PART 5

ETHICS AND MORALITY

5.1 Introduction

The previous chapters examined the six aspects as suggested in the Nara Document, and a further aspect—change and development—considered essential in the present debate on authenticity and heritage conservation. This chapter brings ethics and morality together with authenticity as perceived in a philosophical sense. It is based on the notion that without a philosophical base bringing ethics and morality into the debate, conservation labours, particularly that practised in foreign countries, may be fruitless in their understanding. Whether deliberately or unconsciously through its presentation, conservation may be no more than a thinly veiled façade of history. A parallel example is given by Edward Said when he compares understanding from texts with understanding from reality. He writes, "Memory of the modern Orient disputes imagination, sends one back to the imagination as a place preferable, for the European sensibility, to the real Orient."[1] In a Western/Eastern aesthetic context, conservation may amount to nothing more than another form of Orientalism.

Ethics and morality are closely intertwined, and often used interchangeably or with uncertain differences such as professional ethics.[2] In recent philosophical thinking, morality is seen as a more narrowly focused concept and ethics as a broader notion including much that falls outside the ambit of morality.[3] Morals are concerned with opposing values such as "goodness" and "badness," or the distinction between right and wrong, and hence imply a judgemental approach suggesting some form of criteria. It further carries the characteristics of duty or obligation, and a strict demand of responsibility.[4] The consideration of ethics is mostly met in the professional field in the form of ethical codes or rules of conduct, which encapsulate the moral duties expected to be upheld by the members of the profession.

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[1] Edward W. Said, *Orientalism* (London: Penguin Books, 1995), 100-101.
[2] Julia Annas, "Ethics and Morality," in Lawrence Becker and Charlotte Becker (eds.), *Encyclopedia of Ethics* (London: Routledge, 2001), vol.1, 485.
[3] Ibid.
[4] Ibid.

The notions that swirl around the study of ethics in the professional sense, and ethics as they can be applied in relation to human respect, and their understanding in the philosophical sense, have contributed to the confusion that surrounds the use and perception of the word authenticity. If authenticity is to have any meaning in the practice of conservation, then ethics and morality must be examined for its application in the philosophical sense.

J. Baird Callicott in writing the encyclopedic entry of "Conservation Ethics" refers only to natural conservation.[5] This meaning of the term "conservation" as exclusively natural reflects a general perception, but at least presents a pattern that may be used to consider the application of ethics and morality in the conservation of the built environment. Callicott draws a parallel between "Resource Conservation Ethics" and "Natural Preservation Ethics." The former constitutes the materialistic view of the balanced use of resources, implying development and the just and fair distribution of natural resources. It also carries the moral principle of efficiency—that a natural resource should not be wastefully exploited.[6] Natural Preservation Ethics, however, refers to "a higher transcendental reality above and beyond the physical world and [privileges] the psychospiritual use of nature over and against its material use."[7] We can see in this a parallel with the conservation of the built environment with the resource conservation ethic equating with the adaptation of historic buildings for new and continuing uses, contrasting with the stricter natural preservation ethic as retaining the maximum of original fabric as the most authentic representation of history. This latter example is generally cautious of any new use, as this may require changes to the fabric that could impact on cultural significance.[8] In turn, such an impact could be perceived as a threat to the authenticity of the fabric.

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[5] J. Baird Callicott, "Conservation Ethics," in Lawrence Becker and Charlotte Becker (eds.), *Encyclopedia of Ethics,* 308.
[6] Ibid.
[7] Ibid., 309.
[8] *Australia ICOMOS Burra Charter*, 1999, Articles 1.11 and 3.1.

Professional ethics

The last two or three decades has seen a revolution in professional ethics.[9] A series of books is currently in preparation examining ethical issues in a number of professions. Ruth Chadwick, the general editor of this series, states,

> Traditional ideas of professions and professional conduct have been challenged by recent social, political and technological changes. One result has been the development for almost every professional ethical code of conduct which attempts to formalise its values and standards. These codes of conduct raise a number of questions about the status of a 'profession' and the consequent moral implications for behaviour.[10]

In one volume of the series, *Ethics and the Built Environment,* Warwick Fox has brought together a team of writers whose focus falls generally into two groups: the "green" group, which includes ecology, sustainable development, energy efficiency and global warming; and the social/spiritual group, which includes social issues, sense and spirit of place, and aesthetics. The first group is given as essential to human life, and this approach can be easily argued given their empirical nature, in contrast to the more subjective second group.[11] Although conservation generally forms a significant part of environmental issues, the ethical focus in relation to building conservation does not form a specific topic for discussion. This is understandable, as conservation practice is seen to fall within the general architectural and building practice as do a number of building subsets. But it can be argued that building conservation is a specific and complex practice, and the ethical issues involved go beyond those of normal building practice.

Like the arguments put forward for the responsible and balanced use of non-renewable resources of our planet, our built heritage is equally a non-renewable cultural resource.[12] The responsible management of our built heritage is essential for the understanding and acceptance of culture identity, and whose destruction may cause disorientation and loss of cultural "placement." But problems such as

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[9] Warwick Fox (ed.), *Ethics and the Built Environment,* (London: Routledge, 2000), 1.
[10] Stated in a general note to the series *Professional Ethics* by the General Editor Ruth Chadwick in the publication to the series, Warwick Fox (ed.), *Ethics and the Built Environment*, i.
[11] Warwick Fox (ed.), *Ethics and the Built Environment,* 2.
[12] ICOMOS *Charter for the Protection and Management of the Archaeological Heritage (1990),* Article 2. See www.international.icomos.org/e_archae.htm.

property rights, economic justification, and the general failure to appreciate the spiritual and cultural necessity of heritage conservation, form a constant barrier to its comprehensive acceptance. Cost/benefit arguments for conservation generally revolve around empirical factors, and subjective factors that form the greater part of the argument, are often misunderstood. It is in these last factors where the greater part of ethical arguments is to be found.

Saul Fisher in a contribution towards the ethics in architecture critiques the "Continental Ethics of Karsten Harries."[13] Harries' argument, as stated in a précis by Fisher, is that before technology and before the architects took an idiosyncratic approach to design without consulting the community, architecture was "authentic." If architecture is restored to its former *ethos,* that is, if technology is controlled and architects work with the community, then the resultant architecture will reflect the prized values of community life and become authentic again. The mistake, says Fisher, is that Harries "treats architecture primarily as a product, not a practice, which results in an ethical perspective that attaches moral values and their realisation to buildings, not to the people who build them."[14] He concludes that "Harries offers us the impossible vision of artefacts reflecting values without the moral input of the individual (moral) agents who create those artifacts," and calls for the need to recognise the significance of the architect's moral agency.[15]

This can be compared with Paul Oliver's approach in his "Ethics and Vernacular Architecture" in the same publication. Oliver's definition of vernacular in this context is given as "the buildings *of* the people built *by* the people."[16] (Oliver's emphasis). Referring to those who admire vernacular settlements, he states,

> There is a fair measure of self-gratification in this admiration of the vernacular aesthetic and an inclination to disregard those vernacular traditions that do not satisfy the criteria of the viewer, who is rarely an ordinary member of the culture that produced the buildings. Such criteria

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[13] Saul Fisher, "How to Think About the Ethics of Architecture" in Warwick Fox (ed.), *Ethics and the Built Environment*, 174.
[14] Ibid., 175
[15] Ibid.
[16] Paul Oliver, "Ethics and Vernacular Architecture" in Warwick Fox (ed.), *Ethics and the Built Environment,* 116.

are generally ethical, the 'purity' of form, the 'truth to materials', the 'economy' of means being ascribed moral value.[17]

He proceeds to unfold a grim picture of problems facing the world in the next fifty years for housing the world's increasing population. Questioning the ethical justification of vernacular traditions and cultural values being ignored, he highlights a central problem: "is ethics essentially a part of Western philosophy and, if so, what bearing does it have on the value systems of vernacular culture?"[18]

These two examples refer to the design and production of buildings and are not concerned with conservation. But the problems inherent in them can easily be paralleled with conservation practice. They highlight some specific points in the ethics debate. Fisher's intentions are good but they are not far reaching enough. His reference to the architect's moral agency only touches the problem at its beginning. In conservation at least, moral agencies must be carried through the entire building process, otherwise good intentions at the beginning will surely fail. One of the jewels of Aleppo is the covered suqs. (Fig.56) The history of Aleppo focuses largely on its reputation as a trading centre, and the khans or caravanserais and extensive suqs that remain since the sixteenth century, are impressive evidence of the importance of trade in the life of this city. Burns states the stone vaulted maze of suqs "totalling 7 kms in length are unsurpassed in the Middle East for sheer interest and atmosphere," and remain largely unchanged since the sixteenth century, some going back to the thirteenth century.[19] Some of the southern sections have suffered deterioration and have been subjected to recent conservation. The finish of this work appears unsatisfactory, with the stonework and mortar contrasting sharply with the immediately adjacent vaulting. (Figs.57 and 58) This is not lost on some of the local traders, who, although acutely aware of the disparity, are reluctant to voice their criticism. One critic, who understandably wished not to be identified, stated that the work had been funded generously by the German government but implemented without their

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[17] Ibid., 115.
[18] Ibid., 118.
[19] Ross Burns, *Monuments of Syria* (London: I.B.Tauris, 1999), 37.

supervision. This resulted in the work being cheaply done and the balance of the funds pocketed by the members of the Syrian administration. It is at this level of contract administration that projects are likely to founder regardless of the good intentions of the benefactors or conservators.

