

Deconstructing Cultural Heritage as it applies to Property

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Starting with the 1970 UNESCO “Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property” and in all subsequent UNESCO conventions on the subject, the role of the individual creator of cultural objects is made subservient to the state when it comes to the transfer of such objects outside of the state’s territory. The 1970 convention is very clear in both associating cultural heritage with the state as the cultural property of the state, and eliminating any condition whereby any individual might claim exemption based upon his or her own personal cultural identity:

“Article 4

The States Parties to this Convention recognize that for the purpose of the Convention property which belongs to the following categories forms part of the cultural heritage of each State:

1. Cultural property created by the individual or collective genius of nationals of the State concerned, and cultural property of importance to the State concerned created within the territory of that State by foreign nationals or stateless persons resident within such territory;
2. cultural property found within the national territory;
3. cultural property acquired by archaeological, ethnological or natural science missions, with the consent of the competent authorities of the country of origin of such property;
4. cultural property which has been the subject of a freely agreed exchange;
5. cultural property received as a gift or purchased legally with the consent of the competent authorities of the country of origin of such property.”

Throughout this convention, the term “cultural heritage” is assumed to be understood and is neither defined nor broken down into its components of “culture” and “heritage”. The closest to some sort of definition is in Article 1 which says: “For the purposes of this Convention, the term “cultural property” means property which, on religious or secular grounds, is specifically designated by each State as being of importance for archaeology, prehistory, history, literature, art or science and which belongs to the following categories... “. Including “on religious or secular grounds” in the sentence seems redundant -- one could replace it with any adjective coupled with its negative expressed as “non- [adjective]”. One is reminded of the quip: “There are two groups of people in the world; those who believe that the world can be divided into two groups of people, and those who don’t.” The only reason for including religious or “non-religious” identifies the grounds as being a belief. So the convention has identified state ideology as the

overriding criterion for defining cultural property. While states have petitioned for the return of objects looted by the Nazi's during the Second World War, any proposal that Nazi memorabilia should be returned to Germany would be met with horror and disgust by almost everyone and the sale of Nazi memorabilia is, indeed, prohibited by law in Germany. Yet, no one would ever make the claim that the Nazi's played an unimportant role in world history.

During the same year that this UNESCO convention was published Aleksandr Solzhenitsyn was awarded the Nobel Prize for literature. He did not attend the award ceremony, fearing that he would not be allowed back to the USSR, and in 1974 he was stripped of his Soviet citizenship and deported to West Germany. He attended the 1974 Nobel Prize ceremony where he was finally given his prize. In 1990, two years after Russia ratified the 1970 UNESCO convention, Solzhenitsyn had his Soviet citizenship restored and he returned to Russia in 1994. For many years, the Soviets exercised their "cultural property" rights over Solzhenitsyn's works not for preservation but for censorship. What is blatantly lacking in the UNESCO convention is any definition of responsibility for what might be seen as being of global cultural importance as opposed to what the originating state defines as being culturally important to it, alone. With such control over cultural works, states are free to restrict from the rest of the world whatever they see fit to do so and thus can exercise considerable control over their own future histories.

If we accept that the relative importance of any aspect of culture is defined by the state, then ideologies become the driving force of state-defined culture. Germany cannot help but to de-emphasize the Nazi period or, at the very least, to treat that period in a very unfavorable light. The recent incident where a man tore off the head of the wax figure of Hitler at the Berlin Madam Tussaud's illustrates how controversial any public display of history can be. This is far from being a modern phenomenon: depictions of the pharaoh Akhnaten and his family were broken up or otherwise defaced after his death along with many buildings that he had erected. Many coins of Roman emperors were defaced after unpopular emperors were deposed. There is a tacit understanding that what the state allows to survive is what the state sanctions. Those who believe that the mistakes and crimes of history should be preserved to warn us against making such errors in the future always face this problem. Hitler can be depicted as beaten and hiding in his bunker just before his suicide, but this depiction is not representative of what allowed him to gain power in the first place. If Hitler is depicted as a figurehead of national pride it would cause universal condemnation, yet, it was this Hitler that led to the horrors of the Second World War and perhaps we should be reminded what unrestrained nationalism can actually lead to. Perhaps this is the most important lesson of all.

