experts in the course of a cross-cultural enquiry has its additional challenges, admittedly. Even amongst the experts of one cultural group, debate may concern not only specific claims (e.g. among historians, the causes of this war or that shift in population) but their conceptual underpinnings (e.g. in theories of historiography); *in extremis* people have even resorted to doing philosophy. Cultures other than ours may of course incorporate their own established theoretical stances on what constitutes a historical account, a work of art, and so on, as I indicated in Chapter 10; and enquiry into the value of an item *for a culture* can hardly be expected to stand apart from these. The difficulty is not that we may hold these frameworks misguided; we need not share the doctrines of a religious community, say, in order to grasp that what it holds sacred will have value for its members as a group. Sometimes we may even decide on the basis of inter-cultural encounters that, for example, 'we need to revise somewhat the fundamental conceptions of "symbol", "signification", "reference", and perhaps even "art-object" that are generally accepted in Western æsthetics' (Deutsch, 1969, p. 349). Rather, our enquiry is complicated

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[7] We would not, of course, necessarily acknowledge these people as 'moral experts' from whose general guidance in life we might expect to profit; it might indeed happen in some instance that even after we had learnt what cultural items are valuable for their group, further reflection would lead us to the conclusion that their whole culture was a cesspit of moral horrors. (See §11.1 above.) We will not necessarily look upon them as expert moral *agents* even with regard to the case at hand; what they know about the value of a cultural item will be only one of the resources upon which subsequent moral reflection must draw. (Contrast Jones, 1999, pp. 64-5 and Driver, 2006, p. 625*ff*. on domain-specific moral expertise.) We may nevertheless wish to say, however, that expertise of this kind amounts at least to insight of a sort that plays a moral role, and that for this reason we are not in the presence simply of another kind of wholly non-moral expertise.

[8] Some broadly systematic taxonomies of value have been developed for application to cultural heritage (e.g. Carman, 2005, pp. 49-61 for archæological artefacts). Recall my discussion of value in Chapter 8 above.

when we ask our experts what value an item has *for some culture*, but having selected them for their expert grasp of theoretical apparatus which may carry no such qualification. Where such a framework stipulates, '*this* is what cuisine is', or '*this* is what counts as a performance', and does not humbly append, '...for this particular culture', we shall seem to be inviting, even demanding, a curious and sudden switch from the universal to the parochial; and this tinge of universal prescription may be present even where specific judgments are concerned, as in Kant's notorious dictum that a judgment of beauty demands universal assent. Arguably such judgments may nonetheless be called subjective (Makkai, 2010), but that leaves them still some way from looking like judgments of value 'for a culture'; and if, with Deutsch, we favour the broadening of conceptual horizons in light of cultural interchange, it is unclear where any acknowledgement of culturally parochial value is then supposed to fit.

There is of course an alternative possibility: Heikki Saari invites us (in an exposition of Wittgenstein) to

> assume that some tribesmen produce beautiful carvings and ritual masks that the anthropologist describes as 'works of art', although they neither describe them as 'works of art' nor respond to them in the manner we respond to works of art (say, they destroy some of the best carvings and ritual masks on some ritual occasions).[9] We are inclined to say that they do not share *our* concept of art, which derives its meaning from the uses it has within our sophisticated æsthetic discourse. If the anthropologist describes these native artefacts as 'works of art', he is being ethnocentric, because he attributes to them a concept which they do not use, when they are talking about carvings and ritual masks produced in their society. (Saari, 2005, p. 153)

Fair enough, we may decide: let us seek out experts in this culture's distinctive practices of carving and mask-ritual. Yet now the risk is that we are getting *too* parochial: that we demand to know the value of an item not only for its source culture but for a particular purpose within that culture. Wherever cultural groups have ingeniously declined to limit each item to some clearly defined and delineated use, we may have cause to wish that we had been more flexible.

We must immediately take warning, moreover, that with heritage as with any aspect of life, even experts with apparently similar domains of interest notoriously may not form a unified chorus of agreement. As you may recall from §2.1, when James Cuno tells us that antiquities 'have much to teach us about the past, about art, about material properties and manufacture, about human aspirations, and

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[9] Compare Young, 2008, p. 19 on the Zuni 'War God' sculptures, which are ritually left to decay naturally.

about distant cultures and times' (Cuno, 2009, p. 2), he is doing so in explicit opposition to a view of antiquities according to which their value as a source of information lies almost wholly in knowledge of the archæological context in which they were discovered (Renfrew, 2000, pp. 19-20). We can have little confidence that convening a panel of experts will be any more likely than consulting *hoi polloi* to provide us with a consensus, or that balloting our experts will surely pool their knowledge effectively (Sorensen, 1984). They may not even be able to tell us whether we are asking about the right people; '[p]erfect ethnographic knowledge of the 18th Century people of Toledo District, even direct observation with a time machine would not tell us if they were the "true" cultural ancestors of the modern Kekchi or Mopan' (Wilk, 1999, p. 372). Introducing a concept of 'expertise' may indeed just provide us with one more epistemic difficulty, for we have still to choose our experts, and this too may prove epistemically tricky.

> In some fields... objective evaluations of expertise are feasible. The performance of weather forecasters, for example, is routinely evaluated against observed weather during the forecast period... [However, in other cases] an environmental criterion cannot be specified, even in theory. Claims of expertise in fields such as philosophy, art, ethics, literature, or mathematics, must necessarily be based on measures other than the correspondence of the judgement with the environmental criterion (e.g. consensus, coherence, or command of a factual knowledge base). (Mumpower and Stewart, 1996, pp. 192-3)

Furthermore, it seems doubtful that any kind of specialist expertise confers the last word when it comes to a judgment that such-and-such an object is æsthetically or historically or religiously or otherwise valuable and moreover it therefore is *culturally* valuable for a people (and as a matter of moral importance, at that). We may look doubtfully upon, for example, 'epistemic inclusion' in archæology – 'the idea that professional, trained archæologists have no privileged, let alone sole, authority in establishing, interpreting and disseminating truths about the past that fall within their discipline's compass' (Cooper, 2006b, p. 131) – and nevertheless think that when we talk about valuable cultural heritage the privileged position of the expert is less secure. Imagine some council of the great and the good proclaiming (if they could ever combine their own areas of expertise to reach a unified conclusion): 'Dear people of England, after careful consideration in our experts' conclave we have discovered that Stonehenge is not a valuable part of your heritage after all...' If the masses should disagree with such an assessment, it will be difficult to insist that they lack a sensitive enough finger on the pulse of their own culture, and not only because considerations of justice perhaps demand that they receive their day in court.

Education (in a narrow sense) is no doubt crucial for an appreciation of what is sometimes called élite or 'high' culture, but culture in the broader senses of the word looks decidedly demotic, in that expert and layman may equally well be said to participate fully in any culture they share. Culture, that is, *resists* appropriation by expertise of the sort we have in mind: there are views from inside a culture as well as from outside, and if it can be called expertise to have practical knowledge of the ways of one's people then those living on the inside possess, in terminology introduced by Bruce Weinstein, an expertise which is at least partly performative. It is certainly possible to study a culture and thereby gain knowledge of it, and thus attain some epistemic expertise; but it is not through setting out to accumulate knowledge about it that one comes to belong to a culture, and a lack of epistemic expertise need not usually be an impediment to so belonging.[10]

'Epistemic and performative expertise', in Weinstein's taxonomy, 'parallel the epistemological distinction between knowing *that* and knowing *how*..., and like those two forms of knowing, they are conceptually and logically distinct from one another.' (Weinstein, 1993, p. 58)[11] The cultural insider as performative expert, then, would (somewhat like an Aristotelian *phronimos*, or failing that a master of *techne*; *cf.* Carr, 1999, p. 243*ff.*) be adept at acting in whatever manner is understood to befit a member of the cultural group in question. If we stack our consultation panel with epistemic experts (since we are, after all, in pursuit of received knowledge, albeit hopefully action-guiding knowledge), then we rely on the assumption that this kind of expertise is wholly sufficient for the epistemic *authority* we seek. Can that be so? We had better err on the side of doubting it. The perspective of an epistemic expert is one that opens up certain aspects of an object – for example, a historian will have insight into how it fits into and challenges current historical theories and topics of academic dispute – but if the people at large decide that some item is historic irrespective of how much historic*al* difference it makes, it would be rash to expect that it is *their* perspective that misses out something crucial.

Moreover, for them and us alike beliefs about the value of an item for their culture are liable to be action-guiding (and indeed, if we are successful, morally informative) in a way which disinterested judgment concerning its æsthetic merits, for example, will typically not be; and consequently we may reasonably doubt that the question

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[10] The actual practices of anthropologists may blur the distinction, and of course the experts you are being invited to contemplate might themselves be imagined to be insiders, i.e. members of the cultural group being consulted; but the distinction remains possible to draw.

[11] Given that Weinstein goes on to say that performative experts include 'mathematical prodigies who are unable to explain how they perform their astonishing calculations' and 'jugglers who cannot say precisely how they juggle' (Weinstein, 1993, p. 58), we had better hope that knowledge about the value of heritage need not be wholly tacit.

is wholly open to the (hopefully) cool and neutral authority of expert judgment. Robert Pierson uses the example of expert medical advice to suggest that

> any claim with respect to how 'I' ought to govern 'my' life can only be rationally determined, assuming I am relatively sane, by 'me'. It may be that my heart needs professional attention, but surely the decision as to whether it will get it should be mine, for only I can assess whether the benefit in having my heart attended to is worth the cost of not fulfilling any one of my other priorities. My priorities are mine, they are not variables within the control of, or even accessible to, experts. (Pierson, 1994, p. 403)

Inasmuch as the normativity implied by a concept like 'value' directs the actions of agents inside or even outside an item's source culture, the layman who bears the risk and responsibility of action has some reasonable room to exercise his own judgment; he can and sometimes probably should consult, as we are imagining ourselves to be doing, but consultation is not heteronomy. If a cultural group can have collective autonomy (and whether this is a kind of group that can is a question outside this dissertation's scope), then we may well think that we ought to respect it, even in some epistemic matters.

If epistemic expertise is too limited (though perhaps *part* of any putative solution), is performative competence in belonging to a culture something one can possess to a greater or lesser extent? Might we convene a panel of *performative* experts? Despite my remarks above about the demotic nature of cultures, there is some room for thinking that there are degrees of belonging. If the borders of cultures are indeed fuzzy, then presumably cultural groups may have partial members (Lukes's 'quasi-identifiers'?), or less engaged members, or comparatively estranged members, or recently arrived probationary members, or people who in some other sense live in the borderlands. Perhaps, then, there are also degrees of belonging which are greater than is usually reached, although how we would judge who had attained them is unclear. Therein lies the critical difficulty; even if we could assemble such a panel, the justifiability of the panellists' claims to expertise would be determined not by these excellent few themselves but by the very public from whose ranks we plucked them. It is impossible to be (to give a trivial example) a performative expert in middle class English table manners without reference to what is popularly understood by the English middle classes to constitute good table manners; and so once again the masses have the last word, and we are back where we started.

A potential further difficulty for any attempt to make use of other people's performative knowledge lies in its precise relation to the sort of general claims that might be made about the value of a cultural item. David Carr notes that 'it would

be clearly barking up the wrong tree to suppose that æsthetic knowledge provides a theoretical basis for artistic expertise in the way that at least some scientific theory might be said to inform technological practice' (Carr, 1999, p. 243). The artist works with some broad theoretical knowledge (of perspective, for example), but the merits of an individual artist's style resist capture in some general guideline. Expanding from the case of practical expertise in art to that of performative expertise at participating in one's culture at large, we may wonder whether performative experts would be well placed to tell us, as a general claim, how much value for their culture our potsherd has (in contrast with grasping its importance for certain particular uses *within* their culture). They may very well know what to *do* with it in any given situation. What they do may be, like a deft innovation by an artistic genius, 'an inspired touch'; but we cannot share in their inspiration except as appreciative (or bewildered) observers, and if their inspired touches no more generalise into broad claims about the role and hence the value of a cultural item than the deftest brushwork of the genius generalises into guidelines about how to paint as though by numbers, then it may remain unclear how we are supposed to respond to them within our moral theorising.