Fig. 56. Aleppo: the *suqs* of Aleppo have several finishes to their interior. This section is rendered. (Author: 2001)

Fig. 57. Aleppo: one of the older stone vaulted *suqs*. (Author: 2001)
Fig. 58. Aleppo: *suq* vaulting recently "restored," contrasting sharply with adjacent vaulting shown in Fig. 57. (Author: 2001)

Although Oliver's questioning whether ethics is essentially a part of Western philosophy was specifically asked in the context of vernacular traditions and culture, it could equally apply to conservation or any other building activity. Conservation is often seen as a Western concept and carries with it the stigma of Western intervention, even when enthusiastic Eastern countries have embraced it. Krishna Menon in his critique of the *Venice Charter* writes, "The conservation movement in India adopts the Western point of view in the implicit belief that it will thus bring a 'superior' tried and tested ideology and method to impose order on chaos."[20] This attitude can be seen in the funding that is freely given for conservation projects by Western countries and so eagerly accepted. Such funding could be given and accepted with an understanding of obligation. It could also be given as a recompense for intervention, and received in the same manner. Even if the intentions on both sides are honourable, the ethics involved in this form of transaction are complex.[21]

Ethics and cultural plurality

Concern for indigenous people arises in several ethical codes, several of which are discussed below. While accepting this focus on indigenous people, the concerns regarding their welfare should equally apply to the multicultural groups that are constantly growing within most nations today. Syria's population is composed of a number of minority groups, some from different countries and cultures such as the Armenians, and some long-term inhabitants of earlier migrations, such as the Bedouin tribes now inhabiting the Euphrates River areas. Syria demonstrates a general tolerance to such minority groups, as demonstrated in Aleppo. Armenians dominate a large portion of the main city immediately north of the old city, known as the Jdeide Quarter. This is a largely Christian Quarter, the notable monumental buildings being churches, and cathedrals. The Christian culture sits comfortably within the much larger Muslim culture, and has done so since the influx of

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[20] A. G. Krishna Menon, "Rethinking the Venice Charter: The Indian Experience," in South Asian Studies 10. 1994.

[21] Concern was expressed by several architects (requesting anonymity), about the German intervention in the Aleppo project. Given the example of the *suq* restoration, the concern for ethics is of equal concern on both sides.

Maronite and Armenian Christians during the Mamluk period.[22] These immigrant groups have settled comfortably in both the traditional and modern style Arabic residences resulting in an attractive townscape and a seemingly contented co-existence with few cultural conflicts during the last 100 years. The western half of the *al Frafirah* Quarter is known as the Jewish quarter, but apart from residential buildings that carry no specific Jewish cultural traits, there is no other built evidence to suggest the former inhabitants. Jewish folk lived in this area for centuries, until the mid 1970s. Burns records that from the eighteenth and nineteenth centuries "the Christian and, to a lesser extent, the Jewish, communities thrived given their protected status under the [French, English and Dutch] "capitulations", as well as through their favoured position as middlemen and the protective role of the consuls."[23]

Damascus follows a similar path. The old city has apportioned itself into "quarters," the Christian quarter being in the North East sector, apparently reflecting "the decision of Khalid Ibn al-Walid the Muslim conqueror of Damascus in 636, to confirm [the Christians] continued access to their churches in the area."[24] Portion of the South Eastern sector is still referred to as the Jewish Quarter (Haret al-Yahud). This also remained in Jewish habitation until the mid 1970s. The early Jewish, Muslim and Christian religions all stem from the same or similar historical beginnings, and in this they share a common heritage. This can be appreciated in Syria, and is accompanied by some effort of co-existence. The shared Shrine of the Head of John the Baptist in the Damascus Umayyad Mosque shows an acceptance of both Christian and Moslem religious sensibilities. This compares favourably with the shared significance of the Dome of the Rock in Jerusalem, which has been the scene of considerable politico-religious conflict in recent years. In contrast, both the Aleppo and Damascus Christian areas have a mix of religious buildings melding with the traditional residential buildings, illustrating the social and religious mix of the inhabitants. The character of these two quarters is considerably enhanced by this rich multicultural co-existence. However, multicultural co-existence is fragile and should never be taken for

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[22] A. G. Krishna Menon, "Rethinking the Venice Charter: The Indian Experience." 41.
[23] Ibid., 32.
[24] Ibid., 96.

granted, and given changes in social and/or political circumstances, could easily flair into confrontation. Such confrontation occurred in Australia during the late 1980s, which resulted in an ethical code for managing conflict in relation to heritage conservation issues, and is discussed below.

5.2 The Charters and the Question of Ethics

Codes of ethics come in several different forms, related to specific purposes. Codes of ethics, codes of professional conduct, and codes of practice are usually related to professional usage and their names are often interchangeable. They may appear in the form of a charter, but it is not to be expected that all charters will necessarily contain ethical statements.[25] The *Venice Charter* makes no specific reference to ethical practice, while the *Burra Charter* contains references to environmental concerns such as the explanatory notes to Article 5 regarding the *Australian Natural Heritage Charter*.[26] In addition social and cultural concerns are referred to in several articles in relation to associations and meanings, and that these should be respected.[27]

Article 13 of the *Burra Charter* concerns the co-existence of cultural values, although it does not refer to the Australian ICOMOS *Code on the Ethics of Co-existence in Conserving Significant Places,* also referred to as the *Cultural Diversity Code,* (Appendix 19). [28] Australia ICOMOS adopted the Code in 1998, following lengthy discussions reaching back to the early 1990s. It has a single focus, and arose from the problems encountered during the Goonininup/Swan Brewery case in Perth, Western Australia.[29] The aim of the Code is to provide a set of procedures for the ethical management of conflict arising from different values of cultural significance being assigned to a place by two (or more) cultural groups. It seeks, where appropriate, "co-existence of differing perceptions of

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[25] A more detailed explanation is given in "Codes of Ethics," in Ruth Chadwick (Editor in Chief) *Encyclopedia of Applied Ethics* (San Diego: Academic Press, 1998), vol. 1, 527.
[26] *Burra Charter, 1999,* Explanatory Note to Article 5.
[27] Ibid., Articles 24, 26.3 and 27.2.
[28] The Code, available on Internet, also forms an attachment with the Guidelines to the *Burra Charter.*
[29] Brief coverage of the opposing arguments in this case are given in *Historic Environment,* vol. 9, no. 1 and 2, Australia ICOMOS, Council for the Historic Environment, 51–69.

cultural significance rather than resolution."[30] This is an example of a specific ethical consideration particularly related to conservation practice, and could be applicable to any country with a multicultural society. It presents a code of ethical practice that reflects the concern of other nations regarding the conflicts arising from cultural pluralism. In the Western Australian case, the Goonininup are the indigenous people, but the Code refers to "two or more cultural groups." This broadens the scope of the Code beyond indigenous interests to all multicultural people. This is in contrast to the *Declaration of Oaxaxa*, a document arising from a seminar on Education, Work and Cultural Pluralism, which was adopted by UNESCO in 1993. The aim of the *Declaration* is to recognize "the immense contribution of indigenous people to the development and plurality of our societies and reiterate our commitment to ensure their economic and social welfare, as well as our duty to respect their rights and their cultural identity."[31]

The UNESCO *Recommendation concerning the safeguarding and contemporary rôle of historic areas* calls for constant attention to social and cultural matters, and the charters that build on this document should contain some references to ensure that these concerns are not overlooked. Few documents arising from the *Recommendation* address this. The *Washington Charter* pays little attention to social and cultural matters, and certainly does not address ethical concerns.

