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Assessing possible futures for cultural heritage: national, global, public, private, commercial?

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Abstract

Across the world, the way we think about and treat cultural heritage is changing. The state – as guardian of the national heritage – is increasingly challenged from within by community and commercial interests; it is challenged from without by the rise of trans-national forces and the authority of international agencies. Ideas about what constitutes heritage are no longer the province of experts alone: and the manner in which heritage should be managed – and who should do the managing – are increasingly open to dispute. Everywhere, the question is posed: if heritage is for everyone, why are only a few allowed to determine how it is defined and how it should be treated? The answers vary depending on context and past history.

Taking an international perspective does not necessarily provide simple guidance for those seeking new ways to manage the past in particular circumstances. Approaches designed in one country do not easily transfer to another and the consequences of their adoption are not easily assessed. Heritage is not a free resource and its appropriation for private benefit is to be resisted. Where there is a tradition of voluntary activism, an increased role for official agencies may be resisted as government interference; where there is a weakening of total state control over heritage, there may be resistance from entrepreneurs at having to pay for their use of heritage assets. In considering the future of heritage, there is always a need to think about possible consequences. Drawing upon the international experience of a changing world for heritage, this paper will outline some of the key factors that may affect its future.

Keywords

Heritage, management, private, public, development, community

Heritage management systems

Public and private institutions are not so clearly distinguished as may be thought (Table 1).

Table 1: A typology of public and private institutions

| State | Intermediate | Civil society |
|-------------------|---------------------|--------------------------|
| Government | NGOs | Individuals |
| Official agencies | Charities | Commercial organisations |
| Law | Educational bodies | |
| | Voluntary bodies | |

While a distinction between the state and civil society is a well-established model, the agents that inhabit each are not quite so easily identified. There are those that are ‘civil’ in nature – operating independently of government – which nonetheless provide services and perform functions on behalf of the state and may be at least partially funded out of taxation. So when we speak of ‘private initiatives’ in relation to heritage we need to be clear what exactly we are talking about. Those who engage with heritage for the wider public good are also ‘public’ institutions but not necessarily agents of the state. So there is I think a clear distinction to be drawn between community and voluntary engagement with heritage, and the role of commercial organisations: these are not the same thing and operate very differently. Their relation to the public nature of heritage is also different: while one acts on behalf of the wider community in the public name, the other works for private advantage and seeks to exploit heritage as a resource. Both are equally entrepreneurial: the difference is in whose interests they serve.

It is instructive perhaps to look across the world to see the range of options for heritage management systems. Out of a survey of 22 countries from every continent (Greece was not one), 11 limited ownership of cultural heritage to the state alone while the remaining 11 allowed some measure of private ownership (Carman 2015, 140). The degree of state control varied across the 22 countries, but in those cases where the state was the automatic and sole owner laws were more restrictive and authority reserved for state agencies, thus

limiting the capacity for private initiative. Sanctions for breach of regulations also vary, depending upon where the greater responsibility is deemed to lie.

There are several ways in which what counts as heritage may be defined (O'Keefe & Prott 1984, 184-187); these are called by lawyers: enumeration; categorisation; and classification. *Enumeration* is a list of the kinds of material to be covered: this is typical of the USA (US Dept. of the Interior 1989-90). *Categorisation* is a looser approach whereby a broad description of types of material is provided, into which a range of particular objects may fall, and is the way it is done in the UK. By contrast with both, *designation* is not concerned with the form of the object, but with actions taken towards it: in such a system, only those objects officially recognised and designated as such by a responsible authority can be granted protection.

These differences represent contrasting approaches to how to treat the cultural heritage. Where only designated material is covered by law, the emphasis is placed upon the relevant authority and its decisions; where material is enumerated, anything included is automatically covered, removing any decision powers from agencies; under schemes of categorisation, a measure of interpretation is required, placing some but not all focus upon agencies. An enumerative scheme assumes a solid understanding of the kinds of materials and places constituting the heritage: by its nature, anything not listed is excluded. A scheme of categorisation has a greater capacity for the inclusion of new types of material, especially if the categories are drawn not on the basis of physical form or attributes (e.g. age) but on value ascriptions (e.g. 'of architectural, archaeological etc. interest or importance'). Paradoxically, the greatest flexibility may exist under a scheme of designation, so long as the capacity to designate is drawn widely: if it is limited by enumeration or categorisation, then it is significantly less able to include new types of material.