Nowadays, we treat the defacing of monuments associated with Akhnaten as a curiosity of history and most people do not feel incensed that these events took place. We like to believe that the people of the distant past were not quite as human as we are today and that today, we would never do such a thing. Unfortunately, that is not the case: in 2001, the Taliban leader Mulla Mohammad Omar issued a decree ordering the destruction of all statues in Afghanistan including ancient pre-Islamic figures. This led to the destruction of

the two gigantic stone carvings of Buddhas in the central province of Bamiyan, dating back to the sixth century CE, that were considered to have been the tallest standing Buddha figures in the world.

Koichiro Matsuura, the director-general of UNESCO, said: "Words fail me to describe adequately my feelings of consternation and powerlessness as I see the reports of the irreversible damage that is being done to Afghanistan's exceptional cultural heritage."¹ Yet, there is nothing in any of the UNESCO cultural heritage declarations that would force responsibility on any of its signatories. The dangers are always seen as coming from outside of the state and the declarations are only intended to protect states from such outside threats. Afghanistan is listed as a signatory to the UNESCO 1970 convention.

One of the most important features of Byzantine state architecture was its massive size: the individual was reduced to a speck in the landscape and the state was shown to be overwhelming. The same method was used in the construction of medieval cathedrals, which displayed power and wealth in stark contrast to the squalor of the typical medieval town, which surrounded it. Hitler's architect, Albert Speer, built and had planned many buildings that emphasized the glory of the state. Besides government and church buildings museums, too, were often designed along these principles. So in the very architecture, Church, State and Culture embody ideology over the individual. This phenomenon is evident in the modern "encyclopedic" museum whose critics say that they are monuments to previous ages of conquest and imperialism. That those days did exist cannot be argued, but should they be suppressed? Should we just continuously replace one ideology with another while pretending to depict history?

The popular definition of history is "that which happened", but no modern historian would make that claim. Historians understand that history is a dialogue with the past and that the questions that we ask of it are framed in modern perceptions. Histories represent the age in which they were written just as much as they represent the age that they depict. The curious thing about all of this is that not only does an individual write history, but also the opinions and actions of individuals largely bring about the events themselves. Left to their own devices, people (as collectives) do not create much "history": it is the leaders or instigators who bring their persuasion to bear upon the actions of the people whom they need to accomplish their objectives. In almost every case, the leaders make the claim to be working for the people, but it is their own ideas repeated back to them by the people that is labeled as the driving force. The leaders then make the claim to be humble servants working only for the benefit of the people.

Of course, this never fools everybody but those who are clever enough to see through this subterfuge often are clever enough also not to speak too much about it, as this would force them into the position of being a counter-power. They would then have to use exactly the same methods as those whom they criticize—leading to unpleasant encounters with the "thought police" or partisans. Once the damage is done, it is hard to

¹ <http://www.daophatngaynay.com/english/world/facts/038-destruction.htm>

undo it and we often see dramatic “pendulum swings” in ideologies where the style of the rhetoric, alone, is a stable constant.

Is there any sort of immunization against this manipulation? One way to avoid being duped is to examine what is being claimed “for the people” and then ask one’s self “is this also true for a person?” To get back to the subject of this article, if the objects of the past belong to the people then should any of them not also belong to any person? Almost every object has a value and it is true that many objects can be very expensive and beyond the means of the average person. A person who is forced by economics into living in an apartment cannot grow a garden to provide food or have flowers to look at. Almost everyone, however, can get food by buying it or even by having it donated to them and they can walk in public parks and admire the flowers. No one, yet, has ever made the claim that the private ownership of gardens is wrong because it imposes economic hardship on farmers or florists.