12.3. Spokesmen and Leaders

If expertise fails to provide enough of the kind of epistemic authority we need, then maybe in place of a messy plebiscite or hand-picked panel what we require is a suitably *representative* spokesman or -woman. After all, when we hear about disputes raging over the fate of cultural items, frequently we hear that a national government, perhaps even a Minister for Culture, has claimed that some object is part of the nation's cultural patrimony; or we hear that the *leader* of an indigenous group has defended a practice as part of the group's culture. It would be nice if appeal to representatives would work as an epistemic resource, because instead of importing methods of consultation it would let us look to whatever means of selecting leaders have come to be endorsed within a culture itself. Conrad Brunk observes that cultures 'have understood the concept of "knowledge" in a myriad of ways. All of them have had to develop criteria for determining *what* counts as knowledge (and its relationship to "truth"),[12] and *who* in the community has the authority to apply the criteria and say when they have been met (the priests, the shamans, the chiefs, the judges, the scholars).' (Brunk, 2009, pp. 161-2)

Unfortunately, even overtly representative methods of selecting leaders do not

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[12]This again suggests an even more uncomfortable view of disagreement among insiders: disagreement about what they know *and* about what it is to know it.

necessarily guarantee epistemic authority; I noted above that electoral practices most readily suggest themselves precisely where we are resigned to disagreement. People select their leaders, if indeed they do have a free choice in selecting their leaders, for any number of reasons, and these may not include the candidates' familiarity with the various currents of the culture within which they exist. (A state might even voluntarily submit to the suzerainty of a foreign power with a quite different culture, which would therefore wield *politically* legitimate power but not *epistemic* authority with respect to the culture of the vassal state.) Where we can point to a stable political identity, and even where we can associate it with a distinct culture, we must remember that

> [n]ations are created in the course of political struggles, or as the result of deliberate political policies. Even members are likely to be in disagreement about the properties that distinguish their nation from others or in their reasons for valuing their national identity. (Thompson, 2003, p. 257)

Where politics becomes involved, then, we risk encountering two different yet very closely related and sometimes barely distinguishable disputes: one about what matters for a culture, and one about what matters for a political identity. We readily speak of German, French and Italian 'national culture', but the nations which we designate with these same words were fully unified only in the Nineteenth Century (Germany, Italy) or existed as monarchies of one form or another before they became republics (all three). The cultures which we associate with them are (allowing for gradual changes) in each case of much greater age. That cultures frequently are intertwined with politics is a fact which we shall have to deal with; but we must wonder *how* firm a grip politics can get on them, particularly under any remotely liberal regime.

Even democratically representative leadership, much like consultation by direct ballot, may not have the epistemic characteristics we seek. Elizabeth Anderson has endorsed an understanding of democracy, drawn from the thought of John Dewey, which emphasises its capacity for 'pooling widely distributed information about problems and policies of public interest' precisely 'by engaging the participation of epistemically diverse knowers' (Anderson, 2006, abstract). When we are in search of the commonly held knowledge of a group defined by its shared culture (albeit including different perspectives on that culture and perhaps even identifiable subcultures), we do not necessarily want to emphasise 'collective... learning from the diverse experiences of different knowers' (ibid.) any more than is strictly necessary, whether the democracy in question is direct or representative. According to Anderson 'an important part of the epistemic case for democracy rests on the

epistemic diversity of voters' (ibid., p. 11); but while of course dissensus and some epistemic diversity exist within nevertheless identifiable cultures, in looking for the knowledge held in common within a culture and in trying to avoid having to deal with conflicting answers we inevitably emphasise what is shared over what is open to variation. Anderson even suggests that 'culture' (not '*a* culture', but clearly not an unrelated usage) may have to change in order for democracy to work in the first place (ibid., p. 14): hostile to traditionalism, democracy is itself 'a way of life' as well as a collection of institutional and procedural mechanisms (ibid., p. 15).

We might say, possibly, that people aim to elect representatives likely to safeguard the electors' interests, that if a cultural item possesses value as part of the electorate's heritage then the electors have an interest in it, and therefore that those whom they elect are likely to recognise the value of the item (or at least more likely than the other candidates to have the necessary competence and attentiveness) as part of the act of safeguarding the interests of their constituents. There are perhaps multiple practical difficulties with this sunny picture of representative government, but one drawback should be sufficient to note: a representative who sets out to safeguard the interests of his entire constituency, not just the portion that voted him into office, will find himself in a position very close to our own, unsure what to do when disagreement breaks out among squabbling factions; worse, his political career may depend on the continued support of some of those factions. Even for the most thoroughly paid-up of cultural insiders, this would be an awkward predicament. Even if we were to arrange a special election in which the electorate voted to select those candidates whom they deemed most culturally knowledgeable to act as our advisers (which presumably is how we should have had to go about appointing our brace of performative experts), it is not clear that we should be doing any better than if we asked them to vote on questions directly.

12.4. Observers and Organisers

If asking people questions still looks problematic, maybe we should observe their actions instead. If we ask why, for example, J.R.R. Tolkien's legendarium might be deemed an important part of the heritage of fantasy literature, we are probably going to end up pointing to all the subsequent authors who thought his themes were worth adopting and turning into cliché. Influence and popular familiarity are matters of fact out there in the world: in our investigations, then, perhaps they could function both as justification for claims about the value of cultural items, by integrating items into cultural interaction, and as evidence of that value, by acting as observable marks of cultural activity. If we want to know whether a group perceives

value in some ancient potsherd, therefore, maybe we could find out how they usually treat bits of ancient pottery dug up locally.

We should certainly have grounds to raise a dubious eyebrow aloft if what people were telling us conspicuously did *not* coincide with how we saw them living. Yet the difficulty which continues to beset us as cultural outsiders is that actions, to be understood, have to be interpreted, with all due sensitivity to their cultural context... and you can see that once again we are encumbered with a further epistemological problem.

Might purely epistemic expertise be sufficient for this task, allowing us to convene yet another panel of experts, this time to interpret other people's actions and make inferences about what has value for them as cultural heritage? Besides the complicating element that 'purely' epistemic expertise will at some stage draw and depend on the non-expert testimony of the cultural group under observation (if we take it that our experts in this case will be, for example, anthropologists informed by prior fieldwork), it is doubtful that we could reasonably accord these experts the final word, for the reasons given previously. We should not assume, of course, that a group's collective self-image is always a better fit with reality than the impressions of even a non-expert disinterested observer, but neither can we outright discount what a group's members believe about their collective selves when enquiring after the value of a cultural item. Principles of charity require us to acknowledge people's interpretations of their own actions; and even where we are convinced that word and deed fail to coincide, it does not instantly and without complication follow that the former (even if it reflects aspiration or optimistic preference more than it reliably does action) is less really a part of a culture than the latter and less an indication of what a people holds valuable.

Part of the difficulty seems to be that in asking people to make an appraisal *under the status of being members of a certain cultural group*, we are effectively asking them both to draw on personal experience and at the same time to make an impersonal judgment, one in which they consider themselves as members of the cultural group as a whole and lay aside any questions of whether as a matter of psychological fact they find themselves individually doing something that might be called valuing. Psephological enquiry leaves us with the problem of disagreement, and spokesmen also have their drawbacks, but might there be other ways of organising the people we are questioning so as to bring forth what they (may) collectively know? Social epistemology routinely ascribes knowledge to collectives, as we do when, in Alvin Goldman's example, we talk about what the C.I.A. did and didn't know about terrorist plots before September 11th occurred (Goldman, 2004, p. 12). If what we are interested in is the knowledge of a collectivity, rather than the aggregated

knowledge of particular persons, then balloting individuals, or seeking representative testimony from the leader backed by the dominant factions of a group, starts to look insufficiently holistic.

Perhaps, then, we should concern ourselves not only with the composition of the group in terms of who counts as a member, but also with its organisation. Margaret Gilbert has argued that the collective belief of a group need not be an aggregate of its members' beliefs: she gives the example of a court with a brace of judges on the bench who happen to form a poetry discussion group in their spare time. If the court had to consider the merits of a poem in connection with some legal action, she says, the conclusion it reaches might be completely independent of the conclusions of the poetry discussion group, even though the same people are deliberating in both cases (Gilbert, 2004, p. 98). When in search of the knowledge of a cultural group overall, then, perhaps we ought to look to the various forms the group can take and to the kind of conversations that can go on within them.

Perhaps. An alternative inference would be that this, the horrifying possibility that we can assemble our cultural constituency with the most scrupulous of vetting procedures and *still* not be sure that the answer we get is not in some way an artefact of the very practices of enquiry we artificially imposed, gives us nothing more than another excellent reason to throw in the proverbial towel. Before we do so, however, it may be worth seeing whether we can salvage something of the foregoing when we look again at the epistemic practices already surrounding cultural heritage.

12.5. Plan B

In *Invisible Cities* Italo Calvino describes the anthropically named city of Clarice, a mass of shifting objects where parts of the city's earliest architecture have been preserved through being found convenient for new uses in new contexts:

> And then the shards of the original splendour that had been saved, by adapting them to more obscure needs, were again shifted. They were now preserved under glass bells, locked in display cases, set on velvet cushions, and not because they might still be used for anything, but because people wanted to reconstruct through them a city of which no one knew anything now... There is no knowing when the Corinthian capitals stood on the top of their columns: only one of them is remembered, since for many years, in a chicken run, it supported the basket where the hens laid their eggs, and from there it was moved to the Museum of Capitals, in line with other specimens of the collection. The order of the eras' succession has been lost; that a first Clarice existed is

a widespread belief, but there are no proofs to support it... (Calvino, 1997, pp. 96-7)

So much for origins, this rather Borgesian flourish says; so much for pristine historical knowledge. Yet the patchiness of their historical record does not prevent the fictional people of Clarice from appreciating that they have a heritage, any more than gaps and uncertainties in the historical records of the real world prevent us. Specimens are placed in this Museum of Capitals not after being held up for appraisal one by one and receiving the approval of people already comfortably in touch with their heritage as a whole, but because of what they offer through the ways in which they can be organised *in search of* a faint and fragile history.[13]

When we hear about the preservation of cultural heritage, frequently what people are concerned to preserve are not only objects but their organisation, at least until this organisation can be recorded: thus the archæological site as an information resource which can be damaged even if all the objects in it are individually preserved (Renfrew, 2000, p. 19); thus the library of a person or an institution as more than just some books in physical proximity and combined ownership. It is this kind of organisation which Clarice has lost; but her citizens have responded by themselves organising the artefacts in what we are invited to regard as a form of epistemic practice: the exhibition, the very act of arranging objects for appreciation as (in effect representative of) the city's heritage, is presented as an act of historical reconstruction. Treatments of the museum or gallery as constructive sometimes make the matter sound rather sinister, presenting exhibition as an 'ideological framework' that 'influences the public perception of art and society' (Jeffers, 2003, p. 108), but Calvino seems to be taking a more optimistic view of human agency. Instead of recognising value in heritage objects and then, in consequence, elevating them to the status of museum pieces, the people of Clarice make museum pieces of them precisely in order to understand and appreciate their heritage.

This is a practice not only of observing and appraising but moreover of actively, stipulatively and to a degree even creatively categorising objects, and for this it is possible to discover parallels in the real world. Take the example of outsider art. This is art created by people outside the artistic mainstream (i.e. cultural outsiders of another sort), and sometimes so far removed from it that they may not even possess the concept of 'art' as a label for what they are doing. Among the first to be identified as outsider artists (more precisely as creators of *art brut*, of 'raw

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[13]Meanwhile, much of what we do in the name of posterity reflects our concern to make a contribution to the shared memory of our people which reduces that fragility: the point of raising a monument of any kind is that it should stand as an enduring record.

art' unconditioned by cultural currents and traditions) were psychiatric patients (Rhodes, 2000, p. 7).

This categorisation is a normative judgment: it affirms that what the outsider artist has created is not just symptomatic of personal eccentricity or mental illness, but is worthy of the name of Art, worthy of being appreciated for its æsthetic qualities. It thereby turns the worrisome risk of categorical bias noted in §10.1 into a chance for affirmation. Recognition of outsider art as an æsthetic category not only depended on 'the critical visual framework laid down by modern Western art' (ibid., p. 8), and on 'claims by [outsider art's] apologists about the artists' fundamental difference' from 'a supposedly dominant cultural norm' (ibid., p. 15), but also involves a positive claim about the consequent æsthetic qualities of outsider art, its 'purity' of expression preserved by the 'absence of deviousness or cynical manipulation of fashionable taste' (ibid., p. 16). It is thus in one respect a privative category, its boundaries partly determined by the scope of what counts as æsthetically 'mainstream', but also one to which 'apologists' ascribe positive characteristics. Outsider art is not merely the 'artworld's' other, then, but subject to positive construction as an æsthetic category. Indeed, the category has been criticised for exactly that reason: at least one commentator is outright sceptical about the idea that there is anything more to 'outsider art' than that some outsider creations happen to qualify as art objects (Davies, 2009).

As with any form of art, appreciation is not guaranteed. 'One man spent 15 years encrusting his entire garden with sculptures and sea shells, only to have it pulled down by his son with a J.C.B. when he died.' (Bell, 2007) Hence the perceived need for 'a network of small organisations in both Europe and the United States devoted to the preservation of such works and the support of their creators' (RawVision website).

If someone were to make an utterance along the lines of 'Outsider art is worth preserving', it would strike me as a perfectly intelligible one: it looks thoroughly meaningful (albeit uncomfortably general), and perhaps is true. But if we say that some piece of outsider art, *qua* example of 'outsider art', should be preserved, what are we pointing to? Notice that 'outsider art' by definition is not a genre or movement after the fashion of, say, 'French Impressionism'. In the latter case it is comparatively easy to see why the category as a whole should be an object of concern: we take an interest in how one Impressionist influenced another, how they understood their own work in comparison with their predecessors', and so on. (*Cf.* §9.3) No such collective self-understanding permits us to talk in general terms about the work of outsider artists; no wonder the category is vulnerable to scepticism. Yet what we do have (recalling Chapter 10) is the very category

itself, along with the scholarship associated with it. 'Outsider art' as a category is constructed by observers outside the outsiders and imposed by them upon wildly disparate creations—and for our present purposes that's fine: items of outsider art are valuable *as* outsider art, to people disposed to care about outsider art, in that they have lent themselves to being studied and admired as outsider art. The category is thoroughly artificial, shot through with social contingency, and laced with the categorists' open agenda not merely to describe but to validate—but none of that necessarily implies, even if the æsthetic category should prove to be conceptually problematic, that any and all *cultural* value we could find in outsider art as a class must automatically be somehow unreal.