In general, the greater degree of state control over heritage, the greater the extent to which the costs fall upon the state itself, and are financed out of taxation. By contrast, where the state plays a looser role, the greater the burden that falls upon those who use heritage assets. The general principle that applies is that of the 'polluter pays', whereby those whose activities may damage or destroy the heritage are required to pay some form of reparation:

either to repair the damage, or to mitigate the impact of their activity, or to provide for full investigation before loss (Table 2).

Table 2: Patterns of heritage management

| System | Heritage defined by | Ownership / control | Sanctions / penalties | Finance |
|--------------------|----------------------------|----------------------------|------------------------------|-----------------|
| State control | Categorisation | State alone | Criminal | Taxation |
| Central regulation | Designation | State and private | Criminal | Taxation |
| Semi-privatisation | Classification | Private | Civil | 'Polluter pays' |

It is worth emphasising that all of these systems *work*: the only limitation is the extent to which the principles upon which they are based are accepted by those they affect. In a country where it is assumed that the state should have total responsibility for the cultural heritage, a system of partial privatisation will not work because those who hope to benefit will not accept their burden of the cost, as some African countries have found. By contrast, where private responsibility for the heritage is the norm, greater state involvement and a consequently heavier burden in taxes will not be accepted, as in the USA. Ultimately, it is belief in what the role of the state should be and attitudes towards regulation that determine the effectiveness of a heritage management regime, not the specifics of its mechanism.

A 'polluter pays' mechanism: preventive archaeology

The most widely applied system of the polluter pays principle in relation to heritage is in the field of archaeology, where it is recognised that not all sites deserve to be preserved and that economic development is a vital factor in the modern world, contributing to the greater welfare. This so-called 'preventive archaeology' is founded on three principles:

1. That archaeology is a public good whose loss should be mitigated by the beneficiary of that loss, such as a developer. This is an extension into archaeology of the more general principle that anyone who causes damage should pay to repair it; most commonly it is seen in the idea that a polluter (e.g., of a river or the air) should be responsible for decontamination.
2. That archaeology is only one among a range of factors affecting the suitability of any development work and, in the absence of any overriding archaeological imperative, other factors may require the loss of archaeology.
3. That the primary value of archaeology is as a store of information about the past. In case of impending loss, that information should be retrieved.

The purpose of such a system is not to interfere with development – as a system of automatic state ownership of the material may do, for instance, by placing the responsibility for the material and its control away from those who own the land and thereby preventing any further activity. Instead, it places the responsibility on those undertaking development by making the costs of archaeological work part of the costs of the project, and those archaeological costs can be expected to be low in comparison with the overall cost and with the returns expected of the project. Where it differs, in particular, from a state control model, which is based on reactions to discoveries, is in attempting to identify *in advance* the likely presence of significant remains and thereby including any archaeological investigation in the development project itself. Ideally, archaeologists effectively work as part of the construction team, undertaking a specific task in relation to the project as a whole, included in its costings and in its planning as any other specialists are. Indeed, the model for such an approach lies in Western attitudes towards the natural environment, and archaeological survey in advance of development work can conveniently be included in any wider Environmental Impact Analysis, and as Fleming and Campbell (2010, 244–7) point out, this is an integral part of any development sponsored by the World Bank.