For an ethical statement regarding conservation at an international level we turn to the *Ethical Commitment Statement for ICOMOS Members* (Appendix 20). ICOMOS International produced its *Ethical Commitment Statement* (ECS) in March 2002, (revised November 2002), following discussions arising from the International Symposium at Sophia in 1996. The ECS is a professional conduct code that sets out to be morally fair to all members and whose conduct will not bring the professional body into disrepute. In the Preamble, the objective is "to provide a tool to improve and clarify ethical conservation practice and principles

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[30] *Cultural Diversity Code: Code of Ethics of Co-existence in Conserving Significant Places* (Australia ICOMOS, 2000), Article 14.
[31] UNESCO, *Declaration of Oaxaxa* (Paris: UNESCO, 1993), Preamble. Reaffirmed from the previous Ibero-American Summits in Guadalajara and Madrid.

useful amongst members, Associates, non-members and communities who are active in conservation."[32]

As a document for conservation practice, it needs to be examined to see how effective it is for area conservation, particularly regarding social, cultural and economic factors essential for success. The social requirements need to consider community values, their understanding and responsibilities regarding conservation techniques and procedures, and their stewardship following the completion of the project.

The ECS is a wide reaching ethical statement going beyond professional conduct to encompass ethical matters relating to community involvement and stewardship. It also refers to economic development at both local and regional levels, and calls for the accountability and responsibility of the practitioner towards "their society and community."[33] Although no specific reference is given, the adjective "their" suggests a personal involvement with the subject of the practitioner's work. It could also be read that they are accountable only within their own society, and not applicable to projects held outside their general practice area. The document appends "Guidelines for Operational Management" that refer to breaches of ethical professional behaviour. It is noted that these guidelines should be "matters of professional conscience, not for civil legal action."[34] This can be regarded in the light of the ECS itself, and indeed all the codes, charters, declarations, and recommendations, that although they carry a great deal of professional weight, they are not legal documents. The misreading of Article 9 would probably not become a matter for the courts to settle, but ambiguities should not be present in this type of document. Certainly the success of operational management relies entirely on the professionalism of the members. This is not to disparage the work or intention of any professional or volunteer engaged in conservation activity, but given the extremely wide scope of conservation, the practitioner must be given direct guidelines for implementation, and always be aware of ethical obligations during the full course of a project. The ECS provides some direction for this, but

[32] *Ethical Commitment Statement for ICOMOS Members* (Paris: ICOMOS, 2002), Preamble.
[33] Ibid., Article 9.
[34] Ibid., "Guidelines for Operational Management of the Statement," appended to *Ethical Commitment Statement for ICOMOS Members.*

again the wide scope of conservation requires that the articles must be seen to provide this direction in the context of each type of project.

Several articles refer to further social, cultural and economic issues, but require further consideration, particularly regarding area conservation. The Preamble sets the intention of the ECS concerning intangible values and social traditions that are of community importance. It refers to "engaging with local communities recognising the economic contribution which heritage conservation makes to local and regional development,"[35] thus acknowledging social and economic concerns beyond those of basic heritage conservation. The economic theme is picked up in Article 2 that begins with a general approach to conservation being the retention of the reliable evidence of the past. The reference to authenticity and integrity brings these officially into the ethical commitment of conservation practice, and links this with interpretation. The article concludes, "It requires the recognition of the historical and economic role of heritage conservation in local and world development,"[36] bringing the economic role beyond the regional development as stated in the Preamble and as an end product of the conservation process. No further direction for implementation of these aspects is given.

Article 3 considers intangible values, and calls for community participation in conservation processes. This article also recognises that "the co-existence of cultural values requires recognition, respect and encouragement,"[37] recalling the Code of Ethics above. Article 5 considers public awareness and appreciation, education and training programmes. This is followed by references to fellow professionals and mentor junior colleagues, but this is linked with advancing a wider understanding of conservation philosophy, standards and methods.[38] This latter statement has a professional ring to it, and could be misconstrued to be applicable only to professional members rather than to the local community. This dilutes the possible impact that the ECS could have had for the training of the local community in stewardship for continuing maintenance and restoration.

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[35] Ibid., Preamble.
[36] Ibid., Article 2.
[37] Ibid., Articles 11 and 3.
[38] Ibid., Article 5.

In a similar manner, Article 6 recognises the importance of a multidisciplinary approach, and refers to "collaborative teamwork amongst professionals, technicians, administrators and craftsperson and communities."[39] The involvement of each of these would be apparent from their various skills, except those of the community. No direction is given to the professional members for the involvement of the community. The collaboration with skilled community members may become apparent, and although education forms part of the ECS, no specific statement is given regarding the education of conservation skills for the continued stewardship following completion.

The ECS presents itself as a tier one document that gives good coverage for professional conduct regarding conservation practice, but little direction for more detailed implementation that is required for area conservation. It would adequately serve conservation of single monuments, and as such could be equated with the *Venice Charter* or *Burra Charter*. For area conservation the necessity for community involvement, being a more complex issue, requires far greater direction to ensure success. In similar fashion, the failure of an urban or area conservation project has the potential to do far greater damage than that of the conservation of a single building. With he exception of Article 11, the remaining articles of the ECS refer to professional conduct and are not relevant to this thesis.

Article 11 of the ECS refers to the manipulation or concealment of results to meet outside demands, and points to the ethical/moral issues of conservation that could, if mishandled, lead to the unstated result of obscuring the true cultural identity of the subject matter. This points to the presentation of the evidence of the past, either in archaeological or urban conservation. Its reference to manipulation or concealment of results highlights the interpretation placed on the evidence by the practitioner, and in turn the presentation of that evidence for the understanding and further interpretation by the viewer. This could be carried further to deliberate misrepresentation in order to achieve a mischievous result. The Article points to truth in interpretation and honesty in presentation.

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[39] Ibid., Article 6.

5.3 Interpretation and Presentation

Any presentation of interpretive material carries with it the possibility of correct or incorrect information, whether specifically intended or not. Some consider that "all deceptive messages, whether intended or unintended, true or false, verbal or nonverbal, to be lies so long as they end up misleading recipients."[40] If the meaning as understood was unintended, the statement may still remain as a strong indictment. But the end result, even if the recipient is unaware of the original motive, can lead to a feeling of disappointment when the correct information is eventually known, leading to a cynical disbelief of any further information. Accepting that archaeological and other historical evidence in conservation plays such an important part in the understanding, continuation or formation of cultural identity, it is imperative that such evidence be correctly presented as is possible. Of far greater concern is the deliberate misuse of such evidence for political or personal gain at the expense of social and cultural consequences, and constitutes a gross deceit.

In the conservation of buildings and archaeological sites, in addition to the usual ethics of the professional practice of architecture, there are the specific ethical issues, such as the correct presentation of history as revealed in the material evidence. Presentation is often referred to as "interpretation," and a whole professional practice has evolved around the interpretive measures adopted to present a heritage site or monument to the general public. But the concept of interpretation has pitfalls. As historians and archaeologists are only too aware, the presentation of people and events and the physical setting of past times, whether recent or ancient, should rely on the impartial interpretation of the remaining written and physical evidence. Although the research may be extensive, the final result is still the presentation of that evidence, and could be subject to many interpretations. In addition, the conservator is faced with the practical problems of the conservation of the physical remains, that in turn rely first on the practitioner's

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[40] Sissela Bok, "Deceit," in Ruth Chadwick (ed.), *The Encyclopedia of Applied Ethics* (San Diego: Academic Press, 1998), vol. 1, 380.

interpretation, and secondly on the actual conservation work carried out. The final result of conservation action may be a "concrete" representation of one point of view, with little chance of restatement or an alternative point of view. This leads to the concept of *passive presentation.*

Passive presentation

This is the unintended message conveyed to the viewer through the visual display of the place. Throughout the course of conservation the practitioner makes numerous decisions, the sum of which may, at the end, impart other messages than that intended. In the previous chapter this was related to the tourism industry, but positive action taken by the conservator will be influenced by the numerous agendas that may cut across the ideal conservation intention. These may include the requirements and aesthetic taste of the owner; the necessity of adaptation to a new economic use; and the current philosophical acceptance and understanding of all the players, including the owners, the users, the authorities, the conservators and the general public. This now brings presentation into the ethical debate.