So the emergence of cultural heritage within our practices of organising and classifying may indeed be respectable. What does this portend for our knowledge of it? Consider now, as we previously saw on p. 25, what makes environmental ethics possible: that we are able to adopt ways of looking upon the ecological surroundings we inhabit which let us grasp the intricate interrelations of their parts and thereby understand them as complex organic systems. We have got our hands on a powerful conceptual ratchet which irrevocably alters the frames through which we encounter these parts: 'not "my lake," but "The Environment"' (Boyle, 2003, pp. 71-2).

> Why talk of 'an environment' or 'environmental harm?' Why not simply list the pros and cons of each particular piece of development, type of technology, aspect of land use? ... Why reify these individual loci of potential harm into a single entity called 'the environment?'
>
> ... The environmental movement... gained much of its persuasive power by pointing out that there were structural reasons for bad environmental decisions—a legal system based on a particular notion of what 'private property' entailed, and a scientific system that treated the world as a simple, linearly-related set of causes and effects. In both of these conceptual systems, the environment actually disappeared; there was no place for it in the analysis. Small surprise, then, that we did not preserve it very well. ... The concept of the environment allows, at its best, a kind of generalized reflection on the otherwise unquestionable presuppositions of a particular mode of life, economy, and industrial organization. (ibid., pp. 70-4)

It makes no difference for our prospects of untwisting the ratchet whether or not we then find ourselves sympathetic to the conclusion that an ecosystem may possess 'systematic value' (Rolston, 1994, p. 25). We cannot unsee the biosphere once we have come across it. Neither, I suggest, can we expel cultural heritage from our

moral imagination once we have thought of it.[14] We shall certainly continue to argue both about what exactly it is and about how it fits (or awkwardly declines to fit) into the rest of our lives as moral agents, much as we continue to have a need for environmental philosophy. What we cannot do is act as though being cultural heritage were sheerly a matter of meeting a set of conditions for membership of the category. Holism is inescapable if we are to replicate the successes of environmental ethics with respect to the cultural ratchet; but now we have a vantage point offered to us by the very idea of cultural heritage itself.

12.6. But Whom Shall We Call?

What then for our consultation? We do, after all, speak of objects as items of cultural heritage (and ascribe value to them as such); but what I have been hitherto assuming in this chapter, and perhaps should now reconsider, is that we ask a straightforward question (which of course may not be an *easy* question) when we ask cultural insiders to ascribe value to each cultural item *singly*. If we look not only at cultural items themselves but at the way in which a cultural group sees fit to organise them, then evaluation of cultural heritage – understanding and appreciating objects as cultural heritage – comes to look like an ongoing exploratory, investigative and in some respects even creative practice: one within which the categories into which items can be placed, and even the category of 'cultural heritage' itself, an organisational category by means of which we find ourselves able to reflect on what we are doing when we cart objects away and place them in museum cases, appear not so much in the foreground of our moral landscape as in the frame which lets objects appear for us in light of them. To pose questions about the moral salience of items of cultural heritage is, perhaps, to invite ourselves to consider them together under this category and at length to discover in what ways this lets us identify value in their interrelationships—or, to put it another way, in the network within which they cluster together as aspects of culture.

There is still a role for testimony and expertise, for as I said above, actions must be interpreted; and this goes for actions which are themselves interpretative. When we ask what practices of cultural construction and recombination and appreciation exist amongst the members of a cultural group – when we walk, for example, through the galleries of a museum and understand ourselves to be strolling through applied historical epistemology, itself already in the course of posing questions such as ours – we shall of course need guidance as much as we ever did; but we shall understand

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[14]Janna Thompson has previously drawn a link in the opposite direction, suggesting that some environmental phenomena may qualify as cultural heritage and for that reason warrant ethical concern (Thompson, 2000).

this guidance to be closer to the hermeneutician's than to the pollster's. The arrangement of an exhibition facilitates certain conversations, much as geometry of a legislative chamber, for example, subtly influences the kind of debates that can take place within it and so is 'not silent relative to our moral epistemologies' (Preston, 2009, p. 178); but inevitably they remain conversations rather than utter promulgations, dialogues without foregone conclusions.

You might be forgiven for finding such a conclusion disappointing, especially when we begin to wonder whether in appealing to (this time) curatorial expertise we have smuggled in an eyebrow-hoisting élitism, or for that matter whether we have once again failed to establish what to do when two institutions seem to have been set up to encourage differing responses. The New Acropolis Museum in Athens, 'a kind of polemic in glass and concrete, conceived as an argument by the Greek government to bid for the return of the Elgin [M]arbles' (Lacayo, 2007), invites outright contrast in its agenda with the encyclopaedic aspirations of 'universal museums' (in particular the British Museum, the Marbles' current possessor) and their 'collections meant to represent the world's diversity, [whose curators] organize and classify that diversity' (Cuno, 2008, p. 140). The wrangling over the Marbles' fate cannot but be vastly more political than epistemic. These are genuine concerns, and only a fuller and lengthier treatment of museological themes could lay them wholly to rest;[15] but as philosophers we know at least that dialectical conversations need not be unenlightening.

Well, then: given that any sophisticated culture (which is practically to say, anything we can recognise as a culture) will contain reflective people who no doubt already have been long devising forms of appreciation for the heritage of the culture within which they exist (whether or not they know it by the name of 'heritage'), can't we still just parachute in our pollsters, our interviewers and our observers for a weekend check of the local temperature, relying on precisely that reflective sophistication and sensitivity of our hosts to have already mapped the paths to the information we desire? (If the map is still markedly incomplete, on the other hand, should that not give us grounds to consider our scepticism reinforced?) We can indeed talk about the ethics of cultural heritage, and we can no doubt make use of the concept of value within it; but when it comes to holding up individual objects or isolated practices and enquiring after the value of each single one as cultural heritage without great contextual sensitivity, and when it comes to seeking answers which we cultural outsiders can readily absorb and bolt onto our moral philosophies, we shall continue to face the various difficulties noted in the previous sections.

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[15]I should reiterate, however, that I am treating museums merely as an example of such kinds of epistemic practice; other kinds may be less institutional.

In Clarice, however, the very act of organising objects as museum pieces is an epistemic one, not only in the narrow sense that a museum facilitates learning things, but as a window onto a lost past and therefore onto the very possibility of a heritage for the city. If the practices through which we approach our and others' cultural heritage resemble those of imaginary Clarice, so that the things we do with museum pieces and monuments and all the other things we might place under the grand heading of 'cultural heritage' turn out to be bound together in what are already partly epistemic activities, then what we might do in probing after knowledge of the value of that heritage turns out to be what might best be thought of as moral *meta*-epistemology: a complementary scheme of epistemological enquiry which is capable of standing back and understanding the pursuit itself as a collection of practices embedded into and contributing to one culture or another. It may indeed be that what we do when we pay our care and our attention is already inclined in this direction. Philosophical reflection offers a vantage point which promises to be at once respectful of the particularities of every such activity, as it makes its exploration into history or art or theology or any other matter, and capable of interpreting these practices as aspects of an enquiry into *ethical* knowledge about a culture and its heritage. It is in this direction, then, that I tentatively suggest development of a robust moral epistemology for cultural heritage ethics might turn.

Treating the practical epistemic explorations which such a scheme would complement as themselves culturally embedded need not commit me to the view that there are no objective matters of fact, fit for universal recognition, about which are the items that possess value for a given culture. Neither does it obviously prevent us from asking how much value something has for a culture; we shall have to expect answers which are often intricate and heavily contextualised, and – yes – open to contestation and reconsideration, but nobody, I imagine, has ever really asked such a question in anticipation of a response given in points out of ten. Items invariably turn out to be 'unique in certain respects, and valuable for certain purposes' (Coningham, Cooper and Pollard, 2006, p. 261). As an approach to moral epistemology for the ethics of cultural heritage this does at least suggest an answer to the question of whether the former Afghan government or the Afghan museum curators had the greater authority to judge what was valuable for Afghan cultural heritage: we ask, in the first place, which party was engaged in the more thoroughly, sincerely and humbly epistemic, enquiring practice, and we have good reason to favour the curators by default.

13. The Mysterious In Heritage

Ignorance, though allegedly identifiable with bliss, is seldom advertised as a repository of value; but *mystery* and the *unknown* have another flavour, and ancient mystery a powerful attraction. What the historian or archæologist perceives as a gap in knowledge yet unfilled, to another cast of mind may be wondrous just because it is unfathomed. Though science (in the broadest sense) has wonder of its own, and philosophy need hardly unweave rainbows, we cannot brush aside the claim of mystery to figure as a good; and if the quest for knowledge which filled the previous chapter does not exhaust the ways in which we may find ourselves approaching cultural heritage, then we had better be prepared to tell a still more intricate story.

Yet if the mystery to which we are receptive is indeed a good then it is one unlike any other, wildly unyielding to the taxonomic tools which uncover intrinsic value and instrumental value and so on. What exactly is it, after all, in which we uncover the mysterious and which we might therefore take to be a candidate for inclusion in our moral economy? Mystery, at least in David Cooper's view of it, 'cannot already be invested with an "all-too-human" ontology of things' (Cooper, 2002, p. 285). It seems, certainly, that we can after some fashion *locate* mystery, acknowledging that we have found ourselves in its presence if we are suitably attuned, as in Rudolf Otto's theological reflections on the holy:

> Let us follow it up... wherever it is to be found, in the lives of those around us, in sudden, strong ebullitions of personal piety and the frames of mind such ebullitions evince, in the fixed and ordered solemnities of rites and liturgies, and again in the atmosphere that clings to old religious monuments and buildings, to temples and to churches. If we do so we shall find we are dealing with something for which there is only one appropriate expression, *mysterium tremendum*. The feeling of it may at times come sweeping like a gentle tide, pervading the mind with a tranquil mood of deepest worship. It may pass over into a more set and lasting attitude of the soul, continuing, as it were, thrillingly vibrant and resonant, until at last it dies away and the soul resumes its 'profane', non-religious mood of everyday experience. It may burst in sudden eruption up from the depths of the soul with spasms and

> convulsions, or lead to the strangest excitements, to intoxicated frenzy, to transport, and to ecstasy. It has its wild and demonic forms and can sink to barbaric antecedents and early manifestations, and again it may be developed into something beautiful and pure and glorious. It may become the hushed, trembling and speechless humility of the creature in the face of—whom or what? In the presence of that which is a Mystery inexpressible and above all creatures. (Otto, 1923, pp. 12-13)

For Otto, indeed, mythologies and even ghost stories are explicable as offshoots of this responsiveness to mystery (ibid., pp. 15 & 16). It is unlikely to prove easy to take account in a piece of moral philosophy of 'the atmosphere that clings to old religious monuments and buildings, to temples and to churches', but if we aim to take cultural environments seriously in the course of constructing an ethics of cultural heritage then there is little prospect of escape. In the next chapter I shall have some more general remarks to make about what is involved in experiences of *encountering* heritage, particularly where the presence of history makes itself felt; in the present chapter, with the last one's reflections on moral epistemology still fresh in memory, I should like to address the question of what we are to do when we begin to suspect that sometimes what is most valuable in an item of heritage may lie in what we do not and perhaps cannot know about it. I have suggested in Chapter 12 that we have a decidedly slippery branch of moral epistemology on our hands. I now wish to confess that I understated the difficulties. The problem is not merely one of getting our hands on this knowledge, but of seeking to do so precisely where *mystery*, the very veiling and shadowing of clear and crisp nuggets of knowledge, may manifest itself not as the kind of problem we can afford to eradicate, but as a source of value in its own right.

In many of its aspects this theme of mystery is a well churned battlefield, and it is not for me to add another volley to the famous clashes of secular and sacred, or of supposedly mystical Orient and *soi-disant* rational West. It would indeed be strange to do so, when it is hardly sun-worshippers alone whom Stonehenge draws to gaze on the circle of ancient standing stones which 'has stood on Salisbury Plain for thousands of years, evocative and *enigmatic*, arousing awe and wonder in each generation that has gazed upon it' (Stonehenge Visitor Centre website, emphasis mine). Rather, I propose to talk about the challenge for moral epistemology which we must face when we take seriously our human openness to the mysterious, and when we find that we must render it commensurate with our practical ethical decisions as beings living within cultures. We know already, of course, how to talk about Stonehenge as a thing which we value after an antiquarian fashion: we say that it is a piece of *heritage*, or even (if we are in a legalistic frame of mind)

that it is an item of Britain's *cultural property*. We want to know how this thing called heritage might find a place within our ethical lives, but mystery by its nature resists interrogation; or rather, it invites it without end.