There can be two aspects to culture: one is nationalistic or ethnocentric and ideology-driven and is at the whim of leaders to change through the manipulation of the people, the other is personal and organic and changes through the whim of the individual. The latter aspect is so nebulous that it is next to impossible to define, exactly. The former aspect can easily be defined through nationalism or ethnocentricity. What I would call “real” culture is a combination of the two where a person is free to reject whatever part of the first aspect does not meet their own ideals as expressed by the second aspect. Thus one might be Japanese without feeling obliged to eat sushi and one might freely eat sushi without having to be Japanese.

Anthropologists call the personal and organic concept of culture “cultural frames”(CFs). A paper by Josep Martí² of the Spanish Council for Scientific Research (CSIC) in Barcelona explains the idea thoroughly. He says:

“The life of any person can be culturally defined through the participation of such person in the different CFs. It is precisely because of this reality that, actually, all persons are culturally different. For reasons of birthplace, gender, age, profession, etc., we could hardly find two people with identical participation in their respective CFs.”

And also warns us:

“The idea of the existence of a national culture distorts reality because: (a) This culture will only be a small part of the total culture of the population. (b) People assign social relevance of this (representative) culture to the whole population, which occupies a given territory. However, we now know very well that it is impossible to speak of a given

² The Cultural Frames Approach as an Alternative View to the Ethnocratic Idea of Culture, <http://www.anthrolobe.info/docs/Cultural-Frames-as-Alternative-to-Ethnocratic-Idea-Culture.htm>

culture as something concrete and well-defined or of "one nation, one culture". The idea of a national culture always gives a unifying image hiding the real cultural heterogeneity of a social system. These ways of seeing reality are not the most appropriate -- not in order to understand an ever more and more globalized world, nor in order to know the true nature of culture: which is always subjected to modifications as a continuous process of negotiation; which is not given by nature but constructed day by day by the individual."

Martí's observations on how each individual creates his or her own culture should not be a shattering revelation to most people. Of course, many might say "Why did I not think of this before?" It seems so obvious when you read his statements. This is because his observations are about the conscious actions of all people. Anyone might see examples of this in their own experiences. With many important discoveries in human history, it is not so much the complexity of the discovery that is impressive but, like the writing of history, it is because someone asked an important question – one that had never been asked before. The answer might be seen as simple, but the real genius is in the question. Too often we accept what has been fed to us by our parents, teachers or the media without giving it a second glance. Euripedes said "Question everything." But it seems that we all got too busy and a few things slid by unexamined.

The wonderful thing about the cultural frames approach as discussed by Martí is that it frees us from having to agree, in principle, with nationalistic hype. We all know where such things have led us in the past and the best that we can say about some of these wrong directions is that we "used to do this, but now we know better." Because we would rather have answers given to us than having to come up with yet more questions it is all too easy to accept that which is given to us "for the good of all". We forget that the most drastic wrong directions throughout history were all labeled as being for the "good of all". If they were not, then they would never have received the support that is needed to go wrong on such a vast scale. Colonization and appropriation seems like a bad thing unless we describe it as "bringing civilization and education to those less fortunate than ourselves". Described thus, the need for a colony seems quite logical.

Globalization can be seen as being a good thing when it is at the whim of individuals to take advantage of foreign markets to sell their products or to buy raw materials for making those products. Individuals can choose what aspects of cultures to adopt to make their lives more pleasant and a free exchange of artistic and intellectual creativity enriches everyone. Western art was strongly influenced by Japanese woodblock prints and the posters of Toulouse-Lautrec are undoubtedly the best example of this influence. African art was an important source of inspiration to Picasso and all of this was due to the fact that foreign art was being freely sold and could appear in everyone's homes. African carvings were frequently sold in the streets of Paris by sellers from many French-speaking African countries. Ancient Egyptian art appeared in public exhibitions in the same period, but although some Egyptian motifs appeared in decorative art, it never

really influenced the path that art took in the west. Through its public exhibition, it remained foreign and iconic. It was displayed by the state in the museums, but had little impact in a personal way. At best, it was a short-lived fad in fashion.