There is a big possibility that these players will have conflicting ideals for a particular site, and will bring pressure on the final decisions. For example, various values of assigned cultural significance of several interest groups for the site is one issue, the requirements of the tourist industry may be another, and the political climate at the time may be a third issue. The philosophical and practical problems associated with this are many and complex, and beyond the scope of this thesis. Each of the intricate issues still requires further study and could form the basis of further theses. Where these issues arise from genuine conflicting objectives, the *Cultural Diversity Code* could be adapted to serve as a basis for resolution.[41]

The first consideration of this, that regarding inaction, or the sin of omission, may not only arise from decisions which should have been made during the course of

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[41] Barry Rowney, "Conservation: the Question of Authenticity-Ideals and Realities," in *Preservation of the Vernacular Built Environment in Development Projects,* in Nezar AlSayyad, (ed.), Traditional Dwellings and Settlements Working Paper Series, vol. 114, (Berkeley: IASTE/Regents of the University of California, 1998), 69. This suggestion, which was aimed at conservation and tourism conflicts, was extended in my lecture at the Sixth IASTE Conference: *Manufacturing Heritage / Consuming Tradition* held in Cairo, December 1998.

the conservation work, but also, and the most easily observed, in the failure to carry on necessary maintenance after the completion of the initial conservation. This, in Syria, is so widespread that it is difficult to determine whether any conservation has been done at all. (Fig. 59) But this is not a fault confined to Syria alone. It is all too common that after the first flush of success, conservation of the site will be considered complete and then forgotten, so that ongoing deterioration begins anew, and the good intentions deteriorate along with the fabric. The result again is that passively, through the fabric, a different story is imparted than that originally intended. This highlights the necessity of stewardship, and the commitment to assure the continuing on-going responsibility of maintenance.
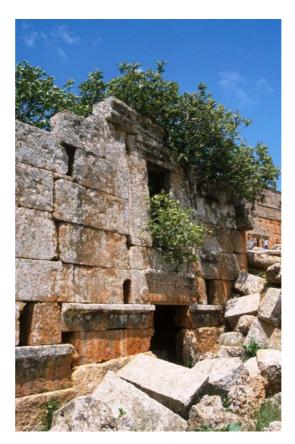

Fig. 59. Serjilla: a tree growing inside a Byzantine ruin. (Author: 2000)

This situation was highlighted at a lecture that I had the privilege to give to the noted Archaeological Society of Aleppo. This society, composed of interested persons from a wide range of mostly professional activities, was formed in 1924. The society prides itself on being the first archaeological society so formed in the Middle East. The lecture was based on my experiences in Syria, and included examples given in this thesis plus a number of others. The focus of the lecture was

the conservation work that was apparent, the problems that were also apparent, and particularly the message being imparted to the viewer by the current condition of the sites. The lecture concluded with a suggestion for the members of the society to consider forming voluntary groups to implement ongoing maintenance, at least to the major sites around Aleppo.

At the end of the lecture one notable member, Professor Hretani, took up question time. He was a former Professor of the Faculty of Architecture in the University of Aleppo, and responsible during the late 1970s and early 1980s, for the conservation of many of the sites that I had just criticised. His twenty-minute criticism centred on the work that had been done and how well it had been done. Unwittingly, his criticism exonerated the main point of the talk—that the physical appearance of the site imparts a stronger message to the viewer than that intended by either the conservator or the written and spoken word. He was unable to see that the work done in 1980 without the benefit of continual maintenance imparted quite a different story than that he may have intended. The original work may have been well done, but the current site now told a different story. (Figs. 59 and 60) Given the paucity of information regarding the conservation of these sites, opinions have to be based on the passive presentation. Viewer's opinions are influenced by what they see. Even if the original intention is to present the correct historic evidence of a place, other factors can intervene and distort this objective. It is therefore imperative that at each stage of the conservation process the conservator must be diligent.

Fig. 60. Apamea: portion of a Roman stone arch in danger of collapse. (Author: 2000)

Truth, (mis)representation and credibility

But the next consideration of passive presentation is the misunderstanding arising from deliberate action to impart an intended message. Again, this may be believed by the presenter to be the correct action but resulting in misinterpretation, or it may be deliberately intended to mislead the public for personal or political gain. The Nara Document, regarding the aspects of information sources for authenticity judgments, makes specific reference to credibility and truthfulness.[42] The concept of truth in the built environment takes us back once more to Ruskin and his moral attitudes towards restoration. The second of Ruskin's seven "lamps" of architecture is the lamp of Truth. He approaches this by examining three broadly considered "architectural deceits;" which, in hindsight, can be seen as indications of his time. These include the mode of structure other than the true one, as in pendants of late Gothic roofs; the deceptive representation of surface finishes; and the third, a matter of great concern to Ruskin, the use of machine-made ornaments of any kind.[43]

This relates to the presentation of the building or its components being other than that portrayed, and if considered in today's conservation context, could be seen as examples of the misrepresentation of the evidence leading to a misunderstanding of a place's heritage value. The example of the reconstructions of the palace at Knossos by Arthur Evans is well known to archaeologists, but has elicited conflicting comments. A monograph giving more recent drawings of the plans and section of the palace, and a comprehensive index to numerous publications were produced in an attempt to provide a reliable base for further studies of this site.[44] The architectural restorations of Evans are dotted on the sections illustrating their position but excluding them from the original fabric. The text states, "The aim of Evans in making these restorations was to try and give some impression of how parts of the palace might have looked in their original state. His reconstructions

[42] Raymond Lemaire and Herb Stovel (eds.), *The Nara Document on Authenticity* (ICOMOS 1995). See www.international.icomos.org/naradoc_eng.htm.
[43] John Ruskin, *The Seven Lamps of Architecture* (London: J. M. Dent & Co, no date), 34.
[44] Sinclair Hood and William Taylor, *The Bronze Age Palace at Knossos* (Oxford: The British School at Athens with Thames and Hudson, 1981), Supplementary Volume No. 13.

aroused much controversy at the time, and have continued to do so since."[45]The

controversy that surrounds these restorations extends also to those of his frescos.

Myths also surround Evans and the way he is purported to have visualized his

restorations. Sylvia Horwitz records some of the problems faced by Evans and his

detractors. Evans justified his "new era in reconstruction" by asserting that it was

to conserve Knossos from the destructive elements. But one of his architects, Piet

de Jong claims,

> one of Sir Arthur's greatest gifts was his capacity for *visualizing*. He could
> tell, just by looking at a few broken stones, a fallen column, and a few bits
> of fresco, exactly how the whole room or building originally looked. And
> he'd get most impatient if his architect couldn't see it just as quickly. Yet
> when the architect had surveyed and measured the site, and studied all the
> architectural evidence, the fact is that Sir Arthur was nearly always right.[46]

Bernard Feilden, referring to anastylosis as a method of presenting ruins, states that

this method is full of pitfalls, but continues that "Many examples can be quoted, but

one of the earliest is Sir Arthur Evans's attempt to make Knossos more intelligible

by re-erecting parts of the palace. Archaeologists now say he was wrong, but

boatloads of cultural tourists to Crete have been grateful to him for the attempt,

which helps them interpret and understand the site."[47] But Feilden may be wrong

when he states that Evans erected parts of the palace in his restorations, thus

implying anastylosis was the basis of his reconstructions. Horwitz records that some

of Evans's early attempts at restoration failed through the elements, and that to save

the exposed past from the elements was a continuing battle. She then continues,

"Evans' delight when technology came to the rescue in the 1920s was

understandable. With the use of ferro-concrete, which was reinforced by an

interlacing web of steel wires, a whole 'new era in reconstruction' could begin."[48]

Although the intention was that the use of concrete would ensure that no visitor

would fail to distinguish old beams or columns from the new,[49] it was the larger

problem of the form, colour, and whether or not the specific details of both the

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[45] Ibid., 5.
[46] Sylvia L. Horwitz, *The Find of a Lifetime: Sir Arthur Evans and the Discovery of Knossos*
(London: Weidenfeld and Nicolson, 1981), 200.
[47] Bernard M. Feilden, *Conservation of Buildings* (London: Butterworth Scientific, 1982). 252.
[48] Sylvia L. Horwitz, *The Find of a Lifetime,* 198.
[49] Ibid.

buildings and the frescos even existed in the areas where they were "restored," that caused the greatest concern for the archaeologists. Many visitors would not even question the use of concrete, but accept the restorations as they saw them, simply as true representations of the palace. Lowenthal records that, "Evans's art-nouveau style frescoes at Knossos have formed the modern image of what Minoan must have been like,"[50] and in this manner they would be accepted.