> The true meaning of this ancient, awe-inspiring creation has been lost in the mists of time. Was it a temple for sun worship, a healing centre, a burial site or perhaps a huge calendar? How did our ancestors manage to carry the mighty stones from so far away and then, using only the most primitive of tools, build this amazing structure? Surrounded by mystery, Stonehenge never fails to impress. (English Heritage website)

13.1. Is There a Special Problem of Mystery?

Taking account of archæological knowledge in our moral philosophies is problematic enough, when the interpretative authority of scholars may find itself contested (Cooper, 2006b); and it is not only in antiquarian surroundings that we may find ourselves seeking an appreciation of the mysterious. According to Cooper, mystery may also be found in that most domestic and quotidian branch of culture, horticulture: 'The Garden, to put it portentously, is an epiphany of man's relationship to mystery. This relationship is its meaning.' (Cooper, 2006a, p. 145)

I must acknowledge, as I tiptoe around the edges of this topic of mystery, that we have probably even less hope of isolating a class of mysterious items than we have of listing the world's historically interesting things. There are, of course, a great many identifiable mysteries in the sense that there are many known gaps in our knowledge: the fate of Lord Lucan, for example. The fact of his disappearance leaves us mystified (already in the wake of a 'murder mystery', moreover), but without a *sense of mystery*, and it would be no loss to us to gain knowledge of what happened.

Not all such gaps in our knowledge are mysteries of this purely epistemic sort. The 'Voynich Manuscript' has come to be styled the world's most mysterious manuscript not only because its text has thus far resisted all attempts at decipherment,[1] but also because of the perplexity engendered by its illustrations, which include strange balneological scenes involving 'nymphs' apparently caught up in bulbous, organic plumbing. A meaningful interpretation of the text would – it is hoped – explain these images, along with the unidentifiable plants and the manuscript's other peculiarities; but it is conceivable that something, particularly in the æsthetic experience of looking at the manuscript, would evaporate with the dawn of understanding.

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[1] Some ancient scripts, such as Linear B and Egyptian Hieroglyphics, *have* undergone decipherment in which mystery has been traded for knowledge.

Other manifestations of the mysterious have little to do with puzzlement. No amount of theological exposition is guaranteed to detract from the sacred mystery of Otto's monuments and churches; and archæological and astronomical investigations into Stonehenge have done little to dispel the enigmatic aura of the ancient site. In the former case, one who believes that the 'Eye hath not seen, nor ear heard, neither have entered into the heart of man, the things which God hath prepared for them that love him' (1 Cor 2:9, K.J.V.) will not expect that here there is a puzzle which can be fathomed. In the latter, though we may not approach the site as a sacred one, its very antiquity marks it as a solemn survivor of a vastly distant age.

When items of our cultural heritage are thus mysterious, what are we to conclude? As the previous chapter ended by observing, we face ample enough difficulties, and cannot hope for exact and accountant-like answers, when we have to enquire after something's value in light of its contribution to history, to art, and so on. Perhaps it ought not to faze us when we additionally realise that we shall not be neatly folding our Lord Almighty and Heavenly Father into our framework for heritage ethics this afternoon, or when we recall that in reading the list of names inscribed upon some village war memorial we are not merely enjoying some helpful soul's contribution to public information, but finding ourselves invited to open ourselves up to meditations on death, on sacrifice, on gratitude and more. The sacred, in particular, may well seem to resist being treated as 'just' another category, and that is a difficulty to which I shall return in the final chapter; but for now my anxiety is simply that in having to grapple with mystery in our evaluations of cultural items we run the risk of attempting, in the well worn formula, to eff the ineffable.

Indeed, someone might reply, *and no less so* when you talk about the beauty of the Yorkshire Moors, or a sense of belonging engendered by participation in a traditional festival. It is true, the critic might continue, that mystery resists even a basic taxonomy, in that we might be taken aback if asked to compare (for example) the mystery of Stonehenge to the mystery of the Pyramids of Egypt; but again our ordinary manner of talking about beauty makes it clearly a partner in crime, and we are happy enough to talk about the beauty of a flower, of a sunset, of a face, of an act of kindness. Just what, then, is so special about mystery?

There are tempting lines of response to the approximate effect that mystery owes less to sensuous experience (or its debt is less direct); that accordingly it looks less open to explanation even partly grounded in terms of natural properties, so that whereas we should expect somebody's account of the beauty of a painting to dwell on colour and the like, we might be surprised if a discourse on mystery took the same course;[2] and in consequence that even attempting a supervenience-based account

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[2]In practice, matters will tend to be more nuanced. If we are of the view, for example,

of mystery might well look like an artificial reification for the purposes of a naïve reductionism. I think that there is something to be said for such a strategy, but I fear that it might stumble headlong towards what might be styled the autonomy of mystery, in which mystery not only serves no further end (plausibly true) but stands quite distinct and even estranged from other domains of human experience (plausibly false). We shall not rashly wish to claim, I suspect, that there is after all *no* very significant link between the mysterious and the æsthetic, or religious mystery and other elements of a religious life.

We must indeed recall that mystery may be a quite quotidian affair, whose frequent insinuation into everyday goings on ought to be compatible with any putative account of it. As I noted above, according to Cooper even the humble enjoyment of a garden may bring us into contact with the mysterious; according to Otto, the ghost story is its offshoot. Clearly not every encounter with mystery is signalled by involuntary shudders (for who wishes a garden to be uncanny?), and not every one invites attitudes of reverence or solemnity. Even so, presumably not *every* situation has mysterious aspects, since otherwise there would be no distinctive phenomenon of mystery to talk about. (It is presumably easier to open oneself to mystery in some settings than in others: try feeling mystical during an exam, or while dodging drunks on a Saturday night.) No doubt we find ourselves emotionally *moved* by mystery when a sense of it comes upon us; someone who claimed straightforwardly to perceive mystery, as though it were simply a feature of certain situations which was reliably there to be noticed by the observant critic, might strike us as a rather alien sort, or at least one falling short of the fullest appreciation of experiences which, as Otto puts it, 'may burst in sudden eruption' upon those receptive to them. Yet this too, after all, is a feature of many and varied situations: many things move us to emotion, and the emotions are called passions for a reason.[3] Mystery may occupy some special place in our experiences, but that place is one which is troublesomely tricky to pin down for my present purposes; we cannot, after all, go out to a mystery

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that mathematics belongs to a scientific or rationalistic compartment in our thoughts, or simply one which is ruled by the exactness of accountants, then we may be happy to grant that it would be an odd soul who thought that the mystery of Stonehenge emerged from its geometric properties. If, on the other hand, we find ourselves sympathetic to any of the various traditions, going back at least as far as the Pythagoreans, in which the mathematical and the mystical are interlinked, then our surprise might well be rather less. We must acknowledge, at the least, that the shape of Stonehenge is not wholly irrelevant; but we must also recall that both erosion and human intervention have influenced that shape over time.

[3]The reason being that it often *feels* to us as though we are passive in the face of profound emotion; I do not intend accidentally to discount the sort of voluntarist account of emotion which appears in the early Sartre and subsequently in the writings of Robert Solomon.

gallery to look at exhibited enigmata, and if we headed out even onto the Salisbury Plain (on a mystery tour, perhaps) with the attitude of a botanist or a butterfly-catcher, I suspect that that very attitude would ensure that we caught no mysteries. We can talk about mysterious places or mysterious artefacts, but it is quite another matter to establish quite what makes them so.

What then might a distinctive problem of mystery look like, if it is tricky to say much more than that some items of cultural heritage are mysterious (and that this may contribute to their value)? I suggest that the problem of mystery lies precisely in the fact that we cannot *investigate* mystery, which will seep out of our hands if we snatch at it, in the ways in which we might approach an interrogation of historical sources, for example.

This may not look as though it ought to be a particularly awkward problem for *me*, because my account of cultural heritage as a repository of value is set up to emphasise the variously networked associations between cultural items, and we *can* say that mystery emerges in the writings of one or another mystic, which were commented on by some other writer, &c. However, as I took some pains to suggest in §10.2, evaluation is not *purely* a matter of measuring cultural activity without needing to consider what a cultural item is or what it signifies. On the contrary, I said, heritage and the cultural reflection which it can involve are altogether bound up with the ways in which we categorise the world; and it is here that mystery looks conspicuously awkward, for what could fit less readily than the mysterious into crisply categorical thinking? Of course, we can talk about mysterious places, events, phenomena, experiences, &c. and clearly in doing so we are talking in categorical terms; but what we accomplish in so doing is not so much the development of a way of carving up the world as the delineation of an aspect of the world which resists the ready application of conceptual thought altogether.

Now it is true, of course, that in spite of all that a great deal has been said and written both about mystery in general and about specific mysteries. We can point to clusters of cultural items surrounding mysteries even when we admittedly can barely grasp what lies at the heart of them. Consequently it may be tempting to treat mystery like phlogiston: a genuine aspect of culture, in history and formerly in science, even though the thing itself is inaccessible (in the case of phlogiston, because it never existed in the first place). Yet phlogiston is within our *conceptual* grasp; we know that no phlogiston has ever appeared in the experimental investigation of combustion precisely by virtue of being able to tell what it would take for a substance to answer to the description of phlogiston. Mystery is not like this, and in consequence we face the daunting task of trying to reckon the cultural value of writings and other creations which concern mystery without having any secure

and confident grasp of what it is that they are about. If we tried to examine, for example, the culture of string theorists and to appraise their papers and conferences as cultural items without having the slightest grasp of what their contribution was to physics; or if we attempted to evaluate the contribution to their culture of the *Balagtasan* debating poets of the Philippines while possessing only a rudimentary comprehension of Tagalog poetics; or (heaven forfend) if someone sought to lay down the law concerning the contributions of philosophy to our heritage whilst armed only with a brace of *Very Short Introductions*—any conclusions might be felt to be not automatically credible. In these cases expertise is required not for the reasons considered in Chapter 12, but simply because many subjects are difficult and sometimes obscure or unfamiliar; and mystery offers a similar clutch of difficulties without the comforting thought that there exists an obviously corresponding branch of expertise on which we might draw.

13.2. Is There a Special Solution?

Mystery, then, is distinctively awkward. That said, I concluded Chapter 12 with the observation that nobody expects reflection on the value of items of cultural heritage to produce numerical scores; this is a region of moral epistemology in which there are not only no formulaic or straightforward answers but also few prospects of reaching conclusions in disciplinary isolation.[4] If this is what awaits us whatever aspects of cultural heritage we aspire to investigate, does mystery pose so special a problem that it demands a special solution? If it does, *is there* any special treatment with which we might meet this demand?

I think the answer to the first question is, again, that even our most refined investigative practices run into trouble when up against the mysterious: our interventions will either annihilate mystery or leave it untouched. Someone who learns that the layout of Stonehenge is partly a product of modern human intervention may never again be quite able to feel a sense of mystery when looking upon the ancient stones; someone else may remain as open to the monument's mystery as before; but in neither case have we reason to think that the act of arrangement has helped anybody to penetrate *into* this mystery in anything akin to the ways in which the arrangement of objects in a museum or art gallery might aim in the direction of visitors' enlightenment. If there are things which are not to be looked at steadily – the Duc de la Rochefoucauld listed death and the sun – then mystery enjoys an impeccable candidacy, and this rather confounds any hope that walking

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[4]Here, too, mystery may prove especially inconvenient; it may be possible to experience a shared encounter with mystery, perhaps even as part of a cenobitic life of mysticism, but any suggestion of a shared *research project* may look like a taller order.

among ancient standing stones could be, as I said in §12.6 of strolling through the galleries of a museum, a tour of 'applied historical epistemology'. Mystery may cling to objects with a tenacity which *survives* transition to a museum, but our ability to investigate objects which are mysterious, though perhaps it can destroy one mystery or another, or put it beyond our reach, has a doubtful claim to insight into mystery itself, especially if our investigations are to be bounded by a particular concern for cultural heritage. Whether or not we have an anthropological sense of 'culture' particularly in mind, what we mean must be human culture and accordingly will not be easily reconciled with any gesture towards

> something 'beyond the human'. Those last four words will... be taken as indicating what is beyond conceptualization and articulation: the ineffable or mysterious, in effect. [By implication they are] referring to what, if anything, lies beyond human practices, purposes, perspectives, evaluations and whatever else constitutes our distinctively human existence. [This existence can be] answerable to what lies beyond such practices etc., beyond in effect the form or forms of human life. (Cooper, 2005b, p. 127)

So, whatever are we going to do about it? Well, firstly, we can take heart from the fact that on my holistic account, the value of cultural heritage is *in general* only derivatively to be found vested in particular objects, ideas and practices; since we are already dealing with value which manifests itself amidst the intricate interactions of networks of cultural items, the refusal of mystery to be readily tied down for evaluation as *the* mystery *of* something in particular need not come as an utter shock. If we can be relaxed about not being quite able to say where the boundaries of a historic landscape might be (though we confidently think it beautiful), or what precisely constitutes the setting of a historic building (though we remain keen to preserve it in its setting), then it need not greatly alarm us that sometimes we can say little more about the role of mystery in making particular cultural items what they are than that mystery 'clings', for example, to Otto's old religious buildings.

The resistance of mystery, indeed, need not count entirely as a negative aspect thereof. In a way it too signals something which is more weakly manifest in cultural heritage more broadly, and which I have at times sought to indicate by drawing a comparison with ecological ethics: that despite being thoroughly *human* cultural heritage it escapes sheer human whim as soon as it comes into being, and may indeed outlast the civilisations which created it. Cultural heritage, in its way, resists human caprice; and sometimes (and not infrequently when we encounter the remnants of those dead civilisations) it so resists even our epistemic practices that we are left with feelings of utter mystery.