Having first emerged especially in Britain in the late 1980s, the idea of preventive archaeology is now spreading across the world. As Willems (2010, 219) and others (see, e.g., chapters in Hamilakis and Duke 2007) emphasise, placing the responsibility for archaeology

on those whose projects will lead to its destruction has the effect of removing archaeology from the realm of public concern and towards its 'privatisation'. This is certainly the case in the UK, USA and Australia, where archaeology is increasingly practised by commercial archaeological units and consultants employed by developers (Everill 2007, 119–21; Davis 2009, 32; Smith and Burke 2007, 3–19). However, preventive archaeology is not entirely irrelevant to territories where the assumption of state ownership and responsibility for archaeological remains is the rule. The French Institut National de Recherches Archéologiques Préventives (INRAP) is a state monopoly charged with ensuring the proper identification and treatment of archaeological remains by co-operating with regional and local archaeological services and private contractors (Demoule 2008, 188). Established in 2001, and deriving from imperatives contained in the European Convention on the Protection of the Archaeological Heritage as revised in Malta in 1992, INRAP has contributed to a shift in French archaeological practice from a single state-controlled activity to one potentially divided between academic research and a professionalised commercial service, (Demoule 2008, 190), which represents a significant shift in the way archaeology is done and perceived in France.

However, as Demoule (2008, 191–2) argues, the principle of 'polluter pays', which lies at the heart of preventive archaeology, offers the countries of the global South, who face problems of looting to feed the international tourist and art markets and also a need to build infrastructure to support economic growth, a means to finance archaeological work without placing a burden on the state. The scope for its extension to (especially francophone) African countries was explored in the product of a conference held in Mauretania, in 2007 (Naffé et al. 2008), where both practical and ideological barriers to its adoption were considered as well as its potential advantages. It is, however, also the mode of approach favoured in Japan (Okamura and Matsuda 2010, 102) and is emerging as an important aspect of archaeological practice in Poland (Kobyliński 2010, 146). Preventive archaeology does have a way to go before it achieves fully widespread adoption across the world: where an ideal of archaeological material as national patrimony and state property persists supported by strong state organisations, it is unlikely to make headway, as in India (Ota 2010, 74) or Russia (Petrov 2010, 157).

Preventive archaeology has had two major consequences for heritage practice across the world. The first is to cement archaeology as a profession and to encourage the emergence of bodies responsible for regulating its practice not by the imposition of laws from the outside, but by self-regulation from within. The second has been to provide scope for those newly professionalised practitioners of archaeology to organise themselves as private contractors at the service of developers who pay for the work, rather than as agents of the state.

Community heritages

Alongside the rise of preventive archaeology, there has been a similar rise in a concern for demonstrating heritage as something that belongs to the wider community rather than the state and its experts alone.

The history of archaeology's engagement with a wider public goes back to the origins of the field. In late 19th century Britain, Augustus Henry Lane Fox Pitt-Rivers established his museum at Farnham to educate the workers on his estate into the inevitability of change through evolution rather than by revolutionary means, an aim (or at least an approach) that persists in the Pitt-Rivers Museum in Oxford (Hudson 1987). At this period – and indeed earlier – the distinction between a concern for the protection of ancient remains and providing public access to them did not yet exist: preservation inevitably allowed access, while the provision of public access justified efforts at preservation. John Jameson (2004) charts the rise of two distinct public archaeologies in the USA: from the pioneering work of Thomas Jefferson in promoting the heritage of Virginia directly to its population, through the increasing involvement of State and Federal institutions in studying America's past, to greater focus on preservation, and the ultimate dominance of preservation over interpretation in Federal programmes. He argues that it was theoretical debates about interpretation among archaeologists themselves – both academic and professional – that led to a revived interest in public engagement in the 1980s. Others (e.g. Frost 2004; Copeland 2004, 132-133) have outlined the range of public education programmes in

archaeology that have developed in the USA and Britain over the past two decades, emphasising how recent the emergence of community projects has been.

Merriman (2004a, 3) also outlines the distinction that emerged between public archaeology as archaeology on behalf of the wider community and as engagement with the members of that community: “public archaeology [as a public service]... relied upon public support in order to convince [decision makers] that archaeological sites needed protection or mitigation”. On this basis, the case has been made by Cleere (1984b, 61-2; 1984c, 128) and McGimsey (1984), among others, for programmes of public education, and it is *as* public education that so much work with communities is seen in the Anglophone world. Both Jameson (2004) and Frost (2004) discuss it in these terms in Merriman’s (2004b) edited volume on the subject, and the US-based Societies for Historical and American Archaeology (SHA; SAA) each delegate consideration of such issues to a Public Education and Interpretation Committee (SHA) and a Public Education Committee (SAA) respectively. Such an approach, drawing on wider debates on the public appreciation of science, has been called by Merriman (2004a, 5-6) the ‘deficit’ model of engagement with the public, in which non-archaeologists are assumed to be deficient in their understanding and appreciation of the field, and accordingly in need of education and thereby improvement. The alternative model (Merriman 2004a, 6-8) is the ‘multiple perspective’ model in which recognition is given to the competing needs of different communities of relating to their pasts, and the different interpretations and uses to which such pasts can be put: rather than offering a single (and ‘true’) past to our constituency, the aim is to offer the essential tools to evaluate the range of different interpretations on offer.