No one is better qualified to speak about the intricacies and connections of any cultural frame than a person who has been involved in a particular cultural frame for a long time. One of my own cultural frames is ancient numismatics. I started to collect ancient coins 45 years ago and over this period I have bought and sold coins. I catalogued a specialized collection of them at a museum³ and reclassified a series of Celtic coins, which resulted in my book on them being published at Oxford⁴. Together with my wife, Carin Perron, we created the original Celtic Coin Index on line⁵, which was the culmination of the card-file index started at the Institute of Archaeology at Oxford by Derek Allen and Sheppard Frere in 1960.

A cultural frame consists of a number of people who share the same interest. A cultural frame based on ancient coins will include a large number of people whose very *raison d'être* is the subject itself. They will all certainly have many other cultural frames such as their family, their nationality, affiliations to the city or region in which they live and to their profession. It would be unfair of anyone to ask one of these people to prioritize their interests. It is not a thought that should ever come up, and whenever it is forced into a situation where a decision must be made it is always accompanied by considerable angst. For the most part, people see their various cultural frames as a part of themselves and their circumstances are such that all of their interests are seen as important and rarely have to conflict in any drastic manner. A coin collector will willingly forego the purchase of a coin if his or her child needs some dental work done, or if they lose their job and have to be financially frugal while they look for another one. In such cases, they do not cease being a coin collector, they are merely shifting their current importances around to meet the demands of current circumstances. It rarely happens that one must choose between family and other interests as a permanent state and even if severe financial hardship occurs that forces them to sell their collection, they still have an interest in coins and can still believe that they will collect again, once their situation improves.

On the rare occasion where a cultural frame actually replaces another cultural frame, the substituting cultural frame often sets up a dramatic hostility against the previous cultural frame that can sometimes reach pathological proportions. We see this, sometimes, in members of a highly structured religion with many rules and dogmas whom, for various reasons, have become atheists. Their atheism takes on the characteristics of a religion itself and they often become “active” atheists who try to convert everyone else to their point of view. To shift to this polar opposite requires that the original energy has to be channeled into the new interest. We all know that energy cannot be destroyed, it can only

³ The Wallace collection of the coins of Euboea, on loan to the Nickle Arts Museum, Calgary, Alberta, Canada. (unpublished). The Euboian league part of the collection had previously been published: Wallace, W.P., **The Euboian League and its Coinage**, ANS Numismatic Notes and Monographs No 134, New York 1956.

⁴ **Celtic Improvisations: An Art Historical Analysis of Coriosolite Coins**. British Archaeological Reports S1092, Archaeopress, Oxford, 2002.

⁵ <http://www.writer2001.com/>

be redirected. It is no coincidence that some of the most outspoken critics of private collecting were originally collectors themselves. To an untrained observer, this turn against collecting seems like proof that their reasons are justified -- after all, who would know better about the wrongs of collecting than an ex-collector? In reality, though, the energy against collecting has been redirected from the energy that was given to collecting. If this did not happen then a severe psychic disturbance could ensue and any suppression of this energy might result in any number of possible neuroses. When personal interests shift most people feel no need to proselytize, and they recognize the validity of their prior interest in others. Other dramatic conversions can result in a cult-like behavior.

Someone who is unfamiliar with the cultural frame of collecting ancient coins will naturally assume that such a cultural frame consists only of coin collectors. A few will realize that this cultural frame would also include coin dealers because there is an obvious symbiotic relationship between the two. We would also have to include metal detectorists who find ancient coins (and often then go on to collecting and or dealing in them) and archaeologists who have ancient coins as their specialty. I can cite, for example, the relationship between the numismatist Derek Allen and the Oxford Archaeology professor Sheppard Frere who, together, created the Celtic Coin Index. Between the two of them, they considerably advanced the subject of Celtic coins by creating a data set and a corresponding philosophy that led to many studies and conferences. A similar relationship existed between the farmer/numismatist Henry Mossop and the archaeologist Jeffrey May. Mossop was one of the first purchasers of a metal detector in England and encouraged the hobby in his home county of Lincolnshire. He stressed the importance of recording find spots and many new detectorists sold their coins to him with the find spot data. Jeffrey May worked with him on a study of the coins of the Corieltavi tribe in Lincolnshire and continued the work after Mossop died.