It is at this point that I think we had better frankly admit the limitations of 'value' as a conceptual tool in moral philosophy, and turn again to patiency. I noted in §11.2 that calculated evaluations may not strike us as greatly helpful when we are forced to choose, say, between saving two human lives; yet even though we cannot peer into the minute inward workings of a human soul and act as though sitting in divine judgment, moral philosophers have on the whole not given up hope that philosophical guidance can help us to make choices with the limited information we can possess. We cannot forget that there is more to an individual human life than a set of rights or virtues or felicific contributions; and we cannot forget that there is more to Stonehenge than some historically diverting architecture; but in neither case need we be prevented from proceeding on the basis of what we *can* know and express.

How then to proceed, when asked what should be done with a cultural item where heritage touches mystery? We can scarcely hope, I think, to address mystery itself as though, where x is a cultural item, 'the mystery surrounding x' might count as another cultural item. Instead, then, we must contrive to note those cases in which mystery clings to cultural items, and consider those items in the light of their mysterious characteristics, in effect acknowledging that they possess a concealed dimension which we cannot adequately grasp.[5] At the same time we must bear in mind that this dimension is not *completely* concealed; if it were we could hardly know about it, and it would be wholly detached from human culture. If we cannot very readily investigate a given case of mystery in the manner of a research project, then any grip we might manage to get on it will presumably come not through detached and disinterested intellectual scrutiny but through the passionate, emotional engagement of people with their heritage; and it is to this, the matter of what is involved in *encounters* with cultural heritage, that I turn in the next chapter.

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[5] I return to the religious aspects of this theme in Chapter 17.

14. Encounters With Heritage

When talking in general terms about culture and cultures and cultural items, it is easy to find oneself thoroughly adopting a stance of critical or anthropological detachment. In many cases, and in some ways, this is beneficial, helping those trying to navigate what is sometimes a deeply emotive subject area to evade the temptation of political tantrums; and frequently we must simply acquaint ourselves with controversies over heritage without ourselves feeling any of the yearnings and grievances which they may involve, finding ourselves heavily reliant on the testimony of others (see Chapter 12 above). Yet it can hardly escape our attention that to belong to a culture is not a purely intellectual endeavour, and that encountering both our own and our neighbours' cultural heritage is sometimes a matter of profound emotion.

I do not mean merely that cultural items may elicit feelings of approval or disapproval. No doubt the contributions of cultural items to human happiness (and sorrow) are among those human interests which we ought to take into account; but it is not distinctively interesting to note that culture may feature in utilitarian calculations. Neither am I especially concerned in this chapter with the deeper and more exact ways in which culture may be thought to contribute to human wellbeing: by supporting self-respect, community, autonomy and so on.[1] I mean rather that there are forms, or perhaps aspects, of engagement with cultural heritage which demand special attention not for the knowledge which they bring to either expert or layman, or purely for the sensuous or sentimental experiences their æsthetics may occasion, but particularly for the possibility which they open up not merely of perceiving or observing or investigating cultural items but of encountering culture as something to live with. The bulk of anybody's involvement with culture is made up of engaged, everyday, often tacit involvement in what are sometimes called forms of life—and moreover, it is not only in stepping back for the sake of science or criticism or indeed moral and philosophical reflection that we find ourselves being jerked out of that most central of cultural practices, the act of going about our daily business. Other phenomena are involved when we stand in awe, as in the previous chapter, at the sheer enigmatic antiquity of Stonehenge; or when we open some antique volume

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[1]Recall, for example, Sarah Harding's discussion of heritage and the good life, as described in §8.2.

among the library stacks and feel as though we have entered into conversation with our precursors; or when we participate in even the most minor of ways in some local tradition, and feel that in so doing we reinforce a sense that we belong to the locality and its community, whether we are continuous residents or 'returning to our roots' or newly arrived and welcomed.[2]

What are we supposed to make, for example, of a sense of belonging? (Can we insert it directly into our value taxonomy: 'communitarian value', or something of that nature? We should remember before we try that people are not always glad to belong where they feel they do.) What I principally want to note is that our experience is *not* one of forming the belief that we belong somewhere, and consequently developing proprietorial feelings towards that place's heritage. That of course can happen, but it is not the experience I have presently in mind. On the contrary, it is *through* an encounter with this cultural heritage which we believe to be ours that the feeling of belonging emerges. We go to the festival; we open the old ledger; we tour the stately home (provided we are not treating it purely and merely as entertainment, on a par with channel hopping); but there is an element of dependency in feeling that we are participating in things which are wider and inscrutably older than ourselves.

14.1. The Presence of History

Here, heritage emerges not as an instrument by means of which we acquire valuable experiences, but something through which we are confronted by our place in the wider world. This is perhaps most clearly evident in attitudes towards history. Of course, even the work of academic historians is not exhausted by dispassionate theorising about how and why things happened as they did: when someone judges *that landowners mistreated their tenants during the Irish Potato Famine*, for example, or indeed *that historical figures ought to be judged by the standards of the times in which they lived*, that person is clearly concerned with history and historical evidence, but the matters most critical to the judgment are normative ones and in

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[2]Guests in the locality will of course experience a different form of welcome and different feelings. I assume for simplicity's sake that feelings of this sort are not easily mistaken, though of course it may happen that people come to revise their beliefs about where they belong. Certainly our knowledge of ourselves and of how we fit in amongst other people can be deeply flawed: if we can make mistakes about whether we are boring our present company or whether we can rely on those we consider our friends, perhaps we can also be mistaken in our sense of belonging. Similarly, the realisation that one has misjudged somebody is a commonplace experience; maybe, then, we can be mistaken in our sense of whether somebody is fully 'one of us'. (There may also be a normative aspect to such deliberations: do people who have lived in a neighbourhood for five years therefore *deserve* to be considered locals, for example?)

some respects moral ones. From here it is quite a short step to wondering how much we inherit of both ancestral glory and ancestral guilt, since after all the past conduct of those with whom we associate ourselves is frequently not a matter of fact from which we can readily detach ourselves; regrettably, grudges can be heritage too.

This in turn has its effects on what it means to encounter remnants of the ancestral past. In §13.1 I briefly used the example of coming upon a war memorial, the historic importance of which is that it records the names of 'our glorious dead' not so much in order to inform the public as to act as part of public memory, as a proclamation and a focus for common reflection. (Indeed, public monuments tend, inevitably, to be in some respects political: their existence reflects political priorities concerning the organisation of public space and the distribution of public funds.) Such a monument, of course, is still constrained by strict demands of accuracy: imagine the reaction if one of the recorded names had been found to be misspelt. In partial contrast, perhaps there are aspects of cultural heritage which are subject to less stringent requirements of exacting veridicality: what we might call the legendarian. Commenting on Alois Riegl's addition of 'age-value' to the other kinds of value ascribed to monuments, so that their very signs of visible aging and decay create a potential for impact on the observer, Stephen Bann remarks that 'the poets, novelists and indeed historians who were tinged by the antiquarian sensibility were able to carry their intuitions further by articulating new, colourful, dramatic narratives of the hitherto neglected past' (Bann, 1990, p. 131). Colour and drama need in no way entail historical fiction; but to poets we ascribe poetic licence, and in general we do not necessarily place stringent demands of accuracy on a hagiography or an elegy. The legendarian objective is not so much knowledge *qua* enterprise of fact-collection and the cultivation of theoretical understanding, but more of an engagement with or involvement in the past, and often specifically and significantly in one's own past: sometimes making our folk heroes and villains present to us, sometimes laying our collective ghosts to rest.

Commenting on Alexander Etkind's discussion of cultural recollection (Etkind, 2009), Eli Zaretsky contends that 'there are two different ways to understand memory: the first conceives of memory as the recollection of an event, the other insists that the act of remembering is not completed until the event is situated into a meaningful, coherent narrative, one that is constantly changing in response to changes in memory...' (Zaretsky, 2009, p. 201) Collective memory, for Zaretsky, means not merely commemoration but the establishment of 'meaningful narrative[s]' (ibid., p. 203). Whatever it exactly means to engage in remembrance in this sense, the aim in representation of the past is not so much simply to know history as a body of factual knowledge as to come to terms with it: Etkind's 'cultural

memory' embedded in our surroundings – 'multiple types of signifiers: from memoirs to memorials; from historical studies to historical novels; from family albums to museums and archives; from folk songs to films to [the I]nternet' (Etkind, 2009, p. 189) – is accordingly not only a source of information about the past but moreover a collection of ongoing practices of commemoration.

What resides in historical records and other sources, then, is not merely information in its thoroughly dry and truth-apt sense, but more broadly material for the assemblage of historical imagery. A legendarian approach to historiography will of course be constrained by the expectation that its treatments of history – be they elegiac, hagiographic, epic, tragic or whatever else – will in outline reflect the way things came to pass,[3] and as such it can be concerned to reflect truths, but broadly so, taking an interest in 'the historical, scientific, cultural and æsthetic truth that [an] object and its context can provide' (John Merryman, quoted in Gillman, 2006, p. 30). Bann again (1990, p. 102, this time commenting on Nietzsche's *The Use and Abuse of History for Life*): 'The "antiquarian" attitude is not an imperfect approximation to something else—which would be the maturity of scientific, professionalised historiography. It is a specific, lived relationship to the past, and deserves to be treated on its own terms.' The legendarian attitude is perhaps likewise such a 'lived relationship'. 'For the traditionalist,' Avishai Margalit writes in the related context of inherited remembrance, 'the [collective] memory itself matters a great deal, while its veracity counts for less.' (Margalit, 2002, p. 61)

Such lived relationships can at times be fraught, and the past can prove a difficult thing to manage. Sticking fairly close to home in considering how past events may cast long and discomforting shadows, to avoid having to deal with the complication that cultures markedly unlike ours might incorporate likewise dissimilar historiographies, we have the recent example of the Bavarian State government's attempts to prevent the reprinting of items of Nazi propaganda by the British publisher Peter McGee as part of his *Zeitungszeugen* series of facsimiles. Glossing over the legal details – Bavaria attempts to use copyright law to restrict the circulation of (unannotated) Nazi propaganda, having taken possession of the publication rights after the War – we can see two divergent attitudes towards the same area of historical knowledge and study emerging. The Bavarian government has an interest in preventing certain malignant aspects of the mid-20th Century from seeping back into the present: it has engaged in a kind of appropriation of the past (in a more direct sense than that suggested by Germany's usual restrictions of Nazi material in its Criminal Code) in order to keep it at bay. Other parties to the

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[3]In contrast, the narrative genre of historical fiction is constrained more by historical plausibility: the setting requires verisimilitude, but the plot need barely even be inspired by real events.

dispute regard publication as educational and 'scientific' (Moore, 2009): as a matter of making information publicly accessible.

In part, this falls into the usual template of anticipated 'media effects' versus freedom of information and scholarship; but it also reflects different ways of treating the historical information available (or not) in propaganda documents. Here is a possible interpretation: the Bavarian government is in the position of needing to facilitate a kind of 'safe' popular relationship with the Nazi era that permits soul-searching (and scholarship) while at the same time firmly dissociating it from present-day German culture. Consequently it finds itself acting as a kind of historical gamekeeper, and gatekeeper: its moral stance towards German history takes priority over its interests in historical scholarship. An educational publisher, on the other hand, will not necessarily take an amoral stance towards history, but will be engaged first and foremost in the enterprise of looking at historical evidence and presenting it for public examination. For the one, the material and written heritage of the Nazi era forms part of a political narrative of de-Nazification and emancipation from the legacy of the period; for the other, that very same heritage represents an object of study and analysis.

Thus a great deal of what we do with history not only diverges from the practices and priorities of historical scholarship but on occasion may come to practical blows with them. There is indeed a profound normative question of what ought to be kept alive in popular memory and what may safely be left to the attention of academic specialists, and of what treatment is due to each member of the former class: nobody *commemorates* what took place at Senlac Hill (though schoolchildren are certainly expected to learn about 1066) in quite the way in which we commemorate the Armistice. Margalit even suggests that remembrance amongst a collectivity can be a loosely networked phenomenon in which memory is shared through a division of labour, thereby finding echoes in my own use of the idea of a network in conceptualising culture:

> A young man I met in Prague knew vaguely that something awful and sinister happened in Lidice during the war, but he didn't quite remember which war and what exactly happened. What happened was a retaliatory massacre of the male residents of Lidice after the assassination of Reinhard Heydrich, the Nazi governor in Prague, by the Czech underground. This young man, however, is plugged into networks of shared memories that can fill in the missing information. It is less likely, though, that he is plugged into a network that can fill in the details of the retaliatory massacres by the Nazis at roughly the same period in

> Oradour-sur-Glane, France, or Puten, Holland. (Margalit, 2002, pp. 54-5)

In ceremonies of remembrance, in shared classroom curricula, or in amorphous networks of shared memory, history makes its presence felt. It is precisely this power which in rather different ways impresses both the Bavarian State, which would like to keep recollection of the Nazi era on a short leash, and James Cuno, in whose eyes political interference in historical narratives is an unnerving prospect. Sartre remarks with typical cynicism that narratives of the past are created 'in order to gain the adherence of the masses... [who in turn] demand a political project which illuminates and justifies their past' (Sartre, 2003, pp. 521-2). History is an entanglement, a hereditary predicament interpreted and reinterpreted and argued over in a multitude of moral and political lights.