If we can accept Evans's reasons for his misrepresentation, then it can be easily considered under the passive presentation label. However, there are other examples where misrepresentation is deliberate. One example is the reliance on faith. Evidence is not always a requirement for belief. No form of evidence or proof is needed where the belief in an object's authenticity is accepted in faith. For example, some believers unconditionally accept religious relics as authentic. The Shroud of Turin has its believers, even though, since 1967, scientific tests have been conducted to prove its authenticity, but have been concluded with no convincing results. It is not clear whether the constant striving for positive evidence is to support their own credibility, or to convince unbelievers. Organisations, such as the British Society for the Turin Shroud have been formed for the stated purpose of studying the Shroud, but seem reluctant to accept adverse proof of its authenticity.[51] Only a positive proof of authenticity will be accepted, as this is the tacit motivation for the organisation.

But this unconditional belief is not only reserved for the religious believer. Many scientists at the beginning of the twentieth century accepted the "evidence" of the Piltdown Man. Equally, many were sceptical. It was not until 1954 that the fossils were conclusively shown to be a forgery.[52] Scientists today are puzzled as to how eminent scientists could have been fooled by the obviously fake fossils. It has been suggested that the timing of the find was critical, occurring when the long-sought missing link between apes and humans was a major goal in

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[50] David Lowenthal, *The Past is a Foreign Country* (Cambridge: Cambridge University Press, 1985), 354, quoting Francis Sparshott, 'The disappointed art lover,' in Denis Dutton (ed.), *The Forger's Art: Forgery and the Philosophy of Art* (California: University of California Press, 1983), 246-63.
[51] There are a number of books available on this subject. Among the more reliable are Lynn Picknet and Clive Prince, *Turin Shroud-In Whose Image?* (London: Bloomsbury Publishing Ltd.1994); Ian Wilson, *The Evidence of the Shroud* (London: Michael O'Mara, 1986).
[52] Joseph S. Weiner, *The Piltdown Forgery* (London: Oxford University Press, 1955).

Paleoanthropological science.[53] The scientists believed because they *wanted* to believe in the authenticity of the supposed evidence.

Such examples help to illustrate the growing concern and necessity for credibility. A third example not only illustrates the fine line between conclusive proof and belief, but leads to further considerations of authenticity. The Japanese government, in 1995, purchased through the English firm of auctioneers, Christies, one of the paintings of Van Gogh's *Sunflowers.* This was to replace a previous painting in the Tokyo Art Gallery, which had been destroyed during the Second World War. Following its purchase, for which they had paid a record sum of 22.5 million pounds sterling, doubts arose in the art world regarding the painting's authenticity. However, the Japanese will not allow any Western art expert to examine the painting, or to conduct any in-depth analysis. Christies, having authenticated it before its sale, are naturally not commenting on its provenance. A television documentary failed to resolve this conflict, and it was left to the viewer to decide why the Japanese would prefer to live with the possibility of owning a fake Van Gogh, rather than settle the problem. In the opinion of the presenter Geraldine Norman, there was too much money and too many reputations at stake. Upon being questioned, Tom Hoving, a former director of the Museum of Modern Art in New York, stated that without proper examination there could be no consensus of opinion, that the arguments would go on forever, and, as it was most unlikely that the painting would ever be resold, he concluded with the question *does it matter*?[54] This question opens the whole case of morality in relation to authenticity. In the meantime, we have the example that it is better to live a potential lie than be faced with an unwanted truth. It is a notable point in the Japanese example that we are not faced with the moral belief of a single person, but rather an institution that represents a whole nation.

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[53] A number of books argue exhaustively on this subject, being as it is a serious indictment of scientific credibility. One of the most recent being Frank Spencer, *The Piltdown Papers 1908-1955* (London: Natural History Museum Publications, Oxford University Press, 1990)
[54] BBC Documentary, *The Fake Van Goghs.* Produced and Directed by Julia Cave, 1997.

5.4 Ethics and the Politics of Conservation

The political side of conservation is not a new issue, but it has recently become a greater matter for concern in the practice of archaeology. It is in the interpretation of the findings of the archaeologist and the subsequent presentation that the moral issues associated with authenticity and identity come to the fore. Ian Hodder, an American archaeologist, sees archaeology helping to maintain the recognition of the past in the face of globalisation, and to "maintain, reform, or even form a new identity or culture."[55] These political implications arise from identity factors. In the effort to reform or form a new identity or culture, there exists the potential for political manipulation and coercion. It has been argued that it can be used to justify nationalistic aggression, to support oppressive ideologies, and to disenfranchise people and damage their sense of cultural identity.[56]

One publication of the findings at Ebla is an example of political expediency and misappropriation. Afif Bahnassi produced a booklet on the Ebla archives comprising the cuneiform tablets that were found during excavation revealing some of the information that changed the understanding of history throughout this area. The concern of the writer, however, was not so much to enlighten the reader on the value of the information contained in the tablets, but to state quite clearly "the historical facts that will stop the illusions and pretensions, as well as the Zionists who missed their credibility after their forgeries of the history had been exposed."[57] This slim volume records the claims and counter-claims which, during the 1970s, swirled between the archaeologist Matthiae with his major translator of the tablets Pettinato, the publication *Biblical Archaeology Review*, various American newspapers, and numerous spokespersons of both the Christian and Jewish religions. The arguments could be construed as a means of ensuring a correct reading of the historical facts supporting the cultural continuity of the Syrians, or as a political ploy to definitely refute any demands that Israel may wish to make regarding religious and cultural claims to the site. Bahnassi includes a letter from Matthiae strongly refuting the charges that the Syrian authorities had

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[55] Quoted in Richard Wilk and K. Anne Pyburn, "Archaeological Ethics," in Ruth Chadwick (ed.), *The Encyclopedia of Applied Ethics* (San Diego: Academic Press, 1998), vol. 1, 202.
[56] Ibid.**,** 197-8.
[57] Afif Bahnassi, *EBLA - Archives* (Damascus: Tlass, 1993), 7.

tried to "order" the findings of the archaeologists on the subject of historical interpretations.[58] These charges were made on the assumption that the true age of the tablets was deliberately reported incorrectly, as the dates given were c2300 BCE, and to match the biblical references they should be around 1000 BCE. Bahnassi's book contains a specific declaration from the archaeologist Matthiae that he dismisses "with indignation the mere suspect that [he], being a free scholar, may have accepted restrictions by anyone."[59] In a similar letter supporting Matthiae, Weiss attacks the "biblical archaeologists" that wish to "verify the historicity of the biblical patriarchs and point to Ebla as the "home" of the Hebrews," by continuing: "Given the abuse of other ancient texts by Israeli politicians to justify their retention of Syrian and Palestinian territory, it should come as no surprise that Syrian officials wish to protect the Ebla texts from a similar fate."[60]

Matthiae affirms this attempt at misappropriation:

> Polemics, often harsh and always painful for the author, have arisen from individual speculations about presumed connections between the Ebla texts and Biblical characters, stories and episodes. The interest aroused among the public by these unfounded inferences of a relationship between Ebla and the Bible is understandable, but it must clearly be said that documentary evidence of them is effectively non-existent. The speculations had their origins in rash and inexplicable statements not authorised by the Italian Expedition.

> It has been said and written that in the texts of the State Archives of Mature Early Syrian Ebla there is proof of the historical accuracy of the Bible patriarchs, news of a cult of Yahwe at Ebla, a mention of the cities of Sodom and Gomorra and other cities of the plain, and a literary text with the story of the Flood. These are tales without foundation.

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[58] The letter by P. Matthiae is to the Editor of *The Daily Telegraph*, 4 May 1979, and reproduced in Afif Bahnassi, *EBLA – Archives,* 67.
[59] Ibid., 68.
[60] Harvey Weiss, Letter to the Editor of *New York Times*, 18 April 1979, in Afif Bahnassi, *EBLA – Archives,* 71.