Bruier & Mathers’ (1996) review of US ‘significance’ literature from 1972 to 1994 points out that there is a clear sequence of changes in emphasis in the field, “from... an early and heavy concentration on contemporary archaeological research to... consideration of broader public and social values” (Bruier & Mathers 1996, 27). They attribute this shift in valuation strategies to a rise in concern for the ‘stewardship’ of heritage, whereby heritage professionals are seen less as the primary stakeholder in relation to the management of heritage – that is, as the main beneficiaries of heritage practice – and more as custodians of heritage on behalf of a wider community. This marks the incorporation of ‘public’ or ‘community’ concerns directly into heritage practice, thus allowing community engagement

to develop as a particular arm of the field rather than accepting that claims of public interest should merely be mobilised as arguments for heritage work. It also becomes quite possible to separate out public outreach and stewardship from 'mainstream' heritage preservation: this is not to suggest that we should regard the two as different, but it is important to be alert to the realities of heritage practice.

Third World heritage practices offer two competing models that reflect, but do not entirely replicate, the Anglophone experience outlined above. Mapunda and Lane (2004) argue that despite long-standing research into East African history and archaeology, and the establishment of agencies responsible for preservation and for outreach, some of which operate with high effectiveness, general public interest in local pasts remains low. They blame a number of factors: the distance of responsible agencies from local concerns, the poor quality of interpretive material, and the failure to involve locals in ongoing research programmes. The result is that heritage is seen as something alien and the concern of others than the local population, and ultimately as an inconvenience that interferes with local life. Similar concerns are reported for southern Africa by Segobye (2008). Funari (2004) outlines the separation of the majority populations of Brazil from the country's deeper past, which has been largely conducted by, among and mostly for other professionals. Nevertheless, he also is able to chart the acts of archaeologists and other heritage professionals against oppressive regimes and genocidal practices against the indigenous population. As for other South American countries (Politis 1995), the firm establishment of democratic civilian rule allowed the emergence of pasts that considered subordinate and excluded peoples, that addressed contemporary issues, and that introduced schoolchildren to indigenous heritages as part of the curriculum.

The separation of direct public engagement from preservation and management of the heritage resource is at once testimony to and a product of the professionalisation of the field in the closing decades of the 20th century. As the heritage field increasingly becomes a specialist activity of those specifically trained and educated to undertake it, the discipline simultaneously sub-divides into further specialisms. As well as the various branches of academic study, and the division of those involved in the management of heritage into curatorial, investigative and consultancy roles, engagement with the public also becomes a specialism in its own right. Many institutions responsible for public engagement – national

agencies, museums, etc. – employ specialist staff, very often trained as educators, to undertake the role (Cracknell & Corbishley 1986). Where others become involved, they find themselves increasingly involved in this aspect and more distanced from investigation of the past itself (e.g. McDavid 2000; Pryor 1989). The consequence is that – despite the best intentions of heritage professionals and in defiance of much disciplinary rhetoric – public outreach becomes something apart from the mainstream of heritage activity. As Hills & Richards (2006) and Parker Pearson & Pryor (2006) demonstrate for British archaeology, the means of disseminating ideas and understanding of the subject are increasingly removed from the hands of those who engage directly with preserving the material past.

There is accordingly space opening for other agencies to become involved, including voluntary and commercial bodies.