14.2. The Cultural Entanglement

It is not uniquely true of its historical aspects that culture is in many ways a predicament which reaches metaphorically out to wrap its tendrils around us; it is no doubt wholly possible to make a conscious decision to 'integrate' into a cultural group, but it is also possible to find that one has 'gone native', and that is always how we find ourselves belonging to the cultures into which we are born. I am not about to attempt a phenomenology of cultural belonging; it would be immensely difficult, and perhaps sheer folly, to attempt such a thing as though 'what it is like to understand oneself be an x' must conform to the same general template whether x happens to be 'Enlightenment metaphysician' or 'Tom Lehrer fan' or '12th Century Chinese farmer' or whatever else. It hardly follows, however, that we are licensed to pretend that all these experiences are merely secondary to culture, and therefore of limited importance until we seek to weigh up the sort of human interests considered in Chapter 11. We are participants in culture and cultures. Certainly there are cultural items, most obviously material objects, which may persist as such, out of sight and mind alike at the back of some drawer, and nevertheless in some small way part of culture (not least through membership of the category 'things lurking in the recesses of drawers', when many of our homes abound with forgotten clutter). Certainly, it is possible to reify and talk in abstract terms about all manner of practices and behavioural traits without being much obliged to give thought to what it is to live with them: manners, nervous habits, mental disorders, dialects, gestures, and so on. Nevertheless, insofar as a culture (or more precisely what is sometimes styled a 'living' culture) is something in which people participate and to

which people belong, their experiences of this participation are, if not parts of their culture (recall Chapter 5), at least deeply involved therein.

What then are we (within our limitations) to say about such experiences? (The choicest-looking examples, after all, may well prove on closer examination to be the exceptional cases, much as the atmosphere in which we live and breathe is always most noticeable when the weather is chokingly humid or the cold wind is biting, though this atmosphere is no less present at any other moment in our lives.) Perhaps we should ask instead what must befall a moral philosopher who hopes to set such matters aside. You might think that I would be the best placed to be that philosopher, since it is my declared project to construe cultural heritage as a moral patient in its own right, and since it is I who thought that 'Heritage and Human Interests' would make a nice title for a single chapter (Chapter 11) of this document. That may be so—but I am also the philosopher who thought it worthwhile to include an entire section (§2.3) on fan cultures; clearly I do not think that culture is on the whole a spectators' sport. There is no need for me to detach culture wholly from human individuals, any more than environmental ethics must construe 'the environment' or 'nature' or 'the natural world' as though humans belonged to the altogether *un*natural.

What then would be lacking if I paid no great attention to the experiential aspects of belonging to cultures? More specifically, what would impede my attempts to produce a framework for so thinking about the ethics of cultural heritage as to be moving in the direction of moral illumination? What we would lose, I think, is a sense of cultural heritage not only as something which is physically or abstractly *there* for us to notice (when we stumble upon some dilapidated old building, or a plough turns up some ancient coins, or we catch ourselves humming along to some nostalgic tune on the radio), but as something to which we can be attuned (or not) and which can exert a pull on us (if we are prepared to respond). We cannot suppose, for example, that the experience of the Amish youth deciding whether he will make a life for himself among the pre-electrical technologies of the Amish community, or whether out in the world beyond, amounts to a choice between certain pros and cons, with his self standing equally aloof from both. The predicament is one of deciding how to respond to one culture which already *has* a grip on him, and to another which is possibly beckoning, possibly indifferent. True, one generally cannot (without bathos) *renounce* one's choice of aftershave or one's taste in wine or one's preference in board games, even though all of these may reasonably be looked upon as parts of culture; but where renunciation becomes a possibility (and it does so even in the merely recreational commitments involved in supporting a sports team), and where we think either that it is possible to renounce a cultural heritage or that

it is significantly and constrainingly *not* possible to leave one behind, we shall we hard pressed to account for the phenomenon unless we are willing to entertain the idea not only that we can cling to culture, but that culture can take hold of us.

Suppose we grant, then, that culture may involve a calling; that consequently it may present itself to us as a source of demands; and that in further consequence we may find ourselves with a moral phenomenology which apparently asks us not only what culture can do for us, but what we can do for our cultures. Do we then have grounds for thinking that we are getting closer to learning what our actual moral obligations pertaining to cultural heritage may be? (No doubt people have existed who sincerely experienced the K.G.B. or Savonarola's Bonfire of the Vanities as a source of demands for commitment; and it is notoriously hard to renounce the Mafia. What keeps people inside, in this last case, may be fear, but the employment of fear for this purpose is itself part of the culture of the Mafia.)

I certainly do not imagine (and the length of this document is the proof) that the callings people suppose they find in their cultures are always either virtuous or veridical. To perceive such a calling is properly a starting point for moral reflection, the conclusions of which cannot be presupposed, since it is always open to the human individual to be conservative or revolutionary, and to prefer to stay at home or to leave it (although of course some individuals have considerably more freedom than others to act on these preferences, and it is true that freedom of choice is itself not altogether distinct from cultural practice). It is in our practical experiences of culture, however, that we are most immediately confronted by the context within which our decisions must occur; and if we find our relation to culture put in question, we naturally will be hungry for answers.

The case of the imagined Amish youth, of course, is the exception to a rule which more frequently sees us easily and unreflectively float with the currents of custom; the very impossibility of a life outside any culture ensures that we shall put far less in question than we continue to presuppose as we cook our meals (cuisine) and take our evening strolls (recreation) and indulge in gossip-mongering (social propriety). Some of the most noteworthy cultural experiences, meanwhile, do not put anything obviously in question; among these are experiences of the sort noted in the previous chapter, such as awe at the mysterious vista of Stonehenge, which leave us fumblingly bereft of answers, but not necessarily in possession of adequate questions either.

When we sit down as moral philosophers, however, in order to consider cultural heritage, we must commence this by acknowledging not only the knowledge which people share about the value of items of their own cultures (as in Chapter 12 above) but also the normative predicaments into which even the possibility of such knowledge may place them. Thus culture emerges not only as an object of our

enquiry but as something which may resist our indifference and make searching demands of us. It emerges as a moral patient not at the point at which we decide that it does need to be looked after, and start wondering what that may mean, but earlier, when we realise both that things can go well or badly for cultures and their heritage and that cultures do not take this quietly.

15. Pulling the Threads Together

According to the first-century scholar Josephus, the children of Seth, the third son of Adam, raised two great pillars, one of stone and one of brick, upon which they inscribed their astronomical discoveries; for their grandfather had prophesied that two great cataclysms would be visited upon the world, one of water and one of fire, and the Sethites were anxious to protect their knowledge from destruction. If existent, these pillars would have been an early example both of redundant backup storage and of empirical testing on an industrial scale: those who later found a lone pillar of stone would learn from its antediluvian writings not only of the heavens but also that a pillar of brick had once existed, and they would come to know thereby that the world had already perished in the deluge of water that carried the sibling pillar away, while the disaster of fire was yet to come.[1] What most impressed those later writers, however, in whose retelling the number of pillars expanded to fourteen, after the seven liberal arts (Stephens, 2005, p. S69), appears to be the very 'struggle of *memoria literarum* against the forces of *obliteratio*... Not only does the Flood menace both life and culture, but writing, the vehicle through which human culture is transmitted across time, must fend for itself.' (ibid., p. S69) This is not a tale with a human hero, or the story of a dynasty or nation; its protagonist is a concrete record of collective memory, and the narrative is one of artefacts' endurance under assault by the elements.

The Sethites of course are supposed to have addressed their writings to future readers, thereby making a gift of their knowledge to later human beings. No doubt there is also the wish to live in memory, immortalised through one's works; Horace, whose writings were preserved by copyists rather than on mighty pillars, considered them a monument more durable than bronze (*Odes* III.30). Yet the abiding image in the story is not of the speculative hopes of the antediluvian benefactors or of the gratitude of their later beneficiaries, but of the very monuments tasked with carrying knowledge through the disaster. The legendary Sethites created an artefact more resilient than themselves.

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[1] Walter Stephens suggests that the Sephites sought to ensure that one pillar would survive whichever catastrophe came first (Stephens, 2005, p. S65); presumably, if fire had been first the heat might have cracked the stone but it would merely have rebaked the brick. However, it seems uncertain whether the bidirectional interpretation is necessitated by Josephus' text.

I promised readers a defence of the idea that cultural heritage qualifies as a moral patient; and on p. 62 I suggested that this would require an 'elaboration' of the place of cultural heritage in our moral landscape. In accordance with this view, my style of argumentation has at times resembled the progression of an incoming tide more than it has a brisk route march from premises to conclusion; as I indicated in §12.5, I have aspired not so much to proceed deductively, or indeed inductively, as to progress towards a 'conceptual ratchet' which will help cultural heritage to make itself manifest before our moral vision in something akin to the way in which environmental philosophy allows us to perceive ecological problems not only in isolation but moreover as aspects of broader phenomena of environmental harm. So culture emerges as a loosely agglomerative network of intricate interconnections (§9.3), and then as a collection of categories like some sort of multidimensional matryoshka doll (Chapter 10), not as the culmination of some grand metaphysical schematisation[2] but in order to demonstrate how we can think holistically about culture and employ our 'value' toolkit while doing so.

In Chapter 7 I suggested that disputes over the fate of some cultural item, such as a controversially excavated artefact, frequently involve two broad ways of thinking about an item's passage through time. To originalistic thinking, the point of interest is the point of origin (or for some, notably archæological, purposes, the point of discovery), and it is this that provides a standard against which the rightness of subsequent transactions may be judged. A strong form of originalism may so associate an item with the genius of its originating cultural group as to suggest a sort of cultural *droit moral*, in which insofar as an item may move about outside its source group it remains nevertheless tied to it on a sort of deontic leash; in consequence, especially when the item in question is something as abstract as a style or motif, we run swiftly into controversies involving appropriation (i.e. which transactions, involving what items, are permissible in light of the point of origin) and, where the source group undergoes noticeable changes, of authenticity (see §6.1 above). Traditionalistic thinking exhibits less interest in origins as indications of a standard of rightness; its emphasis is on continuities and the persistence of cultural items through changing contexts.

There are no doubt cases in which a preoccupation with origins will readily appear to take 'cultural property' beyond its reasonable bounds: to ask whether the Taliban were the culturally correct people to be destroying pre-Islamic artefacts in Afghanistan might seem akin to enquiring, on finding a child being beaten to death by its foster parents, whether the adoption papers were fully in order. In other cases

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[2]While talking about culture will always tend to involve some measure of reification, it is hard enough just to work out what we mean when we declare something to be 'part of our culture', as Chapter 5 indicated.

our originalistic sympathies may be stronger: this is particularly so in the case of religious artefacts, which will hardly lose their connection to the devout through any transfer of worldly ownership. To judge what reactions fit which circumstances is a formidably thorny task, and my aim has not been to sidestep it but to step back and to ask what holism might contribute by placing less emphasis on the individual cultural item and its history, and more on the flourishing of culture and cultures at large. Since individual cultural items do exist, and some of them are of great importance for many people, this approach is clearly not going to sweep away all previous ways of framing problems and dissolve all current controversies (alas!), but again a comparison can be drawn with environmental ethics: ecological thinking certainly does not so transform our thinking as to remove particular trees and lakes and marshes from it, but hopefully it offers us a finer understanding of how they and their vulnerabilities are interrelated. Culture is not composed of artefactual atoms. It is not even built out of items and their interrelations, although this is a more helpful model (hence §9.3 above). Cultural items presuppose culture even though sometimes, buried in long-untouched soil until some archæologist unearths them, they are all that remains of a culture. Culture is always, implacably *there*, and much of any moral philosopher's task in investigating it must be to bring this omnipresent background to centre stage.

What then of cultural 'heritage'? Heritage is decidedly *not* always and implacably there. Heritage, crucially, is something that can be lost (§5.1 above). Heritage plainly can be damaged or neglected, stolen or abandoned, underfunded or forgotten: it takes the role of trees and lakes in a cultural ecosystem.

It was never obvious that we had to talk about 'cultural property' or 'heritage' or 'patrimony'. People can and usually do consider the looting of archæological sites without reference to the appropriation of traditional stories, and think about the impact of copyright law on archival work without having the protection of material culture during warfare hovering in the backs of their minds. Yet we find ourselves in a world in which disparate topics such as these sometimes are discussed under the grand umbrella of cultural heritage; and when we consider them under the light of this notion of the cultural, we may indeed begin to see them not as wholly isolated problems but as aspects of something else. Much as we cannot simply forget, after being exposed to ecological thinking, that on top of there being trees and lakes and so on there is 'the environment', I suggest that we similarly cannot just forget to see cultural heritage in all its holistic splendour. A tree, after all, can grow in a glasshouse in a little soil, but nothing can be a cultural item altogether on its own.