The excellent relationship between collectors and archaeologists in many parts of England can be expressed no better than to mention the late Tony Gregory whom Roger Bland cites as the inspiration for the Portable Antiquities Scheme that he heads⁶. Tony Gregory was an archaeologist who not only encouraged the reporting of finds among detectorists, but also made many appearances on television to promote public involvement in archaeology. He went on to become a published Celtic numismatist and in the acknowledgements of one of his last publications said "Finally, and most importantly, I must thank those collectors and detector-users, particularly in Norfolk, who have made their finds available for study, and whose conscientious recording of their discoveries is the basis of this study... Without them, we should be little further forward than we were in 1970."⁷

Within the very specific cultural frame of Celtic numismatics, we do not find any hostility between collectors and archaeologists that have this as their specialty. Most of

⁶ http://findarticles.com/p/articles/mi_hb3284/is_304_79/ai_n29197763

⁷ Tony Gregory, *Snettisham and Bury: some new light on the earliest Icenian coinage*, in: **Celtic Coinage: Britain and Beyond, The Eleventh Oxford Symposium on Coinage and Monetary History**. Ed. Melinda Mays, British Archaeological Reports, British Series 222, Oxford, 1992.

the animosity against collectors comes from archaeologists who have little knowledge of numismatics and a few archaeology students who are just beginning their interest in coins. This simple fact should speak volumes to any critical observer. I do not think it is an exaggeration to say that Celtic numismatics has advanced further than any other subset of ancient numismatics in the last decades.

We now should ask why this would be. It is not simply that archaeologists and collectors of Celtic coins have worked together. What we are actually seeing is collaboration between very different sorts of people and of extremely varying backgrounds within a cultural frame. In isolation, and within a set and well-defined paradigm such as academia, discoveries are fewer and of less import than when people of vastly different interests, education and backgrounds approach the same subject. For myself, my interest in art-history enabled me to develop an entirely new methodology in numismatics that addressed the actual order of the creation of dies, rather than looking at their chronology by die linking the coins (the two chronologies can often be different). This, in turn, led to new discoveries about Celtic art.

Aaron Lynch covers this phenomenon of the incidents of new discovery and creativity in a subject in the new subject of memetics and in particular in his paper: *Units, Events, and Dynamics in the Evolutionary Epidemiology of Ideas*⁸. He proves that not only does it require a vast base of interested parties, but also it is essential that these parties have extremely varied backgrounds whereby recombinant ideas can generate new information in an evolutionary manner.

So, to return to the UNESCO nationalist retentionist ideals of what culture is, and to compare them to what both Martí tells us about cultural frames and to what Aaron Lynch reveals about the evolution of ideas, we can clearly see the fallacy. Culture is adopted freely by individuals as part of a much larger framework that spans not only nations, but also individual expressions. We cannot protect culture by confining it and handing it to the public in planned international exhibitions like the contents of a Pez container. Instead, individuals must absorb it in very personal ways that include trade, collecting and collaboration within and between their cultural frames. Those who try to inhibit the collector and lay blame on him or her for the looting of archaeological sites are not addressing the real problem at source. Worse still, they are severely impeding the advance of knowledge for what must be purely selfish and proprietary motives generated by their own psychology. Because of the latter, we cannot expect them to change, but hopefully, thinking members of the public will be able to see their errors and develop real and workable solutions to the problems.

⁸ <http://web.archive.org/web/20021004140101/www.thoughtcontagion.com/UED.htm>