Heritage as global activity

Heritage is a global activity. There is no country in the world that does not have some law relating to the management of its heritage. Heritage institutions operate at both the national and the global level: state-sponsored institutions such as UNESCO and its subsidiary committees such as ICOM, ICOMOS and ICAHM provide a global standard against which regional and local heritage management practices are assessed; international bodies such as the Association of Critical Heritage Studies, or the Greenlines Institute for Heritage and Sustainable Development based in Portugal, provide fora where heritage professionals can meet and discuss issues of common interest and concern, including representatives of state agencies responsible for managing the heritage. Heritage Studies is one of the few humanities subjects in which international practitioners can meet and meaningfully engage in discussion, regardless of the material or period that is their individual specialism. Heritage is to be found everywhere where humans have been, however hostile to human existence – including under the deep oceans (Bass 2005), in the freezing and (largely) uninhabited continent of Antarctica (Harrowfield 2005) and in airless outer space (Spennemann 2006). Heritage professionals too may be found in every country – albeit sometimes in small numbers, as in Chad or Cameroon (de Maret et al. 2008, 146) – but they are present nonetheless.

The result is that however localised the system of heritage management to be applied – whether at the level of the nation state or below it, as in federal jurisdictions such as the USA or Germany, or where responsibility is delegated to regional authority as in India or Italy – it operates against a global background and constitutes part of the global endeavour that is heritage. This does not however remove responsibility for their own heritage from individual states. A crucial factor here is the common misunderstanding applied to such measures as the UNESCO World Heritage Convention (UNESCO 1972) which is neither a device for ‘uploading’ the responsibility for sites to an international body nor simply a mechanism for the production of World Heritage sites: it is instead intended as an encouragement to states to take full responsibility for the management and protection of their national patrimony. But this global nature of heritage as mediated through agencies such as UNESCO also serves to encourage the separation of heritage into categories – so that natural heritage is treated separately from archaeological and built heritage, which in turn are treated as different, and all are different again from heritage practices classed as ‘intangible’ (UNESCO 2003). This official categorisation of heritage (see also the ‘authorised heritage discourse’ idea: Smith 2006) serves to allow the ranking of heritages so that ‘world’ heritage is more important than ‘national’ heritage which is then superior to mere ‘local’ heritage, all in defiance of the way communities of interest may consider their own relations to heritage.

All of this runs counter to the development of initiatives at the local level by voluntary and commercial organisations who inevitably find themselves expected to comply with and conform to rules and procedures established at a considerable distance from their own focus and sphere of operation. It follows that however we choose to approach the treatment of our own cultural heritage, it will be judged and assessed against standards that operate at the global level.

Conclusions

At root, any system of heritage management can be made to work and work effectively so *long as* those who manage the system and those it affects are in agreement about the role

of agencies involved. To impose state controls where there has previously been reliance on private initiatives is to court resistance; to give new freedom to private initiatives where the state has been relied upon is to release forces that no-one involved will be prepared to meet.

Can we therefore learn from other parts of the world? It depends what you wish to learn. The adoption wholesale of others' systems without considering *why* it works is very dangerous. And so it is also to do so without first asking what it is *you* wish to achieve.

And that I think is the most important lesson I have learned in studying systems of heritage management across the world (see Carman 2015). The first stage is *always* to decide what it is you want to achieve. 'Managing the heritage well' or doing it 'cheaply' is not the answer here: because what is classed as good or inexpensive management depends so much on what we understand the heritage to be, what we consider the appropriate roles of law, the state and commercial and voluntary organisations and the value we place upon these institutions and the heritage itself (see Carman 1996, 17; 2002, 102-103); and these vary across the world.

These are the issues that on the basis of this that need to be highlighted in any discussions relating to the construction of a heritage protection programme:

- What is considered to be heritage (or not)
- How important it is to preserve
- What other legitimate role it can play in society, the economy or even politics
- What are the proper roles of the state, voluntary bodies and commerce?

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Dr John Carman is Senior Lecturer in Heritage Valuation at the University of Birmingham and has written extensively on archaeological heritage management with a particular focus on issues of valuation and questions of ownership. His latest publication is *Archaeological Resource Management: an international perspective* from Cambridge University Press, and he has recently been appointed as Editor of *Archaeologies: journal of the World Archaeological Congress*.

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