My claim, then, is that consideration of our dealings with this thing we call cultural heritage invites us to enter into a certain sort of holistic view which

emphasises the grand and sprawling whole (culture and cultures and cultural heritage) over the individual component (this artefact, our creation myth, my song). It is not, I readily admit, clear what could *prove* either the helpfulness or the plausibility of such a conceptual ratchet (so we find ourselves in a rather awkward predicament if it really is impossible to go back); neither is it obvious what could possibly refute it, which may cause consternation for minds of a Popperian bent. The same is true of my further claims: that the 'value' with which moral philosophers might hope to deal is no less fuzzily distributed than culture itself, and that we can go further than talk of value and understand this manifold, holistic phenomenon of cultural heritage to count as a moral patient in its own right, bound up by nature with human existence but a potential object of moral obligations which need not be explained in terms of what some collection of humans happens to need or want or favour.

My approach is not, however, intended as a mere appeal to the like-minded: *these are my intuitions and surely you (under ideally rational reflective conditions) would share them too.* Culture, after all, incorporates the very ways in which we carve up and categorise the world (Chapter 10 above); as such it incorporates resources for reflection upon itself. In thinking about this thing called culture, then, we come at length to realise that we are deploying and developing conceptual tools which themselves are built from cultural resources. The very practice of philosophically reflecting, in general terms, on how culture is involved with ethics will thereby tend to lead us towards the lofty viewpoint from which culture becomes able to look not only like a complex collection of many interacting items, but like something capable of dynamic and organic-seeming growth and decay, of budding and bursting into creative splendour and, in short, of flourishing.

We do not *have* to perceive culture as capable of flourishing, as possessing any more form and integrity of its own than a sand dune receives from the winds and the laws of physics. We do not *have* (at least, allowing certain assumptions about reductionism in the sciences) to say that a tree is alive, let alone that it is doing well or badly, when physical and chemical descriptions will suffice; and we certainly do not *have* to talk about environments and ecosystems and biospheres when we do ask whether organisms in the world around us are doing well or badly. Yet we do so, and it makes ample sense for us to do so as beings which both live and lead their own lives, and whose lives therefore proceed and flourish not only biologically but socially and economically and creatively. We find ourselves not only among plants but living within an environment, and that environment emerges for us as a potential recipient of care. Another thing within which we live is culture, and it too is something which can benefit from human care.

16. The Framework In Action

I promised you a *framework* for thinking about the ethics of cultural heritage (see p. 20 above), and the previous chapters have indeed laid out the shape of one, albeit and inevitably with a great deal of space left for cross-pollination with other domains of thought and with the reflective practices distinctively found in particular cultures. After all this talk of network models of culture and cascading categories and museum exhibitions as concretely embodied cultural self-examination, however, it will be understandable if you are uncertain whether this holistic framework is eventually going to be of any practical use in advising people who have to deal with the very particular problems of deciding who gets to exhibit this artefact or sing that song or prevent some archives from crumbling to dust. Help had therefore better be at hand; I cannot, of course, describe in detail how any given case might go from the application of a framework to specific normative guidance, but I can indicate the ways in which a few exemplary cases *might* play out.[1]

It may appear that my conception of culture, with its emphasis on dynamic interactions and associations between cultural items, incorporates a universal, built-in preference for disclosure and publicity, for the mingling and creative merging of ideas, and in general for the cosmopolitan. In fact, while this may be true as a general tendency, we may find ourselves requiring a more nuanced casuistry. Even the darkest of secrecy may have its place in a culture: Freemasonry, for example, positively thrives as an esoteric body around which rumour and speculation may freely swirl. Moreover, in conceiving of culture as akin to a network which has a topography and in which we may loosely discern clusters of closely related items, I am clearly not *so* cosmopolitan as to disavow any endorsement of the distinctively local. Difference and distinctiveness are themselves associations after a fashion, and both similarities and contrasts lend colour to culture.

I believe, nevertheless, that what I have to offer, though nimble and flexible in its applications, is not so multiply pliant as to be useless. Its stance regarding temporality distances it a little from both originalistic and traditionalistic tendencies, since associations between items may span epochs, leapfrogging both points of origin and successions of continuity. It similarly distances itself from a

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[1] These sketches do not necessarily embody my detailed views on what tend to be complex questions; in particular, they largely ignore questions of human interests.

narrow focus on the possession and control of 'cultural property', since its construal of each cultural item as a nexus of associations makes that appear rather like an obsession with the ownership of some individual railway junction, which ought never to be allowed to eclipse the operations of the railway network in the disputants' attention.

I gestured towards one piece of specific normative judgment at the very end of Chapter 12, when I wrote:

> As an approach to moral epistemology for the ethics of cultural heritage [mine] does at least suggest an answer to the question of whether the former Afghan government or the Afghan museum curators had the greater authority to judge what was valuable for Afghan cultural heritage [and whether pre-Islamic artefacts ought to be destroyed]: we ask, in the first place, which party was engaged in the more thoroughly, sincerely and humbly epistemic, enquiring practice, and we have good reason to favour the curators by default.

Since, given my views on culture and categorisation, a cultural item is not altogether distinct from the categories into which it finds itself placed, and accordingly not from the practices of investigation and reflection which are bound up with these, what the curators possess is not a purely and modestly epistemic authority. After all, in that chapter I was asking a question heavily concerned with *moral* epistemology, and with who possesses the authority to make pronouncements about value with which moral philosophy can work. Practices of enquiry in this direction, and the characteristics (striking a note mildly suggestive of virtue epistemology) which bring about success in them, are hardly sequestered from reflection on what moral agents ought in fact to do.

Of course, the chances are high that readers of this document are already in favour of not wantonly destroying significant and irreplaceable artefacts, so at this point I am not breaking any very new ground or reaching any controversial conclusions. Nevertheless, the case at least shows that mine is an approach within which it is possible for conclusions to emerge when the proper fate of some cultural items is under dispute, and that the conclusions which do emerge in this case have the appearance of plausibility.

It is predictable enough that a framework which emphasises the interconnections between cultural items will seldom be a cheerleader for their destruction, but what of disputes over where an item ought to be or who ought to control it? A reduced emphasis on individual cultural items and on the trappings of 'cultural property' hardly permits me to ignore the disputes that do arise over such questions. Yet one might anticipate that I would say either that many associations between items are

not subject to spatiotemporal limitations, and hence that it matters little where things are and in whose hands, or that everything eventually becomes local as it associates itself ever more strongly with its present home and owners. The former possibility might imply that the Rosetta Stone, for example, is just as much a product of Ptolemaic Egypt however close to Egypt it is *now*; but of course nobody disputes that anyway, and the modern symbolism and iconicity, and by (also contestable) implication the ownership, of the Stone remain topics of disputation. The latter might seem to endorse a sort of universal 'finders keepers' rule for cultural heritage; and no doubt it is true that cultural items settle into their new homes however they came to be there, but it might be felt to overlook certain important questions of propriety if that proved to be all I had to say.

In fact, what I say differs somewhat from both these alternatives. In the case of the Rosetta Stone, first of all I would distinguish between the Stone as artefact and the Stone as cultural item: clearly there are important supervenience relations between the two, but it is not immediately obvious that the physical origins of the Stone are of critical normative interest, and the political information which it carries, though of interest in its own right, is not what makes the Stone iconic. The Rosetta Stone is remembered for the world it opened up, and *this* is its most crucial connection to Ancient Egyptian culture more broadly; but for whom did it open up this knowledge of Egyptian hieroglyphics? For anybody; the Stone is practically the antithesis of esoteric writing. What it offered to the French and British scholars who worked on interpreting it happily fulfilled its function as a multilingual proclamation and a meeting between cultures: a sort of linguistic border-stone; a cosmopolitan, connective nexus even by design.

What then of a certain other exhibit in the British Museum, formerly a temple frieze for the enjoyment of the gods? The case of marbles ripped from an architectural setting which still exists, but to which they cannot practicably be restored, is certainly a troublesome one. You may remember from p. 100 that, though an enthusiast for cultural 'topography', I expressed some unease at the idea that we might be able to draw 'concentric circles' around some focal point of cultural interest; no doubt there is usually some sort of gradual attenuation of what is sometimes called local interest, but I do not think that we are actually being asked to suppose that it follows a linear or inverse square or other such law. That aside, I see no overall difficulty in accepting that Athens has a *genius loci* with which the Elgin Marbles are anciently associated, albeit one weakened outside the Parthenon itself.

The Marbles are celebrities among internationally expropriated artefacts, and that contributes to making them a troublesome case: much of their fame (or notoriety)

rests only indirectly on their æsthetics and on what they tell us about ancient Athens, and rather more immediately on a modern dispute between the Hellenic Republic and the British Museum. I find myself positively tempted to suggest that the place for which they are recognised within modern culture is not at all inappropriately served by their placement in the same collection as other imperial spoils (implying, perversely, that campaigns for their return constitute a reason to leave them where they are). Still, this was not their cultural role for most of their existence, and it need not be so forever.

I am inclined, therefore, to look forward to the Marbles' proposed futures, and to wonder (echoing my remarks about the case of Afghan curatorship) what sorts of enquiry and reflection might be opened up, or narrowed, by their being surrendered. Clearly the Marbles' links to Athens are strong, and the exhibition of the New Acropolis Museum would constitute a closely knit cluster of related cultural items which, particularly with the Marbles' inclusion, ought to constitute a peak on the topography of cultural value. On the other hand, I share some of James Cuno's disquiet about political intervention (discussed above in §2.1), and this leads me to think that we might wish to know, once the New Acropolis Museum is no longer quite so new, whether it will principally be seen as an archæological museum or as a repository for beautiful antiquities or as a predominantly political project. As I noted on p. 195, it has certainly invited a political interpretation:

> Bernard Tschumi's delicate exercise in blending contemporary architecture into a weighty historical context carries a political message from the Greek government. It is an argument for bringing home the Elgin Marbles. (Ouroussoff, 2007)

> Everyone agrees that the New Acropolis Museum is the best argument for the return of the Marbles. (Vardas, 2009)

> Tschumi's museum is a kind of polemic in glass and concrete, conceived as an argument by the Greek government to bid for the return of the Elgin marbles... (Lacayo, 2007)

Aside from the fascinating idea that a work of lasting architecture can function as an argument[2] (making the museum itself an interesting example of cultural heritage whose significance is bound up with its particular situation), these observations incline me to wonder to what extent the Marbles would thrive in their new home as the focal point of a flourishing cultural cluster, and to what degree they might

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[2]Or at least, as something which is argumentative. In fairness we should note a dissenting comment: 'The new museum, designed in pastiche Corbusian style by... Bernard Tschumi, is not so much an argument as a punch in the face. It is big and brutal, like something flown in overnight from Chicago.' (Jenkins, 2009)

find themselves suddenly employed as the centrepiece of a project of political hagiography. Patriotic fervour is no doubt a fine thing, and its reinforcement a possible use of the Parthenon frieze; but if indelicately done it can be suggestive less of popular cultural self-reflection than of narrow political interests.

I have things to say, then, about the proper fates of material objects from antiquity; what of intangible cultural heritage, often so effortlessly replicated and adapted by comparison? What am I going to say to the Aboriginal artist (recall p. 36 above) who desires not secrecy from cultural outsiders but stylistic exclusivity? It would be fairly accurate to anticipate that I will see great potential for cultural flourishing in the speed with which intangible heritage can travel and blend; but if we find ourselves asking whether 'a culture' is flourishing, we are certainly going to be concerned with the extent to which it enjoys a distinctive existence.

Intangibles certainly enjoy the potential for what looks like vibrant flourishing, beyond the endorsement of their creators and perhaps in spite of their disapproval: recall my discussion of fan cultures in §2.3, and the acts of translation and creative reinterpretation and world-expansion which a cult item may enjoy quite outside its commercial life. Culture, as it is just now unfolding within my Web browser, takes the form of a video panel split into quarters: in each quadrant a hacked copy of *Super Mario World* so arranges its terrain as to send Mario hurtling forward in such a way as to produce carefully planned sequences of sound effects, and together the four 'instruments' provide an accompaniment to Queen's 'Don't Stop Me Now'.[3] Employing the taxonomy Lawrence Lessig uses in his *Remix*, this intricately meshed piece of creative reworking with its precarious legal status may be considered an example of 'Read/Write' culture; in expanding on its cosmopolitan potential, Lessig in turn draws on a term employed by Henry Jenkins in the latter's book of the same name, *Convergence Culture*. Read/Write culture 'is flat; it is shared person to person'. Its converse is Read Only culture, with a lesser emphasis on 'performance, or amateur creativity, and more comfortable (think: couch) with simple consumption' (Lessig, 2008, p. 28).