It has been said quite justifiably that the Ebla discoveries have revealed a new language, a new history and a new culture. The evidence already won and still emerging from these discoveries must be evaluated from a truly historical point of view. The Italian expedition is morally and scientifically engaged in a wholehearted application of this principle.[61]

The true presentation of history through correct conservation processes is a vital ingredient for the realisation and appreciation of the identity of nations together with the various cultural groups that compose those nations. This situation is of considerable importance, as the findings of archaeologists on archaeological sites, and conservators on urban sites, have the "knowledge of the past [which] gives them power to grant authenticity to objects, customs, and places."[62] This in turn is used by social groups to find their "own uniqueness" and to ratify their identity in the present. Such groups may "often turn to antiquities and monuments as symbols, and scholars may come under intense pressure to help mythologize the past."[63] And this need not only be on the social minority scale, but may be used by nations, "particularly in the third world, where both dominant and subordinate groups seek traditions (often invented or rediscovered) that bolster their claim to legitimacy."[64]

The ethical practitioner having to cope with cultural demands, tourism requirements, and the myriad allied components of the heritage process, does not have an easy task to present the finished article in a credible manner. If conservation is merely seen in the physical application of correct materials forms and design, the result may only be a pastiche given a visual representation without cultural substance. Greater understanding is required in the philosophical sense to ensure that the society and its culture are properly acknowledged and correctly and honestly presented for the local people to realize their true identity. Only in this manner can the wider world fully appreciate the authentic value of each nation, state and local place in the mosaic of the world's heritage.

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[61] Paolo Matthiae, *Ebla: An Empire Rediscovered* (London: Hodder and Stoughton 1980, English Translation), 11.
[62] Richard Wilk, and K. Anne Pyburn, "Archaeological Ethics," in Ruth Chadwick (ed.), *The Encyclopedia of Applied Ethics* (San Diego: Academic Press, 1998), vol. 1, 204.
[63] Ibid.
[64] Ibid.

5.5 Authenticity and Identity

In philosophical usage authenticity belongs to the ethical tradition or ontological understanding of "becoming what one is," and is linked with the moral values of truth to oneself. Martin, writing of self-deception states, "Existentialist philosophers elevate authenticity to a supreme value, defining it as avoiding self deception."[65]

While the philosophers apply this to the individual, it is asserted here that it could form a significant element in the recognition by a society of its true patrimony.

The writings of Kirkegaard show authenticity in terms of the individual's spiritual and eternal self from which he concluded it constituted one's real identity. Heidegger's contribution resulted in the notion of authenticity becoming almost synonymous with his name. Philipse, in discussing this states that

> Heidegger mutilated Keikegaard's individualistic conception of authenticity beyond recognition by secularizing it, and ran into contradictions because he wanted to blend it with the historicist and communal conception of Hegel, Herder, and Dilthey.[66]

The understanding of authenticity by these three philosophers is notable in that, presenting a contrary viewpoint, they stressed, "that our personal identity is thoroughly determined by the historical culture in which we grow up, so that authenticity would consist in consciously endorsing a contingent cultural heritage."[67] The real value of these arguments is the acknowledged relationship between authenticity and the individual, identity, and culture, and hence on extension, society.

In the preamble of the UNESCO *Recommendation Concerning the Safeguarding and Contemporary Rôle of Historic Areas* reference is made to the physical, social

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[65] Mike W. Martin, "self-deception," in Lawrence Becker and Charlotte Becker (eds.), *Encyclopedia of Ethics* (London: Routledge, 2001), vol. 3, 1552.

[66] Herman Philipse, *Heidegger's Philosophy of Being* Princeton: Prinseton University Press, 1998). 73

[67] Ibid.

and psychological factors that have contributed to the growth of urban complexes that can be now identified as historic areas. Most of these factors have evolved around social and cultural cohesion, identified as the essential elements for the existence of the area. Statements such as "the most tangible evidence of the wealth and diversity of cultural, religious and social activities", and that "this living evidence … is of vital importance for humanity and for nations who find in it both the expression of their way of life and one of the corner-stones of their identity," and "whose destruction may often lead to social disturbance," all point to the pivotal necessity of society and culture in the conservation process. It further points to the desire of the society to continue this cohesion as a motivating force for the safeguarding of their historic environment and its "integration into the life of contemporary society."[68] The involvement of the society in the conservation processes is vital.

If the example of the philosophical "truth to oneself" is taken beyond the individual and applied to society, it presupposes that the society should be responsible for its heritage. This is an ethical issue. Julia Annas writes, "Though it has sometimes been denied, all ancient ethical theories, indeed all ethical theories, contain a notion of moral duty or obligation."[69] This involvement is a two-way concern. On the one hand, during the course of the conservation project, the practitioner should ensure that members of the society are involved and kept informed at all stages, and equally, the resident society should be willing to accept the responsibility of participating in the decision making processes, and continuing the evolving processes of maintenance and change following the completion of the project. This presents ethical issues that need to be addressed from the very commencement of the project. However, the guidance given by the various charters for urban conservation is minimal in this respect. Recent archaeological codes have been drafted to ensure the social and cultural concerns of national, local and indigenous communities are met, and in these can be seen the basis of ethical requirements for urban conservation.

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[68] UNESCO, *Recommendation Concerning the Safeguarding and Contemporary Rôle of Historic Areas* (Paris: UNESCO 1976), Preamble.
[69] Julia Annas, "Ethics and Morality" in Laurence C. Becker and Charlotte B. Becker (eds.), *Encyclopedia of Ethics* (New York: Routledge, 2001), 486.

5.5 Archaeological Ethics

For a further consideration of these issues, discussions relating to the ethics of the practice of archaeology are examined and compared with the theory and conservation practice of the built environment. The reason for this comparison is that problems arising from social and cultural responsibilities have been recognised and confronted in the practice of archaeology more significantly than they have in urban conservation. Archaeology is and has always been a politically charged endeavour.[70] One reason for this is the accepted perception of archaeology as a destructive science, as the more information is sought on site the more the irreplaceable evidence is destroyed. In addition, this destruction has often been carried out on sensitive sites, such as burial grounds, whith the human remains and associated burial objects removed from the site. This is an emotionally charged issue, and has led to some incidences of antagonism between the local inhabitants, (sometimes the descendants), and the professional archaeologists.[71] Arguments have been forwarded claiming that archaeology has

> the power to deny people's access to their own past, to support ideologies,
> and to hasten the physical destruction of cultural heritage. It may be used
> to justify nationalistic aggression and ethnic or racial discrimination, to
> disfranchise people and damage their sense of cultural identity…The
> consequences of a loss of public confidence have already been apparent, as
> many countries have moved to restrict or even end the activities of foreign
> scholars in their territory.[72]

It is not surprising that concern has been expressed against the fundamental principle of UNESCO that "the cultural heritage of each is the cultural heritage of all."[73] Arguments from the ICOMOS National Committees of the Americas against this statement centred round the fear that decisions over the heritage of a

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[70] Richard Wilk and K. Anne Pyburn, "Archaeological Ethics," in Ruth Chadwick (ed.), *The Encyclopedia of Applied Ethics* (San Diego: Academic Press, 1998), vol. 1, 1206
[71] Ibid., 206. This problem is referred generally throughout the text.
[72] Ibid., 197-198.
[73] Stated in Article 8 of the *NARA Document on Authenticity*, and discussed as a concern at the InterAmerican Symposium on Authenticity at San Antonio, and included in the Attachment to the *Declaration of San Antonio* (ICOMOS International Committee, 1996). Also stated in the *ICOMOS Charter for the Protection and Management of the Archaeological Heritage (1990).* Article 9.

nation could be construed as being made by outside authorities. In addition it was seen to present an inappropriate possibility that undermined sovereignty. Although the *Nara Document on Authenticity* states that the responsibility for cultural heritage remains with the cultural community that generated it, the concern expressed was that the first statement weakened the second.[74]

It may be an attempt to de-politicise this seeming "take-over" of one nation's heritage by an outside group, that several cultural heritage documents, when referring to the indigenous or local community, do so by the term "host" nation.[75] For example Paul Healy, writing an "excellent survey of the ethical problems that arise in fieldwork," uses the term "host nation,"[76] and again, the *International Cultural Tourism Charter* refers throughout to the "host community." The word host, defined as one who receives or entertains another as guest,[77] implies a sense of well being and acceptance of the local community, but could be quite misleading if the community was opposed to any intrusion into its areas of cultural concern.