If finding an audience is indicative of creativity that contributes to the flourishing of a culture, finding an audience inspired to redistribute and translate and even adapt and creatively build on what it loves is undoubtedly a still more promising sign; there can scarcely be a more convincing indication of a flourishing culture than the budding of subcultures and the growth of cultural items into fan cultures which produce further cultural items in their own right. Particularly when it comes to intercultural influence, however, there is a caveat: I associate the manifestation of value within culture with a 'topography' of cultural activity, and there can be

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[3] http://www.youtube.com/watch?v=vDWJFMXOY88 (retieved 26th July 2011).

no topographical peaks if the landscape is flattened and undifferentiated.[4] For this reason there remains some scope to argue that the appropriation by other cultural groups of Australian Aboriginal artistic styles and motifs, for example (again recalling p. 36), constitutes a threat if it portends a significant dissolution of one culture into a neighbouring one; although I share Young's scepticism about whether the actual consequences of appropriation alone are likely to be so dramatic, even where art plays a notable role in signifying social identity (Young, 2008, pp. 123-4). An ultimate cosmopolitanism in which all the world's cultural variations were smoothed out would not produce a world in which value had everywhere reached its maximum potential in culture. If we mix red and blue paint we shall expect, not interesting patterns of red and blue marbling, but a great expanse of purple; and while purple is a fine colour, there is no systematic sense in which it is superior to red or to blue or even to both together. There is also no universal sense in which a cultural 'melting pot' is the optimal state of human affairs.

Despite all the problems (which you may recall from §6.1) with notions of authenticity, distortion, and the like, there are grounds for thinking that on occasion flourishing will require some measure, if not of isolation, at least of neighbourly discretion. What follows from this observation, in any given case, will of course be a complicated matter, particularly when the liberty of individuals enters our vision; where people welcome what looks to us like assimilation, we cannot simply scold them for it, less still stamp our feet and demand that they better regulate themselves in order to enforce purity. It will be difficult, moreover, to ask people what their self-reflection as a cultural group tells them when it is the very definition of the boundaries of their culture which has been brought into question by its increasing blurriness. 'If the Pintupi cease to burn the vehicles of dead persons and begin to sell them like other Australians' (Hendrix, 2008, p. 189), must that matter? Perhaps it would reveal deep thanatological shifts; perhaps it would be a minor loss of economic distinctiveness. It seems, at any rate, that someone trying

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[4]Suppose some object *o* becomes subject to a disagreement of some kind – a patrimony dispute, perhaps – between two cultural groups, A and B, and the ostensible value of *o* to A is equal in degree to its relevant value to B. Yet A is a small and impoverished group, whereas B is a large and prosperous society in whose cities one can barely turn a corner without being confronted by a museum or an art gallery. In such a circumstance as the one imagined, A would no doubt point to the value of *o* as a proportion of the total value of the comparatively small number of extant cultural objects available to A. B, by contrast, would perhaps contend that nothing could be better for *o* than to be integrated into the vibrant cultural and intellectual milieu of B, with its already imposing cluster of cultural items. Even with both sides talking about value, then, we might expect to see the concept put to different and conflicting uses; but there will at least be a case to make that A's possession of *o* would be the more striking spike in a cultural topography.

to make use of a framework such as mine will be able to talk both about the general benefits to culture of cross-pollination and about the threats to specific cultures and distinctive localisms. That at least gives us reason to hope that such a person would be equipped to ask pertinent questions about what, in each specific case, is truly good for cultures.

17. Concluding Prospects

This has not, in every respect, been a work of philosophy of the sort which neatly lays out its foundational premises and upon them erects a weighty column or pyramid capped with inexorably demonstrated conclusions. What I have sought to show, as Chapter 15 indicated, is not so much that reason compels one to adopt a position such as mine as that, once one does imaginatively enter into it, it is hard to forget having done so and there is little evident appeal in so doing. It is hard to forget having once comprehended the flourishing of an ecosystem, and not obviously profitable; it is more interesting and even promising, perhaps, to forge onwards and even to flirt with the ethical visions of the Deep Ecologists. So it is too, I propose, for the flourishing of culture and cultures and cultural heritage: undoubtedly people will continue to wrangle over what will continue to be called cultural property, but I hope that this piece of philosophy has made it easier to embrace and articulate visions of culture in philosophical ethics which are more holistic and less concerned with erecting encircling fences. John Cottingham has written that 'it is by tapping into the imagination, or whatever we call that partly inaccessible creative core of ourselves, that we are suddenly able to see the vision of the world that has energised the speaker' (Cottingham, 2009, p. 254). My emphasis is less on the epiphany than on the after-image.

I hope, too, that in employing a form of argument which appeals as much to the imagination as to more abstractly calculating forms of reason, I have made it easier to see why we need not find some straightforwardly malign consequence for human happiness before we can talk about harms to a cultural environment. If we find ourselves asking, our imaginations not only sparked by science but subsequently sodden with what Christine Korsgaard wryly labels the Modern Scientific World View, how it is that a bag of molecules such as myself or my dog can have moral standing – and how, by extension, there can *be* such a thing as moral standing – we have set ourselves up to ask a hard (though not a worthless) question. If, in a Humean mood, I wander outside to play with my dog in the sunshine, then for these two bags of molecules the problem will dissolve at once, not because I have switched psychological gears from Philosopher to Man, but because I am by disposition a philosopher (and a man) whose cosmos has among its fundamental phenomena lolling tongues and wagging tails and sprawling on the grass in Summer.

To see my dog as other than a proper recipient of care and affection is something my imagination can never entirely recall how to compass.

My cosmos is also one in which there are packed library shelves and catchy tunes and terrible puns and arguing about philosophy, not to mention other people with different opinions to argue *with* and sometimes learn new things from; and I do not think I am truly unusual in finding it little harder to treat a book with respect than to treat a dog so. I shall treat them very differently, for dogs are *meant* to be dog-eared, but psychologically I have never found that my disinclination to mistreat books, even badly written ones, amounted simply to my having a 'pro-attitude' towards books, or altogether to a gentleness on my part (James, 2011), or to my being what results when a child is born to two workers in the public library service. I should like to think that in this respect my psychological dispositions have been a sound guide for philosophical judgment, and have provided an imagination capable of bearing witness to a cultural environment which requires and rewards human care.

With a philosophical framework in hand, then, what next? Clearly a great deal more work would have to be done to expand the sketches of the previous chapter into anything resembling exact and detailed policy advice, and in particular there is much more to be said than Chapter 11 could contain about how human interests interact with human responsibilities towards cultural heritage. There are, however, a few things in particular which I must admit to feeling I am obliged, at any rate for the present, to leave hanging.

Foremost among these is the role of religion, significant in T.S. Eliot's and in many ways in Matthew Arnold's conceptions of culture (Rees, 1967, p. 107*ff*.), and in Roger Scruton's view of 'common culture' and particularly 'high culture' (Scruton, 2005, pp. 5-21). I have tiptoed around this topic, and indeed around one of its most perplexing aspects, in my remarks on mystery in Chapter 13, but elsewhere in this dissertation I have perhaps allowed myself to give the impression that what is religiously valued could constitute just one more item on the open-ended list of ways of finding value in cultural heritage. If we inform the devout believer that his worship constitutes a collection of practices which together with their writings, their sacred places and so on make up the culture of his co-religionists, and that the capacity of these things to act as repositories of religious significance is one of the respects in which they moreover possess *cultural* value, I do not know whether he would agree or not, but I should not be surprised if he replied that we were missing the point. Like other aspects of culture, religion provides a context within which we can (hopefully) make sense of our lives, but when one thinks of 'religion' one immediately calls to mind the transcendental associations which the word possesses; whereas 'culture',

though it perhaps can imply something greater than the here-and-now, is a word that lends itself altogether more easily to usage in a worldly and frequently an anthropological manner.

Of course, the major driving point behind the epistemological anxieties of Chapter 12 was that it is not for me to lay down a list of cultural valuables in an armchair exercise; and from that point of view religious value looks no more *my* problem than æsthetic value or historical value. Yet religion tends to burrow down into the life and outlook of its adherent, and declare how the world is constituted and what are the important things in it, to such an extent that it threatens quite to undermine the status of any nice little secular theory of heritage ethics. This is of course a concern for pretty well all secular moral philosophy, and so I need not apologise for not having laid it fully to rest in the course of my project; but in light of the fact that so many cultural artefacts and practices are inescapably of a religious nature, and that depending on one's own religious outlook one may deem such an object or practice to be anything from sacred to blasphemous, I must admit that I do seem to be particularly ill-placed to evade the complications of the matter.

Should I have aimed at a purely secular theory that treats all matters of transcendental importance as external to itself? The answer must simply be that this was never an option: I want to incorporate historical value, but much (most obviously biblical) history has been written religiously; I want to incorporate æsthetic value, but so much artistic creativity and æsthetic appreciation of the world is religiously informed; and we could no doubt continue in this fashion and end up concluding that within strictly secular bounds I must have practically nothing to talk about at all, once my holistic emphasis on cultural interconnection is taken into account. Ruling all religiously tinged questions out of order was plainly not going to work; and taking religiosity seriously precludes treating 'faiths' as though they were merely lifestyle preferences, although of course my theories still have to be neutral with respect to them.

Since the value which I have been asking about is not simply a manifestation of subjective human preferences, conferring value on items through the sheer psychological act of valuing, I do not have to assume that if something is valued within the culture of a religious community then that automatically contributes to its value as cultural heritage, even its value as heritage for that community specifically. Neither must I necessarily assume that even things created for religious purposes depend on their place within the practices and doctrines of a living religion in order for their religious origins to tint their place within a culture. The Pyramids of Egypt, for example, are products of the beliefs and burial practices of a religion no longer practised in Egypt or anywhere else, so that (distant transgenerational

affinities aside) we do not have to concern ourselves with the kinds of moral worth which worshippers of Anubis and Osiris placed upon them; but inasmuch as they reflect the widespread human transcendental concern with what happens to us after death, and insofar as we have any sensitivity at all to the mysterious (again recalling Chapter 13), it is perhaps arguable that we have a kind of distant sympathy with the predicament of the ancient pyramid-builders and are capable of appreciating their creations not merely as sublime pieces of architecture but moreover as reflective of the religious impulse in mankind.

All of which is all very well, but (with the possible exception of the Positivist 'Religion of Humanity' associated with the later Auguste Comte) nobody builds temples in worship of human impulses. I do not anticipate, given the broad space for epistemic consultation and reflection which I have left open, that any of the manifold religions of the world is very likely to force a complete rethink except insofar as it also demands a very different way of life from that which most of us live; such demands, however, are not unprecedented, even if few of us care to heed them, and even our more worldly existences are hardly free of the echoes of the transcendent. For a celebration of this-worldly cultural production such as mine, the heritage of religious lives continues to raise profound questions.

Another thing which I think might repay further and closer examination is the phenomenon of what might be called anti-heritage: separation from a heritage not through unthinking neglect but through an act (or in practice more of a deliberate process) of renunciation or excommunication. We may doubt that this is even possible; though when holding a culture together through extreme changes can be so hard, as Jonathan Lear shows it to be in his thoughts on how the Crow people of North America sustained their culture through externally enforced changes to their way of life (Lear, 2008), it need not be so hard to believe that sometimes cultural change happens because people simply choose to let go, or to banish the unwanted.[1] (Michael Brown writes that commodification of 'indigenous identity' has produced 'heartbreaking stories of communities disenfranchising members through the sudden imposition of more restrictive membership rules—the goal being, apparently, to reduce the number of people with whom the new wealth must be shared' (Brown, 2010, p. 576).) The question, rather, is whether outright voluntary cultural separation is a possibility, or whether in practice every counter-culture movement sustains more (in its language, its cuisine, and so on) than it rebels against. If it *is* possible to renounce or be forcibly parted from even part of an ancestral culture (perhaps to 'go native' in another, adopted culture), then various questions follow:

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[1]It might be interesting to examine practices of censorship and Bowdlerism in this light.

are the exile's immediate offspring also unable to call the ancestral culture theirs?[2] Might the exile retain some claim, as a sort of estranged cousin, on the material heritage of the lost culture if it otherwise dies out? For me, especially, there is a question which other conceptions of culture and heritage may not have to face: if we are agreed that estrangement of this sort does seem to be possible, how then can this be so, if culture is a boundless network whose tendrils extend indefinitely? I have occasionally remarked, especially in §14.2, on the possibility of turning one's back on some cultural practice or other, but the possibility (insofar as it really is a possibility) might reward further thought.

Lastly, and in view of my metaphilosophical remarks above, I suspect that the human imagination may offer further space for methodological exploration; according to Lady Warnock, only in the writings of Sartre do we find a method which 'actually uses imaginative inventions to make us accept philosophical points' (Warnock, 1994, p. 60). I invited you to imagine culture as a network, but here again there might be further yet to venture, and I conclude with a metaphor from both an eminent philologist and an influential author of fiction. In the reflections of J.R.R. Tolkien on our narrative inheritance, there is indeed an 'intricately knotted and ramified history of the branches on the Tree of Tales' (Tolkien, 2008, p. 39), not quite a network but at least a pedigree; but there is also a Cauldron of Story, containing a common stock to which sometimes new ingredients are added, and some of which is every so often ladled from the pot and served (ibid., p. 46). If we cannot draw borders in soup, we nevertheless may gaze inexhaustibly on storytellers' 'shoreless seas and stars uncounted' (ibid., p. 27).

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[2]A related case is that of certain secret information given to a white scholar, but not to the sons whom they judged unworthy, by the elders of the Australian Aranda people. 'Although the elders might have considered their sons unreliable guardians at a time when Aboriginal culture was being challenged and to some extent destabilized by the intruding white culture, what of their grandsons, who may want to re-establish their tribal identity and take pride in their unique heritage?' (Prott and O'Keefe, 1992, p. 315)

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