In contrast to this invasive and destructive perception of archaeology, conservation could be seen and portrayed as the "saviour" of the physical evidence, and hence the intention of retaining the historical quarters considered as a positive means of promoting cultural identity and continuity. The contrast of the two actions—archaeological practice and urban conservation—could be described as one of destruction versus salvation. However, conservation, having the potential to present a false identity through intentional or unintentionally misguided actions, could inflict the same invasive and destructive action on the resident society. This could be the result of normal conservation practice if the wishes of the society and the requirements of the culture were overlooked or ignored. If the only objective were the conservation of the fabric without concern for the inhabitants, it could present no more than a façade. Even then, unless the

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[74] ICOMOS National Committees of the Americas, *The Declaration of San Antonio* (San Antonio: 1996), Article 8 of the Attachment to the Declaration.
[75] Ruth Chadwick (ed.), *The Encyclopedia of Applied Ethics* (San Diego: Academic Press, 1998), 200. It is also referred in the *ICOMOS International Cultural Tourism Charter,* Mexico 1999.
[76] Paul Healy quoted by Richard Wilk and K. Anne Pyburn, "Archaeological Ethics," in *The Encyclopedia of Applied Ethics,* vol. 1. 200.
[77] *The Australian Concise Oxford Dictionary* (Melbourne: Oxford University Press, 1987).

research had been centred on social and cultural factors, and conservation applied
in recognition of those factors, the result could so easily misrepresent the true
heritage of the place, creating misunderstanding and a false impression of identity.
Through such actions and results urban conservation has the potential to become a
more insidious companion to archaeology, and therefore an ethical code, such as
that used by the archaeological profession would seem to be essential.

Wilk and Pyburn, in their encyclopaedic coverage of archaeological ethics, state:
"The movement toward social responsibility has been slow and uneven, hampered
to a large degree by a lack of objective information and the dominance of polemic
over constructive cooperation and debate."[78] This may be so, but archaeological
practice has, at least in a philosophical sense, moved forward a considerable
distance in the study of professional ethical behaviour. In comparison, the
conservation ethic as it relates to the historic areas has moved very little, except in
professional conduct.

As well as the destructive problem, other problems in archaeology include:
looting; conduct regarding material culture and buried ancestors; cultural and
political consequences in writing history; archaeology and its links with tourism,
natural resource conservation and ecotourism; and the professional conduct of
archaeologists regarding their work in foreign countries, their relationship with
the business world and government, and their reflexive and introspective trends.[79]
Not all of these problems relate to the built environment. Cultural and political
consequences could equally apply, and the professional conduct and the
relationship with business and government could certainly apply. The links with
business and tourism have been used in the past to provide the *raison d'être* for
urban conservation.[80] This can easily result in the focus of the conservationists'
interests being directed outside the concerns of the inhabitants. Wilk and Pyburn
succinctly state: "Because archaeologists have considered the only objects of their
study to be the dead, they have often not accepted a responsibility to the living."

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[78] Richard Wilk and K. Anne Pyburn, "Archaeological Ethics," in *The Encyclopedia of Applied
Ethics,* vol. 1, 197.
[79] Ibid., 198.
[80] For example, the attitudes expressed in *The Norms of Quito,* Final Report of the Meeting on the
Preservation and Utilization of Monuments and Sites of Artistic and Historical Value, (Quito,
Ecuador: 1967).

They continue, that the types of ethical issues revolve around professional concerns (science, colleagues and materials), but concerning the public "archaeologists are occupied with the formal channels of public relations, communicating their results through publication, and staying within the law."[81] While not considering buildings to be "dead," parallels can be equally drawn, showing that the conservation of the built environment could often proceed without a direct responsibility to the inhabitants. Without attention being specifically directed through the charters or codes to the social, cultural and economic problems that can arise, conservators may become so focused on the administrative, legal and physical requirements, the social/cultural problems could so easily be overlooked.

The involvement of the public goes beyond mere participation in early decision making and information regarding progress. Several ethical statements of the Society of American Archaeology revolve around stewardship. Recognising that archaeological material, including the site itself, is a public trust, the responsibility of the long-term preservation and protection of the archaeological record should be for the benefit and enjoyment of all people.[82] How much more so is this reflected in the responsibility of urban conservation, where the built fabric is not only a heritage from the past to all people, but remains in actual public and private ownership and usage. Stewardship involves the whole community in the responsibility of the place, whether it is a small village, a city, or the ancient centre of a city. Archaeological ethical guidelines, as presented by Wilk and Pyburn, call for the responsibility of the archaeologists to cover the long-term preservation and protection of the archaeological record. Although they have little legal ownership of the archaeological resources, they "should promote its long-term conservation, …[and] use their specialized knowledge to promote public understanding and support for the archaeological record."[83] Again the parallel is obvious. Conservators rarely own any part of the urban landscape they conserve, but should be responsible for its long-term conservation through the promotion of its continued maintenance by the inhabitants under the leadership of their elected

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[81] Richard Wilk and K. Anne Pyburn, "Archaeological Ethics," in *The Encyclopedia of Applied Ethics,* vol. 1, 198.
[82] Ibid., 199
[83] Ibid.

representatives. This can only be achieved if the public are kept informed from the outset, and accept the responsibility handed to them. This acknowledgment of public accountability needs to be matched by the commitment of the conservators.

At the International level, UNESCO produced its *Recommendation on International Principles Applicable to Archaeological Excavations* in 1957–8. This early document is largely based on professional conduct, but also refers to moral and conservation issues. The *Recommendations* begin with the statement that "the surest guarantee for the preservation of monuments and works of the past rests in the respect and affection felt for them by the peoples themselves."[84] The preamble justifies its international focus and the necessity for international co-operation, but considers that protection of the archaeological heritage is the responsibility of the national authorities. The *Recommendation* first centres on protection of the property, the formation of collections, and the education of the public. The latter refers to initiating educational measures to arouse and develop respect and affection for the remains of the past, as stated in the preamble. This includes the teaching of history, and the participation of students in certain excavations, publications, guided tours, exhibitions, lectures and displays.[85] It is notable that participation is reserved for students and then only in certain excavations. Participation of the public is not referred, and education is conducted only for respect and affection. The idea of stewardship is not canvassed. This illustrates the thinking in 1957. The remainder of the *Recommendation* centres on international collaboration, the authority granted to foreigners to excavate, preservation, access to sites, and matters of professional conduct and practice.

International ICOMOS produced its *ICOMOS Charter for the Protection and Management of the Archaeological Heritage* in 1990, and the 30 years difference shows in the issues canvassed in both documents. Not surprisingly, the ICOMOS *Charter* also takes the international approach and the commonality of the archaeological heritage. It states "Legislation should be based on the concept of the archaeological heritage as the heritage of all humanity and of groups of

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[84] UNESCO, *Recommendation on International Principles Applicable to Archaeological Excavations,* 1957-8, Preamble.
[85] Ibid., Article 12.

people, and not restricted to any individual person or nation."[86] In the UNESCO *Recommendations*, moral issues relate to site, for example, clandestine excavations, and to the objects, looting, and the return of finds to their country of origin. It makes no reference to moral issues relating to people. The ICOMOS *Charter* does make reference to the living traditions of indigenous peoples, participation and the provision of knowledge to the general public. The reference to indigenous peoples again places emphasis on the original inhabitants, but does not specifically refer to, and therefore could overlook, multicultural peoples within a society. In the case of participation and the provision of knowledge, the requirement states:

> Active participation by the general public must form part of the policies for the protection of the archaeological heritage. This is essential where the heritage of indigenous peoples is involved. Participation must be based upon access to the knowledge necessary for decision-making. The provision of information to the general public is therefore an important element in integrated protection. [87]

Both of these documents are clearly directed to the protection of the archaeological heritage, and although this provides pointers to the society's cultural identity, the development of the society is not impeded by this protection. In this case the evidence of the past and its conservation is the prime focus. Although such evidence of the historic built environment is a major factor in urban conservation, the difference between the two examples lies in the necessity of the urban example to continue to take an active role in the development of the society.

Nevertheless, archaeological sites have been found on private property, and excavations can impede on the rights of ownership. Syria enacted its legislation for archaeological work in 1963. No reference is made to the UNESCO *Recommendation* and it is possible that this document was not known at that time, but given the growing interest in archaeological work it was considered necessary

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[86] ICOMOS, *Charter for the Protection and Management of the Archaeological Heritage (1990),* Article 3, Legislation and Economy.
[87] Ibid., Article 2, Integrated Protection Policies.

to have legislative control in excavation. The document, as can be expected, refers mainly to professional practice issues and bureaucratic requirements. Social issues are referred, but only in relation to the safety of the excavations and the movable items that are found. Ethical and moral issues relate mostly to the trafficking of movable antiquities.[88] Reference is made to "true and moral" persons, which raises a possible ownership issue not paralleled in Western society. Article 19 states,

> The Municipalities, the Ministry of Waqfs and other Ministries, along with the communities, the associations and true and moral persons may renounce their archaeological goods in favour of the Antiquities Authorities, by donation, sale or exchange for a nominal sum. They may equally place them at the disposal of the authorities for an extended period of time.

The *Waqf* means an "endowment," which forms a part of the Islamic social structure and welfare practice. It is an irrevocable grant of the income of property set aside in perpetuity for a religious or charitable purpose. It is widespread throughout Islamic countries, and has become quite complex and requires Ministries to administer the great wealth and the many estates that are designated for this purpose. The "true and moral persons" may be part of this ownership or "user" system. The complexity of this system can be appreciated with reference to Article 4 of the Syrian legislation where it is clearly stated that the antiquities are the responsibility of the Syrian Arab Republic, and that both movable and immovable antiquities are the public property of the State. A qualification is given for the ownership of immovable antiquities if the owners are able to prove their right of ownership or possession.[89] Yet, through Article 5, "the Antiquities Authorities have the right to evacuate people with true or moral reasons who occupy historical monuments or archaeological sites belonging to the State."[90] Archaeological workers and urban conservation practitioners would need to be mindful of such property ownership and the complexities accompanying it. As the Syrian legislative document is the only "rule book" for both archaeological work

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[88] *Régime Des Antiquités En Syrie,* DECRET – LOI No.222. Chapter III, Movable Antiquities. (Damascus: 1963).
[89] Ibid., Article 4.
[90] Ibid., Article 5.

and the conservation of built antiquities, the possibility of practitioners being aware of the social and cultural concerns of the property owners is slim. Comparing this with urban conservation, the concerns for property ownership are considerably greater.

The European Association of Archaeology produced The *EAA Code of Practice* in1997. The preamble states that the Code "is to establish standards of conduct for the members … to follow in fulfilling their responsibilities, both to the community and professional colleagues."[91] The emphasis of the Code is professional, and the only social/cultural reference is Article 1.5 that states that wherever possible, before commencing work, archaeologists will (sic) carry out prior evaluations of the ecological and social implications of their work for local communities. The usual moral requirements regarding the illicit trade of antiquities and works of art, and the transfer of cultural property form part of the Code.

Two codes that relate specifically to social, cultural and economic issues in archaeology are the *First Code of Ethics* of the World Archaeological Congress (WAC), and the former *Code of Ethics of the Australian Archaeological Association* (AAA). Little information accompanies the WAC code, but it clearly preceded the AAA code, as the latter followed the former very closely in structure and wording. Recently (January 2004), this AAA code was substantially revised. In the words of the Chairman of the AAA Code of Ethics Review Subcommittee, this revised version "updates and broadens the existing Code in terms of changes to the legislative environment, the social and political context of archaeological practice in Australia and overseas and the provisions of the AAA Constitution."[92] The new Code now incorporates "Principles Relating to the Archaeological Record … Principles Relating to Indigenous Archaeology … and Principles Relating to Conduct."[93]

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[91] European Association of Archaeologists, *The EAA Code of Practice* (Ravenna, 1997), Preamble.
[92] Correspondence from Richard Fullagar, Chairman of the AAA Code of Ethics Review Subcommittee, March, 2004.
[93] Australian Archaeological Association, *Code of Ethics of the Australian Archaeological Association Inc,* ratified January 2004.

The new Code has fewer principles relating to Indigenous Archaeology than that contained in the former code. It does however, make explicit reference to intellectual property rights of indigenous peoples (not mentioned previously in either the AAA or WAC code) and binds the members to the Code of Ethics of the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS).[94] The AIATSIS *Guidelines for Ethical Research in Indigenous Studies* is an excellent document setting out the "Principles of Ethical Research" followed by the "Guidelines for Implementation of Principles of Ethical Research." However, the specific focus of the AIATSIS code on Indigenous peoples makes it less adaptable to urban conservation requirements than the former AAA code. With urban conservation in mind, we shall examine some of the principles of the WAC and the former AAA codes.

The first statement of the WAC principles states, "Members agree that they have obligations to indigenous peoples and that they shall abide by the following principles"[95] The AAA prefaced its code,

> Australian archaeologists work in many different situations where they
> need to interact appropriately with indigenous people (e.g. Cyprus, Jordan,
> Papua New Guinea, Thailand, Vanuatu). The Australian Archaeological
> Association believes that these principles and rules should apply in all
> such situations just as much as they do within Australia.[96]

It is notable that the AAA code gave an example of the wide scope of the various countries in which Australian archaeologists work, including that of the Middle East. The principles in both the AAA and WAC codes showed the concern for indigenous people regarding the value of their heritage in cultural terms, its protection, and their rightful ownership. It also recognised working arrangements between the archaeologist and the local people to ensure their involvement and responsibility. The specific reference to indigenous people presupposes that the

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[94] Correspondence from Richard Fullagar, Chairman of the AAA Code of Ethics Review Subcommittee, March, 2004.
[95] World Archaeological Congress, *First Code of Ethics,* viewed 26 March 2003. See www.wac.uct.ac.za/archive.content/ethics.html.
[96] Australian Archaeological Association, *Code of Ethics of the Australian Archaeological Association*, viewed 13 February 2003, See www.australianarchaeologicalassociation.com.au/codeofethics.html

archaeological heritage would relate more directly to the indigenous folk than it would to other groups forming a multicultural society. In urban conservation the concern shown in the above Codes for indigenous groups could be broadened to include such multicultural groups.

The rules that followed have minor differences that help to indicate their two approaches. In rule 1 the WAC requires the practitioner to seek to define the indigenous peoples, while in the AAA code, members are required to define the subject of the investigation. No direction is given by the WAC for their defining process, whereas the AAA process seems more understandable particularly when the rule concludes "We do not recognise that there are any circumstances where there is no community of concern."[97] Although the rule refers to the subject of investigation, this following statement brings the focus to the community as a result of that subject, and therefore pinpoints the main focus of concern within the wider application. The following rules state in some detail the extent of the involvement of the local people at all stages of the work.

These two codes go considerably further forward than most ethical codes in recognising and assuring the rightful responsibility of the local people in the archaeological process. Such responsibility should be acknowledged in conservation processes, particularly in urban conservation, where the impact of comprehensive conservation could either benefit or disadvantage a great percentage of the population.

5.7 Summary

The investigation into ethics and morality in association with authenticity shows a concentration on truth and responsibility. This in the philosophical sense focuses on the individual in the manner of truth to oneself, which by extension could be adapted to the community. This has led to presentation and the associated result of passive presentation being the manner in which the identity of the society would become, or continue to be experienced, through the built environment. Truth in

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[97] Ibid., Rule 1.

this situation is vital not only for material authenticity but also for the true identity of the society.

Responsibility in area conservation is a two way process. The one is the conservator's responsibility in the conservation and presentation of the historic environment, and ensuring the involvement and education of the local community for the continued development and maintenance of the area with the full knowledge of the places heritage significance. The other is the responsibility of the local community in accepting the challenge of education and stewardship to ensure the long-term success of the project. It is through this process that the true identity of the society would be most assured.

The charters again give little direction for social, cultural and economic development concerns within the gamut of area conservation. Many touch some of the issues but a comprehensive document does not exist. Again, ethical codes, such as the ICOMOS *Ethical Commitment Statement,* adequately cover professional conduct, but few consider the necessities of social, cultural and economic factors essential for the continued success of an area conservation project. The Australian ICOMOS *Cultural Diversity Code* is a good example of a code designed to answer a specific problem.

We move on to examine how the gap left by all the other conservation charters could be filled to ensure that this important aspect of conservation is given guidance for conserving, maintaining and presenting cultural identity.